GRASSROOTS

Worker Protection

2009 OSHSPA Report

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

OSHSPA GRASSROOTS WORKER PROTECTION

Cover Photos
Top: Alaska - Unalaska distance
Bottom: Nevada - City center project

GRASSROOTS

Worker Protection

2009 OSHSPA Report

Forward

Occupational Safety & Health State Plan Association

Chair

Victoria E. Heza
California
Department of Industrial Relations
Division of Occupational Safety and Health
2000 E. McFadden Ave.#214
Santa Ana, CA 92705
vheza@dir.ca.gov
714.558.4411 Phone
714.558.4431 Fax

Vice Chair

Kevin Beauregard
North Carolina
Department of Labor
Division of Occupational Safety and Health
1101 Mail Service Center
Raleigh, NC 27699-1101
kevin.beauregard@labor.nc.gov
919.807.2861 Phone
919.807.2855 Fax

Past Chair

Stephen M. Cant
Washington
Department of Labor & Industries
Division of Occupational Safety & Health
P.O. Box 44600
Olympia, WA 98504-4600
cant235@Lni.wa.gov
360.902-9166 Phone
360.902.5619 Fax

Directors

Maureen Cox
New York

Douglas J. Kalinowski
Michigan

Dottie Ison
South Carolina

Butch Tongate
New Mexico

July 23, 2009

Once again it gives me great pleasure to write the introductory letter to the Occupational Safety and Healthy State Plan Association's annual edition of Grassroots Worker Protection. The Occupational Safety and Health Act of 1970 recognized existing state programs and encouraged state efforts to assure safe and healthful workplaces. The key priority of State Plans remains as singular as it was when a number of states developed programs in the early 1900s: to ensure that employers provide safe and healthful workplaces.

The Occupational Safety and Health State Plan Association (OSHSPA) represents the 26 states and U.S. territories that operate a State Plan under OSHA approval. OSHSPA serves as a link between the 26 state programs and facilitates liaison with federal OSHA. Collaboration among states, federal OSHA, employers and workers is a key factor in preventing injuries, illnesses and fatalities on the job.

State Plans have been in a position to develop innovative grassroots solutions for issues such as voluntary compliance, ergonomics, crane safety, injury and illness prevention programs, heat illness prevention, site-specific inspection targeting, and workplace security. The historic declines in on-the-job injuries, illnesses and fatalities can be attributed in part to solutions developed by State Plan Programs.

States choosing to operate a State Plan contribute a significant amount toward funding the OSHA program. Congress envisioned that states would receive 50% funding for State Plans. In 2007, State Plans provided matching funds for $91 million in federal funds and expended an additional $58 million in "overmatch" funds required to fully support the state programs.

As demographics of the workforce change and workplaces evolve to adapt to a changing economy and emerging technologies, State Plan Programs will rise to the challenge to meet new demands for innovative approaches to improve safety and health of workers.

Sincerely,

Victoria E. Heza
OSHSPA Chairperson

Forward

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 2009 edition of *Grassroots Workplace Protection.* This year's report documents the significant contributions made by the Occupational Safety and Health Administration's 26 State Plan partners in FY 2008 to the protection of America's working men and women.

Though workplace injuries, illnesses and fatalities are at historically low levels, far too many workers do not come home from work safe and whole at the end of the day. OSHA and its State partners have accomplished much, but clearly have much more to do. We need strong standards to protect workers -- standards that make sense -- and we also need vigorous enforcement. Federal OSHA is moving full speed ahead in both areas. This does not mean that we do not see benefit in cooperative programs with companies and associations who will work with us constructively. These will continue, but enforcement must be our primary focus.

The State Plans have worked closely with OSHA over the years. I am impressed with the talent, ideas and professionalism of our State Plan partners, and their innovative approaches. Together, we have a new opportunity to commit ourselves to conduct more inspections with greater consistency in industries with the highest injury-illness rates, and at establishments with the most severe violations.

Together, as one OSHA, we can make workplaces safer and save more lives.

Sincerely,

Jordan Barab
Acting Assistant Secretary

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OSHSPA

States protecting workers

OSHSPA is the Occupational Safety and Health State Plan Association, an organization of 26 states and territories that have OSHA-approved state plans. OSHSPA is the link between the state plans, federal OSHA, and Congress. OSHSPA representatives meet three times a year to exchange information and address shared concerns. OSHSPA representatives also appear before congressional committees and other hearings to report on workplace safety and health matters.

The Occupational Safety and Health Act of 1970 gives states and territories the right to develop their own workplace safety and health plans and to enforce safety and health rules within their jurisdictions. Federal OSHA approves and monitors state plans and funds up to 50 percent of their operating costs. State plans must be as effective as federal OSHA in enforcing safe and healthful working conditions.

State plans affect the safety and health of more than 57 million workers. In addition to their enforcement role, state plans help employers make safer workplaces with free consultative services, education, and technical assistance.

Protecting public sector employees

The Occupational Safety and Health Act of 1970 does not cover public sector employees; however, the state plans give equal protection to public and private sector employees. This is a significant benefit to public employees because some of the most hazardous occupations — firefighting, emergency response, corrections, law enforcement, publicly funded health care facilities, and transportation — are in the public sector.

OSHSPA – States at a glance

States and territories with approved safety and health plans

	1	2	3			4	5
	Operational status agreement	Different standards	21(d) on-site consultation agreement	On-site maritime coverage	Initial approval	Certified	18(e) final approval
Alaska			yes		7/31/73	09/09/77	09/28/84
Arizona			yes		10/29/74	09/18/81	06/20/85
California	yes	yes	yes	yes	04/24/73	08/12/77	
Connecticut			yes		10/02/73	08/19/86	
Hawaii			yes		12/28/73	04/26/78	04/30/84
Indiana			yes		02/25/74	09/24/81	09/26/86
Iowa			yes		07/20/73	09/14/76	07/02/85
Kentucky					07/23/73	02/08/80	06/13/85
Maryland			yes		06/28/73	02/15/80	07/18/85
Michigan	yes	yes	yes		09/24/73	01/16/81	
Minnesota			yes	yes	05/29/73	09/28/76	07/30/85
Nevada			yes		12/04/73	08/13/81	04/18/00
New Jersey			yes		01/11/01		
New Mexico	yes		yes		12/04/75	12/04/84	
New York			yes		06/01/84	8/18/06	
North Carolina			yes		01/26/73	09/29/76	12/10/96
Oregon	yes	yes	yes		12/22/72	09/15/82	05/12/05
Puerto Rico	yes				08/15/77	09/07/82	
South Carolina			yes		11/30/72	07/28/76	12/15/87
Tennessee			yes		06/28/73	05/03/78	07/22/85
Utah			yes		01/04/73	11/11/76	07/16/85
Vermont	yes		yes		10/01/73	03/04/77	
Virgin Islands			yes		08/31/73	09/22/81	04/17/84
Virginia			yes		09/23/76	08/15/84	11/30/88
Washington	yes	yes		yes	01/19/73	01/26/82	
Wyoming			yes		04/25/74	12/18/80	06/27/85

Report included in this document

1 - Operational status agreement: Concurrent federal OSHA jurisdiction suspended

2 - Different standards: Standards not identical to federal standards

3 - 21(d) consultation agreement: On-site consultation available

4 - Certified: Date development steps completed

5 - 18(e) final approval: Date concurrent federal jurisdiction relinquished

OSHSPA – Numbers at a glance

FY 2008 – overview	
• Federal OSHA budget	$600,070,000.00
• Funding by state plan programs	$163,779,362.00
• Allocated state plan positions	1,455
• State plan employees covered	57,072,000
• On-site visits	104,340
• Compliance inspections	57,327
• Inspections with violations cited	34,747
• Average violations per initial inspection	3.3
• Average violations per inspection with violations cited	3.5
• Percentage of inspections with no violations	39%
• Total current penalties	$70,248,913.00
• Average penalty per serious violation	$925.00
• Contested cases	3,057

Federal OSHA budget	FY 2008
• Federal OSHA	$486,000,000
• State plans 23(g)	$89,502,000
• State plans 21(d)	$24,568,000
Total	**$600,070,000**

Source: OSHA Office of Program Budgeting and Financial Management

Funding by state plan programs	FY 2008
• State plans 23(g) - 50 percent match	$89,304,500
• State plans 100 percent funding - state funding	$71,745,084
• State plans 21(d) contribution	$2,729,778
Total	**$163,779,362**

Source: OSHA Office of Program Budgeting and Financial Management

OSHSPA — Numbers at a glance continued

Compliance inspections	FY 2008
• Safety	45,010
• Health	12,317
Total	**57,327**

Compliance inspections by type	FY 2008
• Programmed/scheduled	34,980
• Complaint	9,290
• Referral	4,165
• Accident	3,666
• Other	2,722
• Follow-up	2,504
Total	**57,327**

Source: OSHA inspection reports

Allocated state plan positions	FY 2008	FY 2009	Change
• Safety compliance	824.6	815.5	-9.1
• Health compliance	448.4	428.0	-20.4
• Safety consultants 23(g)	102.5	66.7	-35.8
• Health consultants 23(g)	79.6	50.5	-29.1
Totals	**1455.1**	**1360.8**	**-94.3**

Source: State plan grant applications, FY 2008 and FY 2009

OSHSPA — Numbers at a glance continued

0nsite visits	FY 2008
• Compliance – state plans	57,327
• Consultation 21(d) – initial private sector, 54 projects	24,472
• Consultation 21(d) – initial private sector, state plans	12,744
• Consultation 21(g) – training private sector, 54 projects	2,824
• Consultation 23(g) – initial private sector	2,451
• Consultation 21(d) – follow-up private sector, 54 projects	2,019
• Consultation 21(d) – training private sector, state plans	1,356
• Consultation 21(d) – follow-up private sector, state plans	928
• Consultation 23(g) – follow-up private sector	111
• Consultation 23(g) – training private sector	108
Total	**104,340**

Note: 21(d) consultation data is shown for both the 21(d) consultation projects in 23 state plan states and for all 54 21(d) consultation projects nationwide. In previous years, 21(d) data in the Grassroots report has reflected only the nationwide data.

State-plan employees covered	FY 2008
• Private sector	46,094,000
• Public sector	10,978,000
Total	**57,072,000**

Source: BLS Current Employment Statistics, December 2008

Signature projects

Young workers: Federal fiscal year 2008 was the first full year of the youth education and outreach program – AKOSH's focus is on delivering training to youth and other workers in vocational education programs. Also, more than 50 students attended a half-day youth safety and health training program at the 2008 Governor's Safety and Health Conference and the response was tremendous. Since then, the AKOSH youth training coordinator has presented to hundreds of high school age and younger students across Alaska. One of the program's goals is to develop a curriculum acceptable to the Department of Education so that teachers can include training in their lesson plans and expose every student in Alaska to workplace safety and health concepts.

Seafood processing: Another initiative AKOSH introduced in federal fiscal year 2008 focused on the seafood processing industry, which has significant hazards and high accident rates. Work is performed in highly mechanized environments under cold, wet, time-critical conditions due to the perishable nature of the product; the transient workforce includes a large percentage of workers who do not speak English as their primary language. Many facilities have ammonia refrigeration systems that require compliance with process safety management regulations (PSM). A new seafood coordinator position will provide outreach and the industry will be targeted for enforcement inspections for five years beginning in federal fiscal year 2009. Though results will be determined by accident rates, early efforts indicate a strong interest from seafood processing companies for assistance.

Inspecting pollock at a UniSea, Inc., processing facility.

Crane operation: AKOSH put together information for legislation that would require crane operators to be certified and licensed before operating a crane. The legislation, which had one hearing, will get more work between legislative sessions.

Emphasis programs

Construction, transportation, and warehousing: Federal fiscal year 2008 was the final year in AKOSH's five-year strategic plan targeting construction, transportation, and warehousing industries. Fatalities fell 41 percent compared to the previous five-year period while lost-time injuries and illnesses fell 51 percent in construction and 15 percent in transportation and warehousing.

Process safety management: AKOSH did not adopt the national emphasis program on process safety management in refineries; however, AKOSH did do PSM inspections at the two major refineries in its jurisdiction. Although one inspection included assistance from a federal OSHA PSM expert, AKOSH is committed to ensuring that compliance safety and health officers (CSHO) are qualified to perform PSM inspections of oil and gas facilities and seafood processing plants with large ammonia refrigeration systems.

Construction: Due to Alaska's geography – minimal infrastructure and limited road access – a construction targeting system was developed to improve the quality of inspections in remote communities. The targeting system uses data from public construction project databases maintained by the Wage and Hour Administration. Certified payrolls submitted by contractors working on these projects make it easier to plan inspections during periods of peak construction activity or particularly hazardous phases such as excavation and roofing. CSHOs use this system along with "plans room" and "drive-by" methods to ensure that enforcement inspection trips have the most impact. The targeting system has improved inspection results and helped to limit the impact of the high cost of travel to Alaska's rural areas.

Enforcement

Reporting: Staff turnover reduced the number of inspections in federal fiscal year 2008 as new CSHOs were hired and trained. Although the number of inspections fell, the quality of reports and supporting documentation has improved because new CSHOs receive the best training available from the OSHA Training Institute and AKOSH.

Fall protection: An employer was cited for three willful violations, one serious violation, and one other-than-serious violation in a case involving a worker who fell from a raised personnel work platform and had permanent brain damage. The employer agreed to pay a reduced fine of $45,000 to resolve the citations. This investigation was unusual because an AKOSH consultatant stopped at the site just before the accident to follow up on a request for consultation services. However, the foreman refused the visit because the project was almost complete. The consultant noticed the personnel platform and told the foreman that it should not be used because it did not appear to meet the standards. The foreman said the platform would not be used, but used it anyway.

Outreach

Media: AKOSH began a radio and television campaign to promote safe, healthy jobs and focus attention on workplace hazards. The purpose of the campaign was to encourage interest among Alaskans, improve attitudes, and enhance the safety and health culture in Alaska. Advertisements ran throughout the state, generating significant interest and consultation requests.

Conferences: The 2008 annual Governor's Safety and Health Conference was extremely successful – 80 percent of participants said they would return in 2009. Attendees took advantage of dozens of safety and health training topics. In a pilot project, more than 50 high school students attended a half-day of youth-oriented safety training. Response from the students and teachers was tremendous and the program will be part of future conferences.

Barrow, Alaska – skullbones from bowhead whales flank the sign.

Partnerships

Public sector: AKOSH has entered public sector partnerships with the Alaska Department of Transportation and Public Facilities and the Municipality of Anchorage. In the past year, these employers reported significant reductions in accident costs, higher employee morale, and increased productivity. Those interested in the AKOSH Partnership Program should call Krystyna Markiewicz at 907-269-4957.

Processing facility in the Kuparuk oil field on Alaska'a North Slope.

Construction: AKOSH recently developed the Construction and Health Safety Excellence partnership for construction companies. Participation has been slow initially but several contractors are expressing interest and AKOSH expects a significant participant increase in federal fiscal year 2009.

VPP and SHARP: AKOSH had 15 VPP sites and 16 SHARP sites in federal fiscal year 2008, which exceeded the five-year goal for VPP by 350 percent and by 25 percent for SHARP. AKOSH is focused on quality rather than quantity as reflected by extremely large VPP sites such as the entire Kuparuk oil field, which could have been broken into many smaller sites.

Emphasis programs

ADOSH is continuing its excavation and fall hazards emphasis programs.

Enforcement

During 2008, ADOSH issued willful citations with significant penalties to a contractor for a confined-space fatality. An employee of the contractor entered a new sewer installation to remove a line plug and was overcome by hazardous gasses.

ADOSH also successfully achieved a settlement in a discrimination case against another employer in which the five complainants received substantial remuneration.

Outreach

Fall protection: At the request of the Industrial Commission of Arizona, ADOSH conducted several public fall-protection hearings to obtain information from stakeholders in the residential construction industry, from equipment suppliers, and from contractors to examine residential fall-protection options. The outcome of the hearings is pending.

Training: ADOSH offers training and education on a variety of topics. In 2008 ADOSH conducted 351 classes, training 2,288 managers and 5,355 employees. Topics included safety and health management, recordkeeping, hazard recognition, excavation safety, and fall protection.

Safety and health management: Another form of outreach was designed to identify employers who have difficulty setting up effective safety and health management systems. ADOSH works with employers through a series of consultations and training sessions designed to help them understand what to do. According to Amy Helland, safety manager of Sam Levitz Furniture, Tucson, “I would have to say that working with ADOSH Consultation as part of the intervention is one of our biggest accomplishments for 2008. Since June of this year we have seen dramatic changes throughout Sam Levitz Furniture.”

Mark Norton addressing the Phoenix Chapter of the American Society of Safety Engineers.

VPP and SHARP: Currently there are 26 VPP sites and application reviews are under way on several others. During 2008, ADOSH lost several VPP sites due to plant consolidations and closures. ADOSH conducted six re-certification audits and several training sessions to inform employers about the benefits of VPP. ADOSH employee Mark Norton, assistant director and VPP coordinator, was awarded The VPPPA Chairman's National Award for outreach and education in spreading the benefits of VPP to employers throughout the United States. ADOSH is moving forward with its pilot program for VPP in construction and anticipates full implementation in late 2009. SHARP recognition is moving forward, too. Now 42 employers are SHARP participants.

Partnerships

Construction: ADOSH revised the partnership program for construction, which now requires stricter qualification criteria including injury and illness record reviews and safety program evaluations. These revisions will allow a more thorough review of the applicant's safety management system. Currently, there are a dozen construction partners in the program, which is designed to promote workplace safety and health on construction sites.

Signature project

Heat Illness Prevention Standard: The Cal/OSHA Heat Illness Prevention Standard became effective on July 27, 2006 — the first standard in the nation to deal with the deadly effects of heat illness. Heat-related fatalities in 2005 provided the impetus for development of the standard.

Enforcement – Cal/OSHA is in the fourth year of enforcing the standard and is seeing that employers are coming into compliance. In 2007, approximately half of heat illness inspections resulted in one or more citations. In 2008, the percentage of inspections dropped to 37 percent, indicating the effect of training, consultation, and enforcement efforts.

In early 2009, Cal/OSHA shut down eight employers over a two-week period because they failed to provide the most basic protection to their employees from heat far in excess of 90 degrees.

Training and outreach – A major focus of Cal/OSHA has been training and outreach on the standard to influence behavior with best practices information. Cal/OSHA Consultation has introduced a new approach to heat illness training by bringing the construction industry and the agriculture industry together for training.

Emphasis on employee awareness of the standard has also been invaluable. Mandatory training is required for employees and supervisors, which includes information on the symptoms of heat illness and emergency procedures.

Emphasis programs

Permit requirements: The California Legislature has enacted a number of permit, licensing, registration, certification, and notification requirements that alert Cal/OSHA to the location of high-hazard operations and serve as a tool for inspection targeting.

Cranes: Cal/OSHA ensures safe erecting, operating, and dismantling of tower cranes by informing employers of requirements and best practices, enforcing permit and notification requirements, and conducting periodic inspections. Crane certifiers are also licensed by Cal/OSHA.

Construction: Cal/OSHA requires employers to obtain a permit before digging trenches or excavations five feet or deeper and before constructing or demolishing structures more than three stories high.

Mines and tunnels: Blasters, safety representatives, and gas testers must be certified for mining and tunneling operations. A special Cal/OSHA unit inspects mines and tunnels.

Carcinogens: Employers are required to file a "Report of Use" for carcinogens and incidents that expose workers to such substances. Contractors and employers who do asbestos-related work must be registered.

Workforce: Trends in the demographics of the California workforce and the changing nature of work create special safety and health challenges that highlight the need for multi-lingual approaches. Recent publications have been translated into multiple languages and Cal/OSHA has significantly increased the number of in-house employees who are certified bilingual. Cal/OSHA strives to increase awareness of workers' rights through bilingual education and public relations that target advocacy groups, employers, and workers.

Enforcement

Methicillin Resistant Staphylococcus Aureus (MRSA): MRSA is a bacterium that is tougher to treat than most strains of staphylococcus aureus — or staph — because it is resistant to many commonly used antibiotics. MRSA was once largely confined to hospital settings but is becoming more widespread — particularly in crowded settings such as prisons and health clubs. Cal/OSHA has received 27 accident reports or complaints about MRSA since November 2007. Most cases are from correctional facilities. Cal/OSHA is addressing MRSA under its *Injury and Illness Prevention Program* standard and through a "Special Order" which gives instructions on controlling and preventing MRSA infections. Cal/OSHA is coordinating all of its enforcement efforts with the Division's Medical Unit.

Scaled Composites, LLC: On Jan. 17, 2008, Cal/OSHA issued citations to Scaled Composites, LLC for a catastrophic explosion that killed three employees and injured four others. The explosion occurred during an oxidizer tank flow test in which nitrous oxide flowed through a valve on the end of a tank being developed for a rocket motor. The test was designed to be "cold flow" and no fuel was to be present. However, during the test the nitrous oxide ignited and exploded. Citations totaled $25,870 for failing to provide procedures for correcting unsafe conditions, failing to train employees, and other violations.

Wildfires: Maximizing Cal/OSHA's impact with limited resources was another major accomplishment during federal fiscal year 2008. After the Southern California wild fires, Cal/OSHA consultants worked closely with several contractors during the post fire clean up. Cal/OSHA Enforcement also distributed information and offered guidance to utility workers, contractors, and homeowners.

Atkinson Construction: On Feb. 25, 2006, a portion of an unprotected excavation collapsed, burying the victim. The investigation revealed that the engineered shoring plan prohibited employees from working inside the trench boxes until all shoring was in place. The superintendent was aware of the requirement but did not follow it. Cal/OSHA's investigation resulted in two willful and two serious citations totaling $164,750. On Aug. 27, 2007, a civil complaint and final judgment was filed against Atkinson Construction. Atkinson Construction agreed to pay $1,100,000 to the DA's office and $100,000 to the California District Attorneys Association for worker safety education. Additionally, the DA's investigators can access Atkinson Construction worksites until 2011. On July 14, 2008, a felony criminal complaint was filed against the general superintendent and the site foreman. Each was sentenced to three years probation, 200 hours of community service, and a fine of $15,000.

Pouk & Steinle Inc.: On Dec. 6, 2006, a journeyman lineman was working at night guiding a 75-foot-long wooden power pole that was attached to an overhead crane. The lineman and crane operator were attempting to spin the new pole 180 degrees, which forced it into an adjacent public roadway. A vehicle struck the end of the pole, which killed the driver and his passenger. The lineman, who was also struck by the pole, died at the hospital. Cal/OSHA's investigation resulted in four serious citations totaling $49,385.

Stanley & Sons: A truck operator employed by Stanley & Sons ran over a Lucky Star Marketing quality control employee who was backing up a bobtail truck in an agricultural field. Cal/OSHA's investigation resulted in two citations — one serious and one other-than-serious — totaling $10,975. On Jan. 9, 2007, a felony complaint was filed; the defendant was placed on 36 months probation and ordered to serve 150 days in jail for driving a vehicle without a license and a working back-up alarm.

Outreach

Cal/OSHA Consultation received an OSCAR (OSHA's Consultation Achievement Recognition) in 2007 for an emphasis program in residential construction, which reduced reportable injuries by 21 percent. Consultations increased on-site assistance and emphasized multi-employer responsibilities and safety awareness.

Partnerships

Agriculture: As a heat wave scorched rural areas in California, Cal/OSHA entered into a first-time, statewide partnership with California's agricultural community to quickly deliver critical heat illness prevention training to the employees of the more than 1,400 licensed farm labor contractors (FLCs). This unprecedented partnership had one goal: reduce deaths and illnesses by raising awareness of the deadly toll that heat can take on workers. Partnerships with the Central Valley Catholic diocese, the Department of Education's Migrant Education Program, and California Rural Legal Assistance assisted in reaching workers and their families. And Cal/OSHA continued the positive working relationships that had been developed with agriculture and rural advocacy groups. The United Farm Workers foundation and California Rural Assistance (CRLA) forwarded complaints and requests for on-site assistance to Cal/OSHA.

Economic and Employment Enforcement Coalition (EEEC): The EEEC is a partnership of enforcement agencies formed to root out the underground economy by enforcing California labor laws and educating business owners and workers about those laws. California has continued aggressive enforcement with the cooperation of 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 Cal/OSHA. A multi-agency inspection protocol and cross-training between agencies creates a more effective enforcement team than previous efforts.

The following scenario is an example of illegal underground business operations encountered by EEEC teams in their year-round sweeps of traditionally low-wage industries such as restaurants, auto body repair, and wood pallet manufacturing:

An employer sets up a wooden pallet repair operation in a vacant lot. He has no permits or licenses and no utility connections, instead using an unsafe 220-volt gasoline generator that sits in the mud. Employees work 54 hours per week and are paid 50 cents in cash for each pallet they repair. Each employee uses an electric skill saw with its protective blade removed. There are no toilet facilities or clean drinking water available. One worker is missing a finger, which he says he lost on an unguarded power saw at a former pallet repair facility, where the owner gave him $200 and told him to go to the emergency room and say that he accidentally cut his finger off at home. When he returned to work, the owner told him he had been replaced.

Signature projects

Commisioner of Labor Lori A. Torres accepts the William Q. Wiehrdt Customer Service Award from OSHA Area Director Kenneth Gilbert.

Customer service: The Indiana Department of Labor (IDOL) was awarded the regional William Q. Wiehrdt Award for excellence in customer service. IDOL began surveying how well the agency was meeting the needs of customers served by compliance officers, consultants, and other staff in late 2007. IDOL's customer service survey has five questions each of which can be rated "Excellent," "Good," "Fair," or "Poor." The survey's customer satisfaction index – the percentage of respondents who selected "Excellent" for all five questions – was higher during the last half of 2008 than any previous period.

Data reporting: Return rates for the *Survey of Occupational Injuries and Illnesses* (SOII) and the *OSHA Data Initiative* survey (ODI) are the highest ever: 97 percent for the *Survey of Occupational Injuries and Illnesses* and 99 percent for the *OSHA Data Initiative*. The federal Bureau of Labor Statistics announced in October 2008 that Indiana's injury and illness rate for public and private industry fell from 5.5 per 100 employees in 2006 to 5.2 per 100 employees in 2007.

Administrative hearings: IOSHA's administrative hearing board for IOSHA safety orders, the Board of Safety Review, started 2008 with a 59-case backlog and 18 of those cases were at least three years old. By the end of 2008 all 18 cases were resolved and there were no pending cases more than one year old.

Incident management: In 2008, the Indiana Department of Homeland Security (IDHS) established an Incident Management Assistance Team (IMAT) to assist local emergency management agencies by coordinating available resources and ensuring that response efforts are adequate and efficient. This Type-2 IMAT will be activated during a multi-county or rapidly expanding incident or if an incident happens on state property. IMAT can assist other states under the direction of the Federal Emergency Management Agency (FEMA) and existing Emergency Management Assistance Compact (EMAC) agreements. Two IOSHA compliance officers are safety officers for IMAT and report directly to Incident Command. Compliance officers are also embedded in the IDHS response team, which allows the agency to participate in Indiana's emergency preparedness efforts and protect first responders and post-disaster clean-up workers.

Training: In 2008, IDOL made significant strides in the number and variety of training opportunities available to compliance officers and consultants. Most compliance officers participated in at least three training offerings. Training included NFPA 70E, process safety management, and OSHA Training Institute webinars. The agency also revised the internal Professional Certifications Policy in March 2008. The policy encourages compliance officers and consultants to pursue credentials, such as Certified Safety Professional, Certified Industrial Hygienist, Occupational Safety and Health Technologist, Construction Health and Safety Technician, and Certified Hazardous Materials Manager. The policy provides for reimbursement of preparatory classes, examination fees, time-off, and a one-time completion incentive for each certification.

IDOL also developed a federal Bureau of Apprenticeship and Training program for IOSHA compliance officers (approved by the state Department of Veteran Affairs offices for Montgomery GI Bill credit) that follows the federal directive for compliance officer training.

Emphasis programs

Indiana OSHA's emphasis programs cover trenches, fall protection, scaffolds, refineries, amputations, lead, crystalline silica, and combustible dust. The trenches, fall protection, and scaffolds programs have been operating for three years and are administered by the Construction Safety Division of IOSHA. Falls to a lower level are the No. 1 cause of injury and death on Hoosier construction sites.

Combustible dust, a two-part program, includes emphasis and education. In March and May 2008, letters and educational material were sent to more than 2,000 Indiana companies identified as potential workplace sources of combustible metal dust. The letters also directed the companies to federal OSHA's Web site for information about combustible metal dust hazards.

Although not the subject of an emphasis program, use of reflective vests by public safety personnel resulted in many inquiries to Indiana OSHA. In December 2009, the agency issued an interpretation letter for public safety personnel on the use of these vests. The topic was also covered in the *Indiana Labor Insider*, the agency's bi-monthly electronic newsletter, which more than 3,000 Hoosiers receive.

Enforcement

Although not complete until early 2009, Indiana OSHA began the final refinery inspection in the fall of 2008 at CountyMark. The inspection at the CountyMark's Mount Vernon refinery was a result of a national emphasis program developed in mid-2007 to eliminate occupational hazards associated with the release of hazardous chemicals at refineries.

Outreach

Conferences: In 2008, the Indiana Department of Labor's OSHA Consultation Division, INSafe, partnered with the Indiana Chamber of Commerce and the Central Indiana Chapter of the American Society of Safety Engineers to host the state's largest occupational safety and health conference: the annual Safety and Health Conference and Exposition. More than 600 safety, health, environmental, and human resource professionals had the opportunity to network with peers and attend educational sessions. The prestigious Governor's Workplace Safety Award winners were also announced at the conference; six Hoosier companies were honored in categories that included general industry safety and health programs, innovations, education and outreach, and construction safety.

Collaborating with other Indiana state agencies, INSafe planned and presented a small business seminar called INgov Roadshow in fall 2008. More than 250 small business representatives registered to attend the free seminar which was held throughout the state. The event provided an opportunity for business owners to learn about the services offered by INSafe and other state agencies.

Consultation assistance: INSafe received 451 requests for on-site consultation assistance in 2008, an increase of nearly 17 percent over 2007. INSafe also received the On-Site Consultation Achievement Recognition (OSCAR) award at the 2008 annual consultation conference in Seattle, Wash. The OSCAR is awarded for outstanding achievement in marketing consultation services to high-hazard establishments and for increasing participation in the Indiana Safety and Health Recognition Program (INSHARP). In 2008, INSHARP certified an additional 15 sites and recertified one existing site.

The agency also continued the scholarship program developed in 2005. The program funds occupational safety and health training for companies that meet established eligibility criteria. Eligible companies include small businesses (250 employees or fewer), high-hazard establishments, and woman-and-minority-owned businesses. The scholarship program enabled more than 500 Hoosiers to attend training classes in 2008.

Publications: IN Review is the agency's annual publication covering occupational health and safety trends and case studies. In 2008, the agency included articles written by INSafe safety and health consultants and IOSHA compliance officers. More than 10,000 copies were printed and distributed. The publication was also featured at tradeshows and conferences and offered to companies during consultations and enforcement inspections. IN Review is also available on the agency's Web site.

In the summer of 2008 the Indiana Department of Labor débuted the INdiana Labor Insider, a bi-monthly newsletter covering news under the agency's jurisdiction. Because the new publication is published only online, it does not increase the agency's printing cost or advertising budget.

The agency also published industry-specific injury and illness brochures which were distributed through direct mail campaigns, at trade shows and conferences, and during INSafe consultations and IOSHA enforcement inspections.

Partnerships

In 2008, the Indiana Department of Labor formed two strategic partnerships and three alliances. The agency's network of partners and alliances has furthered efforts to ensure safe workplaces for Hoosiers.

Under partnership agreements with Indiana-based Eli Lilly and Company and Shiel Sexton/Powers and Sons, both companies will submit injury and illness data to the Indiana Department of Labor on a quarterly basis. The goal of the Eli Lilly partnership is to advance safety and health in all Hoosier workplaces. The company will also mentor potential Indiana Voluntary Participation Program participants in process safety management.

InReview is Indiana OSHA's annual publication covering occupational health and safety trends.

The Shiel Sexton/Powers and Sons partnership is aimed at reducing injuries and eliminating fatalities at the Indiana Convention Center project. The partnership includes the Construction Project Manager, Shiel Sexton/Powers and Sons, and all associated contractors.

IDOL formed alliances with the Indiana Ready Mixed Concrete Association (IRMCA) and the Sheet Metal and Air Conditioning Contractors Association/Sheet Metal Workers International Association, Local 20. A regional alliance was also signed with the American Physical Therapy Association (APTA). The goal of all three alliances is to reduce work-related injuries and illnesses in their respective industries.

Enforcement

In 2008, the Division of Compliance accomplished the following activities:

- Conducted 1,311 unannounced programmed inspections that resulted in 1,585 violations — including 957 serious, five willful, and 49 repeat violations.
- Conducted 177 general industry inspections within the "top 10" high-hazard NAICS classifications.
- Conducted 877 construction inspections — 66 percent of all inspections in 2008. Fall protection was the top construction standard cited in 2008 (29 CFR 1926.501, Duty to have fall protection, was cited 610 times). Kentucky's fall protection regulation, 803 KAR 2:412, specifically addresses residential construction. Under a Division of Compliance emphasis program, 99 compliance inspections in residential construction resulted in 129 violations.
- Conducted 225 imminent danger inspections due to increased awareness of fall and trenching hazards in the commercial and residential construction industry.
- Responded to 225 safety and health complaints, 192 alleging serious violations. There were 98 follow-up inspections, which represented 7.5 percent of all safety and health inspections.
- Conducted 52 inspections at public sector work sites, including programmed inspections and responses to public employee complaints.

The Division of Compliance conducted 225 imminent danger inspections in 2008.

The Division of Compliance is also responsible for the enforcement of Kentucky's anti-discrimination provisions. In 2008, the division received 104 discrimination complaints.

Gov. Steven L. Beshear addresses participants at the Governor's Safety and Health Conference and Exposition.

Outreach

Conferences: The Kentucky Labor Cabinet and the Kentucky Safety and Health Network, Inc., presented the 24th annual Governor's Safety and Health Conference and Exposition in Louisville. The event featured pre-conference courses and workshops on safety and industrial hygiene technology, current issues, and trends in workplace safety and health.

Keynote speakers included Gov. Steven L. Beshear, Lt. Gov. Daniel Mongiardo, and Charlie Morecraft. Participants enjoyed networking and the largest health and safety product exposition in the commonwealth. Additionally, Scholastic Achievement for Education Awards totaling $30,000 went to 14 university students majoring in occupational safety and health, industrial hygiene, and public health.

Partnerships

Voluntary Protection Program: In 2008, OSHA's Region IV Voluntary Protection Program Participants' Association conference was held for the first time in Louisville. Kentucky's VPP program presented a workshop called "Strengthening Star Quality" which addressed recertification and how to maintain high levels of VPP readiness. The workshop was presented by Kentucky's VPP administrator and several Kentucky VPP companies.

Kentucky continued its in-depth evaluation process with auditor and mentoring classes designed to sharpen the skills of STAR company auditors. This process promotes ownership and self-sufficiency at all levels of the company and encourages the highest levels of performance from management and union officials as they work toward the goal of a safe workplace.

Voluntary Protection Partnership Program: In addition to site-specific partnerships, Kentucky adopted its own Voluntary Protection Partnership Program for Construction (VPPC) in 2008. In 2007, Miller-Valentine came into VPPC under a state-specific pilot program. In 2008, Turner Construction became the first company to achieve VPPC status under the new VPPC State Plan. Turner has been working with the Kentucky Labor Cabinet over the past year to attain VPPC status. From the beginning, Turner's dedication was obvious in the time and resources the company spent attaining this goal. Turner staff maintained the highest level of professionalism while remaining personable and friendly.

Turner Construction has a culture that promotes an injury-free environment and provides the safest possible workplace for all its employees, subcontractors, clients, and visitors to the jobsites. Turner Construction received the Governor's Safety and Health Award for achieving 2,299,631 hours worked without experiencing a lost-time injury. In 2008, Turner was awarded the first VPP Star Status for Ohio in Region Five. Turner has worked on projects such as Fourth Street Live, Kentucky Speedway, Louisville Slugger Field, Turfway Park, and several University of Kentucky expansion projects. Turner also dedicates time and resources to local causes as Habitat for Humanity, The Salvation Army, The Autism Society, Finding a Cure for Cystic Fibrosis, Cancer Research, United Way, and The Fine Arts Fund. The Cabinet looks forward to continuing its relationship with Turner, which has set the standard future VPPC applicants.

University of Kentucky Patient Care Facility construction site.

Construction Partnership Program: This has been a very successful year for the Kentucky Labor Cabinet's Construction Partnership Program (CPP). Six new site-specific partnerships were added including the Northern Kentucky Airport, the Louisville Arena, and the Eastern Kentucky University Science Building. CPP continued to work with existing partners, training more than 100 employees on topics ranging from NFPA 70E to OSHA 300 Logs.

SHARP, SPP, and Strategic Partnerships: The Safety and Health Achievement Recognition Program (SHARP), Safety Partnership Program (SPP), and Strategic Partnership programs made substantial progress in 2008. SHARP added two new companies — Maker's Mark Distillery and Washington Penn Plastics — and is working closely with 28 others.

Kentucky Labor Cabinet officials and Washington Penn Plastics personnel pose with SHARP plaque.

Education and training consultants were extremely busy due to the popularity of services offered by the Division of Education and Training. The division made some procedural changes; mini-assessments were administered to interested companies about SHARP requirements and checklists were provided of things that need to be in place before the actual SHARP survey. The division also streamlined qualification procedures and let employers know what they must accomplish to achieve SHARP status. The changes resulted in a marked increase in SHARP applications.

Production work at Maker's Mark Distillery. Bottles are being hand dipped in red wax and inspected.

There are four companies in the three-year Safety Partnership Program, including two that were added in 2008. These companies realize they have accident rates at least twice the national rate for their NAICS and are committed to making serious safety improvements with guidance from SPP staff. While there is a limit to the number of partnerships that can be managed at one time, past performance data show the program works when companies are serious about making safety improvements.

The Strategic Partnership with the Kentucky Ready Mix Concrete association has 88 companies involved. Training is provided twice a year for the members at the association's headquarters; smaller companies in the association tend to use the program more frequently than larger ones.

Signature project

Maryland OSHA finished writing its crane regulations, a project involving construction-industry manufacturers, contractors, crane rental companies, labor, and certifying organizations. The project was headed by Commissioner of Labor and Industry, J. Ronald DeJuliis, a former crane operator. The regulations took effect in April 2009.

Enforcement

Tower cranes: In April, 2008, MOSH investigated a fatality involving three workers who were dismantling a Peiner SK 405 Tower Crane. In preparation for being lowered to the ground, the jib section was suspended by a mobile lattice boom crane and some of the counterweights had already been removed. An employee released a pin holding the crane's A-frame, which struck and killed him. The fatality, which happened as MOSH was writing its crane regulations, helped ensure that compliance with the new crane regulations will prevent similar accidents in the future.

Poultry processing: In May 2008, MOSH investigated an accident at a poultry processing company involving an employee placing product labels on crates of chicken in the stack-off area. The victim stepped backwards away from a pallet of chicken to allow a powered hand truck to pass between him and the pallet. His smock got caught in an unguarded chain-and-sprocket assembly, wrapped around the unguarded square shaft between the sprockets, and pulled him in. He suffered a laceration that started under his armpit, continued down his side and across his abdomen. He lost muscle tissue and skin approximately four inches by six inches on his abdomen, the bicep was torn from the bone, and a laceration above the knee caused permanent nerve damage. The investigation expanded to a comprehensive inspection resulting in 64 violations and $159,000 in penalties.

Unguarded chain and spocket assembly that caused servere infuries to an employee at a poultry processing company in May 2008.

Outreach

Training and education: MOSH held 131 public education seminars and speaking engagements – more than 16,000 hours of free training for employers and employees. New classes included:

- Industrial hygiene update on hexavalent chromium and lead
- Introduction to industrial hygiene for construction
- Roofing and framing fall protection, English and Spanish
- Crane safety awareness
- Construction equipment awareness
- Topics in OSHA recordkeeping

Partnerships

Cooperative Compliance Partnership: The Cooperative Compliance Partnership unit signed 10 partnerships in 2008 totaling more than $1.1 billion in new construction under contract. The sites are some of the largest and most dangerous in our state; more than 200 employers participate in site inspections covering more than 3,000 employees.

Signing cermony for the 47th Cooperative Compliance Partnership.

Statistics

Maryland had an all time low Total Recordable Cases (TRC) rate of 3.7 in 2007, a drop of nearly 66 percent from 1972. The TRC rate for the construction industry fell from 5.5 in 2006 to 4.6 in 2007 (a 16 percent decrease) and the lowest on record for Maryland.

Signature project

Strategic plan: In FY 2008, MIOSHA developed a new five-year strategic plan to guide enforcement and outreach activities during fiscal years 2009-2013. This is MIOSHA's third plan.

The new plan helps target resources to protect worker safety and health. Previous plans identified injuries, illnesses, and industries separately. The new plan focuses on specific industries then looks at the most prevalent injuries and illnesses within each industry.

The overall strategic goals and emphasis areas were developed by the MIOSHA Strategic Plan Implementation Team. The team reviewed BLS and workers' compensation data, inspection experience, workplace trends, and other information to identify areas to be covered. Workgroups throughout MIOSHA developed annual strategies.

Stakeholders across Michigan were also asked to provide feedback. A special stakeholder meeting was held April 29, 2008, to hear first-hand from nearly 100 representatives from businesses, employee organizations, universities, trade associations, and government agencies.

Since implementation of MIOSHA's first strategic plan in 1999, overall trends in injury and illness rates for the targeted industries and fatalities showed steady decreases. Michigan's overall injury and illness rate has dropped from 8.1 in 1999 to 5.1 in 2007. MIOSHA program-related fatalities fell from 87 to 31 during that same period.

Emphasis program

Fall Protection Initiative: On March 10, 2008, MIOSHA launched an extensive campaign to alert 8,000 general industry and construction employers that they must provide appropriate fall protection and training for employees exposed to fall hazards. MIOSHA initiated the campaign to increase awareness of fall hazards, to highlight the need for appropriate fall protection, and to help ensure that employees receive the training required by MIOSHA rules.

"Because of the high rate of injuries and fatalities related to fall hazards, reducing these hazards is a priority of the MIOSHA Program," said MIOSHA Director Doug Kalinowski. Incidents caused by falls can be anticipated and prevented. MIOSHA rules for construction and general industry employers require that they address the variety of fall hazards in their workplace."

MIOSHA Training Institute (MTI): In fiscal year 2008, MIOSHA implemented a new safety and health training program, the MIOSHA Training Institute (MTI). Seminars offered through the MTI provide the public an opportunity to attend a series of programs to achieve Level One and Level Two Certification. Participants can receive certification in one of two tracks: General Industry Safety and Health, or Construction Safety and Health. More than 120 courses were offered in FY 2008 throughout the state.

Fifteen recent MIOSHA Training Institute (MTI) graduates were recognized by MIOSHA and Macomb Community College officials.

The MTI has quickly become the premier provider of workplace safety and health training in Michigan. Real-world safety training solutions have been provided to nearly 3,200 individuals enrolled in the MTI statewide. Since October 2007, 92 students have qualified for Level One Certification.

Connecting MIOSHA to Industry: MIOSHA is continuing a very successful initiative, "Connecting MIOSHA to Industry." The goals are to support proactive safety and health systems, decrease workplace safety and health hazards, expand partnership opportunities, and increase the competitiveness of Michigan employers. "Connecting MISOHA to Industry" is increasing our program effectiveness by ensuring that interventions are educational, informative, and useful.

Enforcement

Pretco Technologies: On July 17, 2008, MIOSHA compliance officers carried out a Cease Operation Order against Pretco Technologies in Mt. Morris for continuing to run operations without required eye wash facilities, a chemical safety program, or personal protective equipment. This action stemmed from violations first identified in 2005 because of a complaint inspection. The company failed to submit abatement information and MIOSHA conducted three follow-up inspections. The company received failure-to-abate citations following each inspection.

In addition to the follow-up inspections, MIOSHA contacted the company on nine separate occasions from 2005 to 2008 to discuss abatement methods and offer help. On each occasion, the firm continued to conduct operations without the required protections. On July 17, 2008, a return visit to the firm found the violations had yet to be fixed. During this return visit, the Cease Operation Order was issued. The citations were abated when MIOSHA visited the facility on July 21, 2008, and the tags were removed.

Severstal Inc.: In November 2008, Severstal Inc. of Dearborn received 152 MIOSHA citations, with proposed penalties totaling $679,890, alleging the company failed to adequately protect employees from serious safety hazards. Severstal North America, Inc. is the fourth largest integrated steelmaking company in the U.S. On Jan. 28, 2008, two safety officers conducted an inspection covering the entire blast furnace process. There were 152 violations found during the inspection: 102 serious, 12 repeat-serious, and 38 other-than-serious. There were multiple instances of the same violation throughout the blast furnace process area. MIOSHA and Severstal are negotiating a settlement agreement.

Durant Hotel Project: On Sept. 9, 2008, a crew of 12 employees was working on the seventh and eighth floors of the Durant Hotel in Flint, removing debris and interior walls. While throwing debris through a window, a 23-year-old employee fell more than 80 feet from a window opening that was not properly guarded. The employee landed on a debris pile, and survived the fall with multiple fractures and lacerations.

Four companies received citations alleging they failed to adequately protect employees from fall hazards, with proposed penalties totaling $162,000. MIOSHA concluded that the four companies at the site all had responsibility for the window hazards that caused the accident. Every employer was cited for failure to guard the window openings. The employer of the injured worker was cited for failure to use a material chute when removing debris material.

An employee working on the roof of this five-story building fell to his death through an unsecured roof cover.

Wayne State University: On June 23, 2008, MIOSHA cited five construction companies $40,350 in proposed penalties for a fall-related fatality at Wayne State University. A crew was on the roof of a five-story apartment building being constructed on the WSU campus. A 19-year-old worker fell to his death through an unguarded floor opening. Because of the MIOSHA investigation, five contractors on site were cited for failure to protect their workers against fall hazards.

Outreach

MIOSHA's Consultation Education and Training Division (CET) focuses outreach on companies with the greatest need. During May and June 2008, more than 5,000 letters were sent to Michigan employers offering assistance through the CET Division. Michigan is required to report its CET activities annually to the Michigan Legislature. CET Division consultants provided the following outreach services during fiscal year 2008:

- 3,034 safety and health consultations
- 728 on-site surveys
- 1,187 training sessions, with an attendance of 19,078 participants

Acument Global Technologies – the Holly Operations Gainey Drive facility received the Michigan VPP Star Award on June 20, 2008.

The Michigan Voluntary Protection Program (MVPP) has 27 Star sites and three Rising Star sites. MIOSHA also has 17 SHARP companies.

MIOSHA awarded 20 CET Grants in fiscal year 2008, totaling $1 million. The CET Grant Program provides additional options for safety and health education and training to employers and employees.

Partnerships

Michigan Sugar Company: On May 21, 2008, Michigan Sugar Company; the Bakery, Confectionery, Tobacco Workers, and Grain Millers International Union (BCTGM); and MIOSHA signed a formal partnership to improve worker safety and health at Michigan Sugar Company facilities.

The Michigan Sugar Partnership was signed by all partners at the company's Bay City headquarters.

This partnership is an outgrowth of a 2005 compliance case in which MIOSHA cited the company with $277,650 in proposed penalties for seven willful violations and 24 serious violations at its Caro plant. The partnership covers all Michigan Sugar Company locations and involves enforcement and compliance staff. Sharing safety and health information is a key component of the agreement and will help identify emerging issues in the food processing industry.

Kamminga & Roodvoets: On April 14, 2008, MIOSHA signed their sixth construction partnership with this contractor around a $3.3 million road construction project that includes sewer and water main construction. In October 2008, the project was completed with more than 14,900 hours worked and no recordable or lost-time incidents.

Alliances: The MIOSHA Alliance program was officially launched in fiscal year 2004 and MIOSHA currently has 17 active alliances. These alliances have generated hundreds of opportunities to improve the worksites represented by the signing organizations.

Signature project

I-35W bridge replacement: On Aug. 1, 2007, the I-35W bridge collapsed into the Mississippi River in Minneapolis. On Oct. 15, 2007, Flatiron-Manson Joint Venture (FMJV) broke ground on the $234 million replacement bridge and surrounding area. The contract included reconstruction of the main span over the Mississippi River and four other spans over roads and railroad tracks. FMJV's projected completion time was 437 days.

The rebuild design was cement box girder construction with a cantilever over the Mississippi River. The main span was 504 feet between piers and between 70-120 feet above the ground or water. Traffic flows along five lanes in each direction. FMJV opened the bridge on Sept. 18, 2008, about 100 days early. FMJV, the Minnesota Department of Transportation, and MNOSHA signed their partnership in November 2007. Work continued through October 2008.

Minnesota OSHA officials conduct a compliance assistance audit under the new I-35W bridge spans in June 2008. Nearly 100 audits were conducted at the site from the bridge's collapse in August 2007 to its completion in October 2008.

Audits – Two MNOSHA investigators were assigned to the I-35W bridge reconstruction project and were required to complete at least two audits per week. All audits included at least one FMJV safety person, an MNOSHA representative, and usually one person from the Minnesota Department of Transportation. Audits were documented by FMJV and Minnesota Department of Transportation. There were more than 115 audits performed during the 11 months of the project (MNOSHA performed about three audits per week). During the height of construction (February through July) each audit covered as many as 300 FMJV employees and 30 subcontractors. FMJV, Minnesota Department of Transportation, and MNOSHA identified and corrected more than 500 serious hazards.

Results – The partnership between FMJV, Minnesota Department of Transportation, and MNOSHA provided open communication among all parties. MNOSHA staff performed on-site outreach when needed by any of the 50 subcontractors, FMJV, or Minnesota Department of Transportation. The partnership allowed FMJV to oversee safety on site without incurring penalties, litigation, and other costs associated with traditional enforcement. The audit process gave employees hands-on experience with MNOSHA

and gave MNOSHA the opportunity to answer employees' questions regarding their safety. Audits also allowed hazards to be corrected when they were found, eliminating any abatement period. Summarizing more than 720,000 hours worked:

- Worker fatalities: 0
- Lost-time cases: 1
- Recordable incidents: 37

Emphasis programs

Inspections: In 2008, MNOSHA conducted inspections under 15 local and national emphasis programs. MNOSHA focuses inspections on workplaces with high injury and illness rates, which are determined by the federal data initiative, workers' compensation information, and data obtained from the federal Bureau of Labor Statistics. Other emphasis-programs with significant inspection activity include OSHA-observed imminent danger situations and activity-generated inspections in construction. Seventy-five percent of MNOSHA's 2,174 programmed inspections were in emphasis program areas and 72 percent of the inspections resulted in citations.

Enforcement

Petra Development Services: MNOSHA prevailed in a hearing before the Office of Administrative Hearings (OAH) in which OAH upheld MNOSHA's willful citations for Petra Development Service's violations of 29 CFR 1926.850 (a) and (b). In addition, OAH upheld MNOSHA's determination that the willful violations caused or contributed to the death of an employee. Minnesota Statutes 182.666, subd. 2a, requires non-negotiable minimum penalties of $50,000 when a willful violation causes or contributes to the death of an employee.

Brent Anderson Associates, Inc.: In a hearing before the Office of Administrative Hearings on summary disposition, OAH upheld MNOSHA's determination that a Brent Anderson employee was working on a walking/working surface (a balcony) on a residential construction project covered under 29 CFR 1926.501(b)(1). Brent Anderson argued that 29 CFR 1926.501(b)(10) applied because the employee was doing roofing work on a low-slope roof less than 50 feet in width. The hearing judge concluded the employee was not working on a low-slope roof but on a surface inset into the side of the building.

Safety representatives conduct a walk-around to review construction activity and address worksite hazards at the new Target Field in Minneapolis.

Outreach

Construction Breakfast seminars: During federal fiscal year 2008, MNOSHA continued its tradition of the Construction Breakfast seminar, which features a full breakfast with a one-hour presentation every other month, September through May. Recent programs included:

- Health standards in construction, November 2007
- Swing-stage scaffolds, January 2008
- Ladder safety and fatal-serious-injury statistics, March 2008
- Panel discussion on various topics, May 2008
- Simultaneous operations on a construction worksite, September 2008
- Speakers included MNOSHA staff, equipment vendors, and contractors.

The OSHA perspective: The MNOSHA Compliance unit contributes an OSHA perspective to the outreach of several nonprofit organizations:

- Minnesota Safety Council and its OSHA Outreach Training Program
- University of Minnesota Extension Service, Onsite Sewage Treatment Program
- University of Minnesota, Midwest Center for Occupational Health and Safety, and its Hazardous Waste Operations and Emergency Response (HAZWOPER) training program

I-35W bridge recovery: The successful I-35W bridge recovery and rebuild partnerships have resulted in several opportunities to share the story. Presentations were given to variety of organizations, including the federal OSHA Advisory Committee on Construction Safety and Health, Virginia OSHA Consultation, and the Minnesota Department of Public Safety, Homeland Security, and Emergency Management Division. MNOSHA Compliance used the opportunity to exhibit at the 2008 American Industrial Hygiene Conference and Exposition (AIHCE) in Minneapolis in June 2008.

Combustible-dust seminars: MNOSHA recently presented three statewide seminars designed to assist employers in complying with the requirements of the combustible-dust national emphasis program. Participants learned key steps in developing a plan to minimize the risk of dust explosions. Learning modules included how MNOSHA Compliance investigators test for and identify hazardous qualities of dust, an overview of proper equipment for areas containing combustible dust, and OSHA and National Fire Protection Association (NFPA) standards.

Partnerships

I-35W bridge: MNOSHA's most notable partnerships were those formed as a result of the I-35W bridge collapse. First was the agreement between MNOSHA Compliance, MNOSHA Workplace Safety Consultation (WSC), Minnesota Department of Transportation (MN/DOT), and the general contractor, Carl Bolander and Sons, during the demolition and removal of the collapsed bridge. The goal of the partnership was to remove the wreckage without further loss of life or serious injury. Key components to the agreement were daily on-site safety project plans, safety assessment sheets for hazard identification, and mandatory employee orientation training. The bridge was removed without a single lost-time injury during the 100,000 hours worked.

MNOSHA conducts frequent audits at the University of Minnesota's new TCF Bank Stadium in Minneapolis. The site achieved SHARP certification with the assistance of MNOSHA consultants.

The second partnership involved rebuilding the bridge and included MNOSHA, Minnesota DOT, and the general contractor, Flatiron-Manson, A Joint Venture. MNOSHA provided two investigators for compliance assistance. Other facets of the project included daily job hazard analyses, safety inspections, and monthly audits.

Outdoor football stadium: The University of Minnesota's new outdoor football stadium project was recognized by MNOSHA Workplace Safety Consultation as a Minnesota Safety and Health Achievement Recognition Program (MNSHARP) construction worksite on Nov. 24, 2008. M.A. Mortenson was recognized for excellence in safety management as the general contractor. Since construction began in July 2007, 830,000 work hours were logged with no days lost to injuries. At the height of construction, 740 workers were on site daily.

Other partnerships: MNOSHA also maintains its partnerships with the Associated General Contractors of Minnesota (AGC) and the Associated Builders and Contractors of Minnesota (ABC). There are currently 15 employers participating in the AGC agreement and 14 in the ABC agreement.

Signature project

Safety and Health Practitioner Certificate Program: The Nevada Safety Consultation and Training Section (SCATS) developed the Safety and Health Practitioner Certificate program to raise the standard of safety in Nevada and to recognize those who have attended SCATS training. The program provides consistent, in-depth training in occupational safety and health and gives safety professionals an opportunity to develop their skills. The program also gives area businesses a standard by which they can evaluate safety practitioners in the state.

To earn a certificate, candidates must complete a curriculum of 26 classes (eight core classes, eight classes from their area of interest, and 10 electives) within three years of enrollment. The program has been very popular and is well received by the public. As of March 31, 2009, 528 students had enrolled in the Safety and Health Practitioner Certificate Program and 89 had received certificates.

The curriculum was developed for a broad range of occupational settings including manufacturing, construction, service industries, and government. There are 43 classes offered in English and 25 in Spanish. More classes are being developed in both languages. Through an agreement with community colleges, attendees can apply to receive continuing education units for completing SCATS classes. SCATS provides classes at no charge to Nevada employers and employees.

Outreach

Education: SCATS conducted 421 formal training sessions reaching 10,146 participants; almost all attendees find the training useful. SCATS also has a video lending library for Nevada employers.

SCATS continues to expand the number of presentations in Spanish. Many are offered to Hispanic employers through the activities of SCATS and other organizations. SCATS provided 81 training sessions in Spanish to 1,446 participants and staffed booths at many events in the Hispanic community.

SCATS has Spanish and English videos, compact discs, and pamphlets on employer and employee rights and responsibilities. Nevada statutes require that employers provide the "rights and responsibilities" information to their employees who in turn must sign that they have reviewed it. The pamphlets are available on the SCATS Web site. SCATS also began an e-mail service to notify customers when a "Tip of the Month" was posted on the SCATS Web site. Training requests can now be made online too.

Partnerships

Education: Nevada is working with the state's risk managers to enhance safety awareness for state employees who are able to attend classes on Nevada OSHA's quarterly training schedule. SCATS conducts an eight-hour "State Safety Supervisor" course and an eight-hour advanced program called "Workplace Evaluation and Management Tools" for supervisors who are state employees.

SCATS also participates in the Department of Labor's EMPLEO (Employment Education Outreach) partnership, which provides outreach to immigrant communities, particularly Hispanics.

CityCenter construction project — CityCenter is a 16,797,000-square-foot complex on 76 acres, currently under construction in Las Vegas. Expected to open in phases beginning in August 2009, CityCenter is the largest privately financed development in the United States.

Signature projects

PEOSH strategic plan: PEOSH has implemented a new strategic plan for 2009-2013 that has three goals:

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

Workplace violence: PEOSH enforcement conducted an extensive investigation that involved student-teacher violence at a high school. Following the investigation, a subcommittee was formed at the recommendation of the PEOSH Advisory Board. The subcommittee is reviewing workplace violence at public schools and will make recommendations to address violence in the state's public school system. (PEOSH also met with the Department of Education several times about student-teacher workplace violence. During these meetings, PEOSH reviewed the Department of Education's workplace violence recording system and assessed the accuracy of this information. Meetings will be scheduled monthly.) Members will offer recommendations that the subcommittee will discuss to reduce student-teacher violence in New Jersey's public schools.

Data collection: As part of its 2009-2013 strategic plan, PEOSH is collecting NIOSH 300 data at facilities with high injury and illness rates and will be able to determine more accurately where injuries and illnesses are occurring at these facilities. PEOSH will use information for inspections and compare it to BLS data for accuracy.

Emphasis programs

One goal of the PEOSH strategic plan for federal fiscal year 2004-2008 was to reduce the number of worker injuries and illnesses at the New Jersey Department of Transportation, at sewage treatment facilities, and in nursing and residential care facilities.

New Jersey Department of Transportation: PEOSH developed a Memorandum of Understanding (MOU) with the Department of Transportation. The MOU provides thorough, comprehensive inspection procedures at all state DOT locations. Because of the MOU and the targeted inspections, the number of work-related injuries fell from the federal fiscal year 2001 baseline of 546 to 135 in federal fiscal year 2008 (a 75 percent decrease).

Sewage treatment facilities: Strategies included comprehensive inspections, hazard awareness training, and consultation services for affected employers. The 2001 baseline rate was 14.6 total recordable cases and the 2007 rate was approximately 23 percent below the baseline.

Nursing and residential care facilities: Strategies included comprehensive inspections, hazard awareness training, and consultation services for employers. The 2001 baseline rate for nursing and residential facilities was 18.8 total recordable cases; in 2007, the rate was approximately 11 percent below the baseline.

Enforcement

Police departments: The scope of police department inspections has expanded from complaints and referrals to compliance with all applicable PEOSH standards. State, county, and municipal police departments will be targeted in PEOSH's 2009-2013 strategic plan. Requirements for working on roadways will be part of this initiative; procedures for safe work zones and proper personal protective equipment will also be included.

Fire departments: The PEOSH 2004-2008 strategic plan had a goal to disseminate safety and health information, including guidelines, compliance assistance, hazard bulletins, training and education seminars, and outreach to all 538 New Jersey fire departments. In federal fiscal year 2006, all 538 fire departments received health and safety information and PEOSH met the goal. In federal fiscal year 2008, PEOSH distributed training material, held 27 training seminars, and conducted 90 enforcement inspections and 24 consultations.

State and county courthouses: PEOSH conducted a sweep of all state and county courthouses in response to several complaints and media reports of unsafe or unhealthy conditions. Forty-six courthouses were inspected and 1,338 violations were identified. A full report, including a list of common hazards at the facilities, was assembled and distributed to PEOSH compliance staff for future reference.

Outreach

Safe schools: PEOSH staff participated on the Safe Schools committee. Safe Schools – supported by the New Jersey Department of Education, Office of Vocational, Technical, and Career Education – assists schools in meeting safety and health regulations and protecting employees from workplace injuries and illnesses.

Healthy school environments: PEOSH staff participated in the Healthy School Facility Environments initiative by attending quarterly meetings and assisting in developing the Healthy School Facility Environments Web site, which has information about preventing, identifying, and controlling hazards in school buildings. With more than 1.4 million children and 200,000 staff spending many hours a day in New Jersey's 3,600 public and private schools, the school environment is of great importance. Research suggests that reducing contaminant levels in schools may improve students' test scores, concentration, and attendance, which supports the school's core mission: educating children.

Syringe Exchange Programs: In the spring of 2007, PEOSH was contacted by New Jersey Department of Health and Senior Services (NJDHSS) for help in creating a request for proposal (RFP) for cities applying for Syringe Exchange Programs (SEPs). PEOSH contributed language in the RFP for applicants to demonstrate compliance with the Bloodborne Pathogens Standard and reviewed proposals for compliance.

Between October 2007 and January 2008, PEOSH consultation staff collaborated with the NJDHSS Regulated Medical Waste (RMW) Program and conducted four site visits to explain the Bloodborne Pathogens Standard and RMW requirements to sponsoring SEP cities and subcontractors. A model Bloodborne Pathogens Exposure Control Plan for SEPs was distributed and explained to program administrators and an Exposure Control training program was developed to comply with the standard. Training was conducted in two cities and PEOSH followed up with the SEP program staff to ensure that programs and training were in place.

Indoor air quality: In May 2007, the PEOSH Indoor Air Quality Standard (N.J.A.C. 12:100-13) was revised. To assist employers in complying with the new training requirements, PEOSH Education and Training staff began an informal partnership with the Rutgers University, Bloustein School of Planning and Public Policy, to provide Indoor Air Quality Designated Persons Training as part of their Certified Educational Facilities Manager (CEFM) certification program. Certification is required for all public works managers. PEOSH provided Indoor Air Quality Designated Persons Training to more than 1,800 public sector employers and employees.

Legionnella task force: PEOSH staff participated on the New Jersey Department of Health and Senior Services (NJDHSS) Legionnella Task Force. The Task Force is responsible for responding to Legionnella outbreaks in New Jersey. In fiscal year 2008, the NJDHSS staff assisted in the response to six Legionnella outbreaks and continued follow-up at one facility.

Emphasis program

Workplace violence: New Mexico experienced a high number of violent crimes at convenience stores during the late 1990s. OHSB's review of these incidents revealed deficiencies in training and other late-night security measures that may have contributed to employee vulnerability. Because of the difficulty in citing store owners under the general duty clause, OHSB began a process in 2003 to draft state occupational health and safety regulations for convenience stores. To support the need for new regulations, OHSB studied convenience store crime rates in six major New Mexico cities between 1998 and 2002 and presented the data to the Environmental Improvement Board (EIB) along with proposed rules. The rules were based on a 1998 publication by federal OSHA titled *Recommendations for Workplace Violence Prevention in Late-Night Retail Establishments*.

Convenience Store Crime — Before and After Regulations

Crime	Average/year 1998-2002	Average/year 2005-2007	Percent decrease
Aggravated assault	93.4	15.3	83.6%
Assault	290.2	21.7	92.5%
Battery	78.4	39.0	50.3%
Disturbance	865	29.0	96.6%
Domestic violence	170	16.3	90.4%
Drive-by shootings	1.4	1.0	28.6%
Harassment	141.4	8.3	94.1%
Kidnapping	6.4	0.3	94.8%
Murder	1.8	1.0	44.4%
Rape	2.8	0.3	89.2%
Robbery	446	35.3	92.1%
Sexual offenses	6.2	1.7	73.1%
Suicide	14	2.0	85.7%
Theft/larceny	4686.4	580.3	87.6%

In June 2004, convenience store regulations 11.5.6 NMAC were announced providing security for exterior lighting, employee training, late-night measures, store signs, surveillance systems, alarm systems, and cash management. OHSB used direct mailings, personal visits to convenience store owners, and town hall meetings to raise industry awareness of the new standards.

OHSB performed a follow-up study to determine the effectiveness of the new standards; the study covered the same six cities for 2005-2007. The table (left) shows the annual average number of incidents before and after the regulations and emphasis programs.

The dramatic decrease in the number of reported crimes at convenience stores demonstrates striking positive outcomes from these initiatives. Convenience store employees in New Mexico now have a much safer environment in which to work.

Enforcement

On Oct. 13, 2007, a crew of six United Drilling, Inc. employees began moving one of the company's self-propelled drilling rigs to a new location. The route from the old site to the new site was along a dirt road in a remote area of the Permian Basin. Soon the crew encountered overhead power lines that were lower than the height of the mobile rig. A 17-year-old employee grabbed a wooden survey marker from the side of the road, climbed onto the rig, and attempted to raise the first of the three power lines to allow the rig to pass under. The crew supervisor signaled the driver to slowly move forward and the young crew member contacted current passing from the 14,400-volt line to ground. He lost consciousness and fell into the rig mast.

Co-workers immediately climbed onto the rig, lowered him into the bed of a pickup truck, and administered CPR. Emergency responders met the crew and pronounced him dead shortly thereafter.

Following an extensive investigation, OHSB cited United Drilling, Inc. for three willful violations of OSHA electrical standard 29 CFR 1910.333(c), with proposed penalties totaling $168,000. The company contested the citations and penalties; settlement discussions did not resolve the issue and the case is awaiting a hearing before the New Mexico Occupational Health and Safety Review Commission.

Outreach

In January 2007, the driver of a municipal solid waste collection vehicle was killed when he entered the hopper of the side-loader to remove debris that prevented the compactor blade from operating properly. The driver failed to turn off the truck's ignition before entering the hopper and when the debris was removed the blade activated and crushed him.

Following this incident, OHSB initiated a local emphasis program to address high injury and illness rates in the solid waste collection industry. In addition, OHSB formed a work group with the state Solid Waste Bureau that included representatives of the New Mexico Municipal League, the New Mexico Association of Counties, and Waste Management of New Mexico. The group worked to raise the level of safety awareness in the industry and to educate solid waste managers, supervisors, and employees about safety requirements and best practices. A one-day workshop for approximately 50 participants from around the state addressed all aspects of solid waste safety. The New Mexico Municipal League also invited OHSB to give a presentation at its annual conference of

municipal leaders to reinforce the importance of management commitment to safe and healthful public sector workplaces.

OHSB staff also present the safety segment of operator certification training, which is required by state regulation for employees and supervisors of solid waste landfills, transfer stations, recycling facilities, and composting facilities.

Partnerships

The goal of OHSB's seven-year-old partnership with the Associated General Contractors is to "mutually recognize the importance of providing a safe and healthful working environment for New Mexico's construction workforce" as shown in the following activities:

- In March, the Jaynes Corporation, a blue level participant in OHSB's partnership with the Associated General Contractors, received a "2008 New Mexico Best Building Award" for the University of New Mexico Children's Hospital Project. There were 1.7 million hours worked on the project and the workforce peaked at 513 workers per day. The recordable work-related injuries and illnesses rate was 2.98, which is 47 percent below the national average for construction. The lost workday incident rate for the project was more than 95 percent below the national average.

- In August, OHSB met with AGC to recognize 24 companies that achieved an outstanding safety record for the previous year. The New Mexico chapter of AGC achieved a 0.35 Lost Workday Incidence Rate in 2007 – less than half the national rate for AGC companies and about one-sixth the rate for all construction companies nation-wide. Twenty-two of the 24 New Mexico companies had no lost workdays in 2007.

- Recently released news from the Louisiana Energy Services company touts the outstanding safety record of the $3 billion uranium enrichment plant near Eunice, N.M. Two blue-level AGC partnership participants – Yearout Mechanical & Engineering and J. B. Henderson Construction, Inc. – have combined their safety leadership to promote safety at the project site. As many as 1,600 construction workers have worked at the site over the past two years and there have been no injuries during the 5 million hours worked. When completed, the plant will be capable of producing one-half of the nation's nuclear fuel needs. The safety culture promoted by these two partners will be part of the plant environment for years to come.

Emphasis programs

Strategic plan – nursing homes: The performance goal for this initiative was to reduce the injury rate in county nursing homes and state veterans' homes by 10 percent over a five-year period. Data were collected from the Log of Work Related Injuries and Illnesses and the Annual Summary of Work Related Injuries and Illnesses. Since the initiative began, in 1998, the injury rate fell 36 percent. Data for 2008 is still being collected.

During the first phase of the strategic plan, the focus was on patient handling. The second phase focused on site visits to nursing homes with high injury rates; facilities were offered comprehensive safety and health consultations or comprehensive inspections. All facilities chose consultations, which began with a thorough review of injury and illness records and resident lifting and repositioning policies. Consultants also conducted an equipment needs assessment and made suggestions based on the assessments. Final reports to facility administrators included steps to improve recordkeeping, enhance risk assessments, and prepare a written safe patient handling program.

Strategic plan – emergency response: The Fire Protection/Ambulance Service Strategic Plan Committee continued its effort to build new partnerships and enhance existing ones with emergency responders. In 2008, the committee worked with the NYS Office of Homeland Security, the Fire Association State of NY (FASNY), the Association of Fire Districts, the NYS Department of Health, the State Emergency Management Office, NYC MASH Group, and county fire coordinators.

Committee members also:

- Worked with the New York State Office of Fire Prevention to develop a lesson plan that describes the requirements of New York's recently enacted Rope Rescue Law.
- Addressed concerns about Federal Highway Administration law on high-visibility garments that took effect in November 2008. The law requires high-visibility garments for workers and responders who work on federal highways. The emergency response community had questions about what their staff would be required to wear.
- Developed annual training for the DOSH Crisis Response Team and designed the severe winter storm exercise, which was a re-enactment of the October 2006 snow storm in western New York. The exercise was designed to test new response protocols and increase the number of DOSH responders who could assist the safety officer at an emergency operations center.

Public Employee Safety and Health Bureau (PESH) services were showcased at various emergency response conferences. In 2008, members attended the multinational Crossing Boarders Conference in Buffalo, the Long Island Fire Show, and the 2008 NYS Disaster Preparedness Conference in Syracuse. Committee members took advantage of these opportunities to distribute information highlighting the Consultation Program and the 2008 Fire Service CD.

Strategic plan – highway, street, and bridge construction: During the past five years, the plan analyzed injury and illness data from counties across the state and the five boroughs of New York City. The goal was to rank counties by injury rates and focus resources on those with the highest rates. Employers were offered a training program to address injuries identified on their injury and illness logs (SH 900). The effort was very successful and resulted in requests for PESH training at various highway departments.

During the second five-year phase, the strategic plan focused on building partnerships with highway departments with the goal of reducing injuries. The partnership with the Association of Counties was particularly valuable in promoting workplace safety initiatives for county governments. During the second phase, the planning committee developed a resource CD for highway departments and distributed it at seminars, conferences, and speaking engagements. The CD includes written safety and health programs, PowerPoint presentations, toolbox information, and respiratory protection and noise requirements.

Heat stress in NYC public school cafeterias: In response to concerns about working conditions in school cafeterias, teams consisting of two DOSH staffers and one union member visited 56 schools. The initial evaluation included employee interviews, an indoor air quality survey, a complete evaluation of the ventilation system, and an assessment of equipment that had an impact on the heat load. A report to the Governor summarized the results. During late summer and early fall 2008, the team returned to 34 schools. The average temperature readings during the sampling period ranged from 72 degrees to 98 degrees. A plan to address the problems, developed in partnership with NYC Board of Education, included fixing broken equipment, reassessing equipment locations, and installing air conditioning units.

Enforcement

In 2008, 1,901 PESH Bureau inspections resulted in 4,647 violations. Enforcement inspections by type included:

- Accident – 30
- Complaint – 352
- Referral – 33
- Monitoring – 123
- Follow-up – 632
- Program related – 731

Assessed penalties were $288,910, of which $93,869 was collected. PESH also investigated 33 allegations of discrimination in 2008, three more than in 2007.

Partnerships

Emergency preparedness: DOSH created a Crisis Response Team that supports the local and state emergency response community. In 2008, the DOSH Crisis Response Team participated in a number of emergency exercises. The New York State Emergency Management Office invited the team to play the role of "Safety Officer" during a weeklong multi-agency exercise called "Empire Express" in which a hurricane strikes New York City and Long Island. DOSH responders developed a health and safety plan and worked within the incident command structure to develop task-specific risk and PPE assessments.

DOSH responders also participated in the following exercises during fiscal year 2008:

- DOSH "Severe Snow Storm Reenactment"
- COOP, "Double Play"
- Ginna Nuclear Plant Exercise
- Three Mile Island Nuclear Plant Exercise
- Alexandria Bay U.S. Coast Guard, "Saving Uncle Sam"
- Western N.Y. Incident Management Assistance Team Exercise

After each exercise, lessons learned were evaluated, changes included in the Crisis Response Plan, operating procedures updated, and training conducted internally to ensure proficiency in DOSH's response.

Emergency preparedness: The "Saving Uncle Sam" exercise was hosted by the US Coast Guard.

Outreach

Safe patient handling: PESH and the On-Site Consultation Bureau joined with the New York State Zero Lift Task Force to provide safe patient handling training. This year there was a two-day conference devoted to implementing successful safe patient handling programs in acute care, long-term care, home care, and residential care facilities. Best practices and the financial benefits of implementing a safe patient handling program were presented. The conference also included a hands-on-demonstration of new technologies that minimize manual lifting.

OSHA 10-hour construction course: PESH and the On-Site Consultation Bureau also offer the OSHA 10-hour construction course. Sessions have been very successful and continue to be requested by government agencies and many private-sector employers. Thirty-seven sessions were held in fiscal year 2008 and 948 employees received 10-hour certification cards.

Pandemic flu: Responding to the heightened awareness of pandemic flu risk, DOSH developed a fact sheet covering pandemic flu facts and prepared pandemic flu booklets for health care workers, the public, and businesses. These were distributed throughout the year at conferences and other outreach activities.

Workplace violence: Since the Workplace Violence Prevention draft regulation was posted in the New York State Register, DOSH has worked with groups and associations to provide them with workplace violence prevention presentations and an overview of the regulations. This continues to be an emphasis since the draft regulation will soon become final.

North Carolina

North Carolina Occupational Safety and Health Division

Signature project

In 2008, North Carolina decided to pursue a state-specific crane standard. The decision was due to delay of the federal OSHA crane safety standard and a number of crane accidents nationwide. The proposed crane safety standard was published in the North Carolina Register on Dec. 15, 2008, which began a 60-day public comment period. The public hearing was Jan. 15, 2009. The North Carolina Crane Safety Standard could go into effect by the end of fiscal year 2009.

Emphasis programs

North Carolina's emphasis programs focus on industries and hazards that have the most negative impact on the state's overall injury, illness, and fatality rates. Emphasis areas in the current strategic management plan include construction; logging and arborists; wood products manufacturing and manufactured homes; long-term care; food manufacturing; and health hazards, including lead, silica, hexavalent chromium, asbestos, and isocyanates. Compliance, consultation, and education and training are all involved in the effort.

Outcomes are measured by comparing baseline data with the subsequent year's data. For the five-year period ending in 2008, there was a 40 percent drop in the number of work-related fatalities in North Carolina and a 33 percent drop in construction fatalities. The total recordable case rate also fell by 10 percent.

Enforcement

Enforcement continues to be an integral part of the North Carolina State Plan. In 2008, the Occupational Safety and Health Division conducted 5,159 safety and health inspections. The state's strategy for investigating significant cases includes mobilizing adequate resources, conducting thorough investigations, and sharing findings with those who might benefit from the information. Hazard alerts issued in 2008 included:

- Combustible dust – Investigations of a number of explosions in the state provided information that could be shared with employers about combustible dust hazards, including wood, flour, magnesium, plastic, and sugar dusts.

- Struck-by accidents – In 2008, 11 workers were killed because they were struck by heavy machinery such as dump trucks, backhoes, and other vehicles. This hazard alert reviews struck-by accidents and describes safe practices for operating heavy machinery.

- Tower and mobile crane safety – Although North Carolina had no crane accidents that killed or injured workers in 2008, the number of crane accidents across the country highlighted the need for information on safe crane operation. This hazard alert also includes an inspection checklist.

Outreach

Training: Training, one of the cornerstones of North Carolina's program, has a major impact on the overall goal of reducing injury, illness, and fatality rates. The state's strategic plan determines where resources are allocated and how training outreach is prioritized. All of the safety and health bureaus contribute a portion of their resources to training coordinated by Education, Training, and Technical Assistance (ETTA). In fiscal year 2008, 17,247 workers and managers were trained. There were 110,584 people trained during the five-year strategic plan that began in fiscal year 2004.

To leverage limited training resources, alliances have been formed with industry groups including the North Carolina Safety and Health Council and the North Carolina State University Industrial Extension Service. The Manager of Environmental Safety and Health (MESH) Program and the Construction Manager of Environmental Safety and Health (C-MESH) Program are certification programs that originated from this alliance. Both initiatives have been successful. Once participants are certified they are able to share their knowledge with co-workers. The public receives information about this and other training initiatives through an online newsletter sent to employers and employees quarterly.

New ways of presenting training have also been pursued. Labor One – a classroom on wheels – is a good example. The vehicle reaches workers who might be missed in conventional classroom training. This approach has been especially helpful in reaching Hispanic construction workers. The state has also supplemented Labor One with two trailers that provide additional material for fall protection, scaffolding, and logging and arborist training.

Considering tough economic times, North Carolina has developed online training that requires little expense for employers and provides a great benefit to employees. The state's webinars allow employers and employees to receive safety and health training without even leaving the office. In 2008, online training was offered at a rate of one session every other week. The goal for 2009 is to increase the number of training topics and to provide training more frequently.

North Carolina has created a Web-based A-Z subject list to make training information and materials available through the North Carolina Department of Labor (NCDOL) Web site. The list covers many safety and health topics with links to in-depth information.

Publications: Project Drive Safe, introduced to address work-related automobile fatalities, includes brochures on work-related travel and a new transportation-safety publication includes guidelines for developing a fleet safety program. Other publications include a comprehensive combustible-dust industry guide, a communication tower hazard alert, English and Spanish quick cards, and brochures on special emphasis programs.

Voluntary protection program: North Carolina began the Carolina Star Program in 1993 and by the end of 2008, 113 companies were participating; the program ranks second among states that have VPP programs. Included under the Carolina Star umbrella is Building Star, which recognizes construction sites that have quality safety and health programs, and Public Sector Star, which recognizes state agencies and local governments. North Carolina also had 73 active Safety and Health Achievement Recognition Program (SHARP) sites in December 2008.

Wyeth Biotech in Sanford was recognized as a Carolina STAR site in 2008.

North Carllina Commissioner of Labor Cherie Berry speaking at a ceremony for the completion of a successful partnership agreement with Crowder Construction Company.

Partnerships

The state had 14 active partnerships and alliances in 2008. Partnerships are usually formed around high-visibility construction projects. The success of a partnership is measured, in part, on a reduction in injury and illness rates. On-site verification is a component of measuring progress towards meeting established goals. A partnership can be terminated if progress is not made toward the goals.

In 2008, a successful partnership was completed with Crowder Construction Company involving construction of a wastewater treatment plant in Wilmington and with the Skanska/Barnhill Contracting Company's completion of the $200,000,000 Raleigh Convention Center. The two-year-long Wilmington project was completed with no lost-time injuries or illnesses. The Sept. 5, 2008 ribbon-cutting event at the Raleigh Convention Center project celebrated the facility's completion and 1,850,935 hours worked with only one lost-time injury.

Signature projects

Violence against health care employees: In 2007, the Oregon Legislature required Oregon OSHA to create a form so that hospitals and ambulatory surgical centers could record assaults against their employees. Employers had to complete the forms during the 2008 calendar year and return them to Oregon OSHA. In 2009, Oregon OSHA presented the findings to the Legislature.

Of the 1,061 assaults reported during 2008, 99 percent occurred in hospitals, 50 percent in behavioral health and psychiatric units, 13 percent in medical and surgical units, and 11 percent in emergency rooms. Most assailants were patients. Reasons for assaults included "behavioral health patient" (32 percent); "history of violence" (26 percent); and "emotional problems" (19 percent). Most victims were certified nursing assistants, orderlies, or aides (42 percent) and nurses (32 percent). Most assaults resulted in minor injuries, which would not be reported under other recordkeeping requirements.

Facilities will continue to track assaults, develop assault prevention plans, and train employees in assault prevention, but they will not report data to Oregon OSHA.

Youth video project: The first Young Worker Video Contest was organized by the Oregon Young Worker Health and Safety Coalition and was supported through donations from supporters in the health and safety industry. The coalition, which formed in 2007, includes government, industry, and schools working to raise awareness about young-worker health and safety issues and to strengthen child labor laws.

The first Young Worker Video Contest was organized by the Oregon Young Worker Health and Safety Coalition.

The video contest was open to all Oregon high school students and required a 30-second public service announcement with the theme: "Save a friend. Work safe." Twelve videos were submitted and all had safety messages aimed at teens. Although the committee planned to honor three winners, four were chosen for the quality of their submissions. Winners earned cash prizes from $200-$400 and plaques for their schools. The four videos were shown at the Oregon Governor's Occupational Safety and Health Conference in March and were presented at select Oregon theatres in June.

Emphasis programs

Pesticides: Oregon OSHA's pesticide emphasis program applies to workplaces where pesticides are used, stored, or manufactured. The following industrial classifications are included in the program:

- Apple orchards
- Deciduous tree fruits
- Nurseries
- General farming
- Crop preparation, including pesticide spraying

In federal fiscal year 2008, 84 employers were inspected. Nurseries had the most inspections (57), which covered 1,762 employees; only 11 employers were in compliance. Oregon OSHA's Web site has more information on pesticides and the pesticides emphasis program.

Enforcement

Scissor lift incident: About 8 a.m. on Dec. 31, 2008, an unattended scissor lift crashed through a cable guardrail and fell 20 stories from a high-rise building under construction, crashing onto the street below. The lift landed in the traffic lane nearest the building that had been closed for a truck to unload. On its way down, the lift hit formwork on the side of the building, sending shards of debris down with enough force to penetrate the canopy of the construction elevator, which carried workers up and down the building. Miraculously, no one was hurt in the incident.

How the incident happened: Three workers on the 20th and 21st floors were preparing to attach fall protection anchor straps to a column at the building's edge. They intended to use the lift to reach the height necessary to attach the straps. A worker on the 21st floor tossed the straps down to the floor below where the scissor lift was parked. The straps caught on the lift's control stick and pressed the enabler button – a safety device that must be pressed before the lift will operate. The lift took off on its own power, crashed through a guardrail, and rolled off the building. Just before the lift reached the edge, one of the workers tried to reach the controls and narrowly escaped being pulled over, too.

Investigation findings: Had the scissor lift been properly shut down, the incident would not have occurred. Also, the main power disconnect was not used to disable the machine while it was unattended and none of the workers had read the manufacturer's operating manual, which described proper steps for shut down.

Woodpecker Truck and Equipment, Inc.: In October 2008, a diesel mechanic died following a flash fire inside a 4,500-gallon water tender truck. Oregon OSHA investigated the accident and found violations of the agency's welding and respiratory protection rules.

How the incident happened: The mechanic had begun the work two days before the accident, welding reinforcements into two baffle plates inside the vehicle's water tank. The day before the accident there was an acetylene flare up from the hose near the cutting torch and he replaced the hose fittings and flash-back arrestors and continued working. He left the equipment in the tank when he finished for the day. The next day, 20 minutes after the start of the shift, there was a flash fire in the tank. Rescuers found the mechanic near the access port; cause of death was asphyxiation due to inhalation of super-heated gases.

Investigation findings: The cause of the accident was highly enriched oxygen in the tank (between 52 percent and 65 percent) probably due to a leak through the torch. In addition:

- The tank was not adequately ventilated, the torch valves were not closed, and the gas was not positively shut off.
- The torch and hoses were not removed from the tank.
- An attendant was not stationed outside the tank.
- The employer did not have a written respiratory protection program.

Inspection of the truck tank and scene of the accident.

The mechanic's hat, sunglasses, lighter, and cigarettes charred from the flash fire.

Outreach

Vehicle safety: In October 2007, Oregon OSHA began evaluating employers' motor vehicle safety programs during comprehensive enforcement inspections. Employers who request consultations are also encouraged to have Oregon OSHA's consultants evaluate their motor vehicle safety programs. The evaluation includes a review of recent vehicle incidents and the employer's motor vehicle safety policies and procedures. The information will be used to identify trends and gauge the effectiveness of the employer's vehicle safety program. Oregon OSHA will evaluate all the program data and determine what the next steps will be at the end of this federal fiscal year.

Partnerships

Firefighters: After a 2005 accident involving emergency responders, Oregon OSHA brought together industry representatives from the Oregon Fire Chiefs Association (OFCA), the Oregon Fire Instructors Association, the Oregon Volunteer Fire Fighters Association, and a Fire Fighter Advisory group to discuss a proposed a confined space rule in the Oregon Rules for Fire Fighters (437-002-0182).

At an October 2007 public hearing, the Special Districts Association of Oregon (SDAO), the Oregon Fire District Directors Association (OFDDA), and the OFCA opposed changes to the rule. Oregon OSHA took the comments seriously and worked with the groups to revise the proposal. In addition, OFCA and Oregon OSHA signed an agreement to build on their informal working relationship and establish a formal safety and health partnership. Oregon OSHA also formed an internal group to revise the proposal and address the concerns expressed at the hearing. With the help of the OFCA, Oregon OSHA held external meetings with the chiefs and other representatives of SDAO and OFDDA. In June 2009, Oregon OSHA submitted a new proposal for a confined space rule with the comment period ending June 8.

Oregon Home Builders Association: Oregon OHSA and the Oregon Home Builders Association signed a formal alliance in April 2008. The alliance increases outreach to employers and employees in the residential construction industry with a goal of reducing injuries and increasing awareness of fall and motor vehicle hazards.

Oregon Restaurant Association alliance: Oregon OSHA and the Oregon Restaurant Association formed an alliance in September 2008. The goal of the alliance is to increase awareness of hazards involving hazard communication, electrical contacts, ergonomics, personal protective equipment, and slips and falls. The alliance agreed to share industry best practices, ergonomic concerns, and injury prevention strategies, focusing on young workers and the mobile work force.

Oregon Coalition for Healthcare Ergonomics: The Oregon Coalition for Healthcare Ergonomics (OCHE) includes the following organizations:

- Oregon Association of Hospitals and Health Systems
- Associated Oregon Industries
- Oregon Chapter of the Association of Occupational Health Professionals
- Oregon Federation of Nurses and Health Professionals
- Oregon Health Care Association
- Oregon Nurses Association
- Oregon OSHA
- SAIF Corporation
- University of Oregon, Labor Education and Research Center

OCHE established a Facility of Choice project that helped two Oregon health care facilities implement a safe resident handling program and made presentations at statewide workshops and national health care conferences on health care ergonomics. OCHE also worked with nursing schools and EMT training institutions to include ergonomic best practices in curriculums.

Young workers: Oregon OSHA is a member of the Oregon Young Worker Health and Safety Coalition whose goal is to educate teens, parents, and employers about hazards facing young workers. One example of the coalition's work is NIOSH's Youth@Work: Talking Safety curriculum for classrooms and other group-training settings. The coalition is working with trainers, including one at Oregon OSHA, to provide workshops to educators with the goal of including Talking Safety in school curriculums.

Emphasis programs

PR OSHA has a local emphasis program covering warehousing and storage industries with programmed safety inspections. During fiscal year 2008, PR OSHA inspected 18 establishments and 14 were cited with 72 violations – 37 serious and 35 classified as "other." PR OSHA also has a local emphasis program covering public sewage and water treatment plants with programmed health inspections. PR OSHA inspected 33 establishments and cited 13 with 128 violations – 97 serious and 31 classified as "other."

Enforcement

Domestic workplace violence inspections: Recently we have seen how domestic violence has transcended Puerto Rican homes and affected our work centers. For that reason, PR OSHA (through Act No. 217 of 2006) approved a Domestic Workplace Violence Directive that requires employers to develop and implement a protocol for the Management of Domestic Violence Situations in the Workplace. Not complying with the directive exposes employers to a $500 penalty for lack of a written protocol and a $500 penalty for not training employees.

During fiscal year 2008, the Bureau of Inspections conducted two investigations of domestic violence in the workplace: the murder of an employee by her husband and an employee shot in the parking lot at his workplace. In the first investigation, the compliance officer found that the employer had knowledge of the situation and acted to protect her; no citations were issued. In the second investigation, the employer was cited for not following the protocol and not training employees.

The Bureau of Inspections issued 211 citations to employers for not developing and implementing a domestic violence protocol and 101 citations to employers for not training their employees.

Inspections and discrimination complaints: PR OSHA conducted 1,358 inspections and issued 27 repeat and 1,036 serious violations during fiscal year 2008. In the construction industry, PR OSHA investigated 10 fatalities and issued 12 serious and 12 other-than-serious violations.

PR OSHA received and completed 31 discrimination complaints during fiscal year 2008. All 31 investigations were completed within 90 days. Twenty-two were dismissed, six were settled, one was withdrawn, and two were under litigation.

Outreach

Worker's World Safety and Health Day: In April 2008, PR OSHA celebrated the first Worker's World Safety and Health Day, which was established by Act No. 94 of 2007 to create awareness among citizens about the importance of workplace safety and health. PR OSHA invited employers to celebrate Worker's World Safety and Health Day by doing the following:

- Read a prayer or a safety and health message in their workplace
- Provide safety and health training sessions
- Light a candle as a remembrance of the workers that were injured or killed in their workplaces
- Participate in safety and health training sessions provided by PR OSHA
- Make a poster or a message for promoting safety attitudes
- Conduct safety and health inspections at their workplace

Training and Education: Training and education services offered by PR OSHA target a wide array of industries. Most training sessions are free. Eighty-four training sessions were delivered at the request of employers. Participants included 1,015 employer representatives, 1,290 employees, 244 students, and 312 from the public.
PR OSHA presented 38 open training sessions in Hato Rey, Ponce, and Humacao. Participants included 1,315 employer representatives, 833 employees, 28 students, and 15 from the public.

PR OSHA also participates in radio programs, providing safety and health information for general industry and construction, including domestic violence in the workplace.

VPP and SHARP: During fiscal year 2008, PR OSHA evaluated and approved one new site in the Guanín (Star equivalent) level. PR OSHA now has 14 VPP sites, all participating at the highest level – the Guanín. SHARP participation continued growing during fiscal year 2008. Five new establishments were added for a total of 19. A second two-year term was approved for four sites and two sites were approved for one-year terms.

Door to door initiative: The purpose of this initiative is to provide employers with a complete hazard assessment by a safety and health consultant without being cited or penalized. Because the initiative was well-received by the construction industry, PR OSHA extended it for two years. General contractors who participate agree to abate all identified hazards, receive three additional consultation visits per year, and post a banner in a conspicuous place at the project that says, "PR OSHA is Safety." Participants are deferred from programmed inspections for one year. There were 15 projects participating during fiscal year 2008.

Partnerships

Alliances: PR OSHA continues to work with federal OSHA and the American Industrial Hygiene Association. The alliance was renewed on May 8, 2007. One of the alliance's goals is to increase the number of certified safety and health professionals in Puerto Rico who can help employers and employees control workplace hazards. During fiscal year 2008, 200 individuals received information or were trained.

On Jan. 31, 2008, PR OSHA signed an alliance with the 3M Corporation. This alliance provides employers and employees in general industry and construction with information, guidance, and training. The emphasis is on preventing exposure to respiratory hazards and noise; hand, eye, face and head protection; confined space hazards; emergency response; and flu pandemic concerns. 3M and PR OSHA worked together providing training on personal protective equipment for welders, respiratory protection for students of the Colegio de Técnicos Automotriz, avian flu preparedness, and information for solder workers.

Signature project

The South Carolina General Assembly recently amended the statutes under which OSHA citations are reviewed in South Carolina and now a South Carolina Administrative Law Court judge conducts contested-case hearings. The procedure to request a hearing is in the Rules of Procedure for the South Carolina Administrative Law Court on the ALC Web site. Unless a penalty is contested, it must be paid even though all violations have been corrected. Decisions by a judge of the court may be appealed directly to the South Carolina Court of Appeals. The change was necessary because the contested caseload in South Carolina had fallen so low – fewer than 40 cases per year. South Carolina OSHA anticipates significant improvement in the timeliness of final determinations because of the change.

Enforcement

In fiscal year 2008, South Carolina OSHA conducted 1,608 inspections. Of those, 1,344 were safety-related and 264 were health-related. By type there were:

- 1,096 planned inspections
- 175 complaint-related inspections
- 89 unprogrammed inspections
- 67 follow-up inspections
- 62 accident and fatality Inspections
- 66 programmed inspections
- 53 referrals

South Carolina OSHA issued 3,280 violations. By type there were:

- 2,643 serious violations
- 631 other-than-serious violations
- 5 repeat violations
- 1 willful violation

Adjusted penalties were $697,983 and penalties collected during the fiscal year totaled $558,822.

3K Construction: On March 1, 2008, South Carolina OSHA conducted a fatality investigation at a jobsite where an employee fell 17 feet through an unprotected skylight. The employer returned to the jobsite to complete the roofing work on March 3, 2008. On the same day, another employee fell through a skylight and suffered serious injuries. South Carolina OSHA issued citations to 3K Construction for violations involving the fatality and the other fall-related injury. The investigation resulted in one willful and two serious violations. The willful violation was issued because the employer did not provide covers, guardrails, or other means of fall protection for employees working on a roof with unprotected skylights.

Hexavalent chromium: Ten health enforcement inspections were conducted involving hexavalent chromium; five inspections in the plating industry and five involving workers who were welding stainless steel in other industries. In the plating-industry inspections there were no detectable overexposures to hexavalent chromium; however, one company had employees exposed to hexavalent chromium above the action level. In the other inspections, two detected overexposures to hexavalent chromium. South Carolina OSHA is recording all exposure data and plans to use it to help identify which work-related tasks have the highest exposures to hexavalent chromium.

Outreach

Training: During the 2008 fiscal year, the South Carolina Office of Voluntary Programs (OVP) conducted 528 training classes for 13,855 employers and employees. OVP trainers also participated in workshops and outreach projects with other government agencies, including:

- The South Carolina Municipal Association
- The South Carolina Association of Counties
- The South Carolina Department of Labor, Licensing, and Regulation
- The South Carolina Timber Association
- The South Carolina Forestry Association

OVP staff participated on the Overhead Power Line Alliance, the South Carolina Hispanic Worker Safety Task Force, and the South Carolina Residential Home Builders Association Alliance. OVP staff also reached out to high schools; they visited three schools and taught more than 1,000 students about general workplace safety, blood-borne pathogens, and workplace violence.

OVP conducted four OSHA 10-hour General Industry courses and two OSHA 10-hour construction courses. Regional training sessions continue to be conducted quarterly throughout the state.

SHARP and VPP: Three SHARP sites were approved this fiscal year, bringing the total to six. Ply Gem Siding Group (formerly Alcoa Home Products) is the latest SHARP site to be certified. There were 14 Palmetto Star VPP three-year re-evaluations conducted and all sites received recommendations for continued participation in the program. Now there are 46 Palmetto Star sites.

Alliances

South Carolina OSHA continues an alliance with the Home Builders Association of South Carolina, which has helped reach residential builders and contractors. Training on OSHA standards is also required for HBA members.

Emphasis programs

Tennessee's emphasis programs address a variety of hazards:

- **Excavations and trenches:** All compliance officers are trained to identify cave-in hazards and are authorized to conduct inspections and interventions when they see such hazards. Tennessee has not had a fatal injury from a cave-in since 2005.
- **Noise:** In 2008, noise exposures were reduced for 399 employees. All compliance officers are trained to identify and evaluate employees' exposure to workplace noise.
- **Carbon monoxide:** Tennessee OSHA's special emphasis program on carbon monoxide exposure resulted in the reduction or elimination of Carbon monoxide exposure to 1,098 employees in 2008.
- **Fall protection:** The average number of fatalities from falls fell by 17.4 percent over the five-year period ending Sept. 30, 2008.
- **Amputations:** Tennessee OSHA's special emphasis program on amputations has resulted in a downward trend in these injuries – a decrease of 60 percent over the five-year period ending Sept. 30, 2008.
- **Needle sticks:** Though not a special emphasis program, Tennessee OSHA's initiative to decrease needle stick and medical sharps injuries in hospitals and ambulatory surgery centers reduced them 6 percent in hospitals and 10 percent in ambulatory surgery centers.

Enforcement

Inspections: Tennessee OSHA conducted 2,623 inspections during the 2008 calendar year, including 357 complaint inspections and 38 fatality investigations. There were 10,886 violations cited during the year, including 7,107 serious violations. The average penalty for a serious violation was $1,440. Fewer than 2 percent of the violations were vacated or reclassified.

Confined space: On July 28, 2008, in Moshiem, a small town in east Tennessee, an employee entered a sewage pump station through a manhole to repair a pump. He was overcome and unable to exit the manhole and a second employee attempted a rescue, resulting in a double fatality. A third employee at the scene, who did not participate in the rescue, notified emergency personnel. Although eligible to be in the Tennessee public sector program, this small city with nine employees chose not to participate so the compliance section performed the fatality investigation. This double fatality was clearly preventable and probably would not have occurred had the town participated in the public sector program. Tennessee OSHA issued citations for 49 serious violations and two non-serious violations with penalties totaling $42,200. The penalty was paid in full and the citations were abated.

Tennessee OSHA had 26 VPP participants and 14 SHARP participants in 2008

Outreach

VPP and SHARP: Tennessee OSHA continues to have active participation in its Voluntary Protection Program and Safety and Health Achievement Recognition Program. At the end of 2008, VPP had 26 participants and SHARP had 14 participants.

Training: During 2008, Tennessee OSHA trained more than 12,500 employees and employers on a wide range of safety and health topics. Most of this training was done in partnership with the Tennessee Chamber of Commerce and Industry, and the University of Tennessee.

Emphasis programs

Vermont enforces several local emphasis programs, including trenching, falls, residential construction, and powered industrial trucks. Compliance officers must conduct an inspection whenever they encounter a trench or a site that has workers exposed to fall hazards. Compliance officers are also required to evaluate construction work zones when they encounter them.

Project WorkSAFE: The Vermont Legislature passed legislation requiring VOSHA and Project WorkSAFE to work with the forestry and forest products industries to develop safety and health awareness programs that comply with standards and best practices.

Workers' compensation: Vermont employers saw a 13 percent workers' compensation premium decrease in 2009, which follows a 4 percent decrease in 2008.

Outreach

VOSHA conducted a webinar for the Vermont Chamber of Commerce that used the $afety Pays expert advisor to show employers the benefits of an aggressive Safety and Health Program. Participants were shown how to use the information on the VOSHA and OSHA Web sites. Future webinars will be targeted to specific industry groups.

Partnerships

Traffic safety: In a partnership with the Governor's Highway Safety Program, the Department of Labor added traffic safety to the workplace safety strategic plan. The goal is to educate employers about the economic benefits of avoiding traffic crashes and help employers reduce their business costs. Project RoadSAFE distributes bi-monthly electronic newsletters to employers. The program emphasizes defensive driving, mandatory seat belt use, and avoiding distractions such as cell phones and pagers.

Project WorkSAFE: VOSHA and Project WorkSAFE worked with the Vermont Apprenticeship division to provide the 10-hour course for construction apprentices and trained the Vermont Youth Conservation Corps, which helps the state operate and maintain the state parks. VOSHA and Project WorkSAFE also have an alliance with two high school vocational technical centers, providing industry-specific training for the students based on their area of interest.

VPP: During 2008, VOSHA conducted two GMVPP re-evaluations and approved IBM as a Star site. The staff worked closely with District 7 of the Vermont Agency of Transportation to finalize their GMVPP application. The evaluation took place in January 2009, and the district was approved as a Star site. Vermont has seven VPP Star sites including Entergy/Vermont Yankee Nuclear Power, Energizer, General Electric Aviation, IBM, Ben and Jerry's, United Water, and the Vermont Agency of Transportation. VOSHA also held a GMVPP conference to assist employers interested in VPP and to introduce them to current VPP companies. VOSHA has a VPP Challenge program with one participant now.

IBM achieves Star status. From left to right: Patricia Moulton Powden, commissioner, Vermont Dept. of Labor; John Ditoro, IBM senior location executive; Jim Douglas, governor; and George Walker, VOSHA team leader.

State police alliance: Vermont has an alliance with the state police that initially covered work zone safety and high-visibility garments. Since then, the state police has developed a respiratory protection program for its arson investigators who have been medically evaluated and fit tested, and have also been trained in confined space safety and fall protection.

Signature projects

The Virginia Safety and Health Codes Board and the Virginia State Plan developed several unique regulations:

- 16 VAC 25-97, *Reverse Signal Operation Safety Requirements for Vehicles, Machinery, and Equipment for General Industry and the Construction Industry*. This new regulation will protect employees in work areas exposed to vehicles, machinery, and equipment traffic. It requires that covered vehicles, machinery, and equipment cannot be operated in reverse unless the vehicle has a reverse signal alarm and a designated observer signals that it is safe – or the driver sees that no one is in the vehicle's path.

- 16 VAC 25-95, *Medical Services and First Aid Standards for General Industry*, and 16 VAC 25-177, *Medical Services and First Aid Standards for the Construction Industry*. These new regulations require employers whose employees may be exposed to workplace hazards to have at each job site and for each shift at least one employee trained in first aid and CPR. The regulations exclude work sites that have no serious occupational hazards and will clarify the requirements for mobile crews and individuals, and permanently assigned employees.

- 16 VAC 25-73, *Tree Trimming Operations*. This proposed regulation, based on the American National Standard's Institute (ANSI) Z133.1-2006, *Safety Requirements for Arboricultural Operations for Application to Tree Trimming Operations*, addresses non-logging, tree-trimming, and cutting operations on residential and commercial work sites.

Lapse times: VOSH reduced the average lapse time between opening an inspection and disposition or issuance of a citation. In July 2008, the State Activity Mandated Measures (SAMM) report indicated that the agency was above the national goal in lapse time – the average number of calendar days between the opening of an inspection and the date that citations are issued. The national goal was 45.6 days for safety Inspections and 59.9 days for health Inspections. Virginia's numbers for the April-June 2008 quarter were 70.5 days in safety and 57.6 days in health. Program managers immediately took steps to track this performance measure on a weekly basis to improve efficiency. The most recent SAMM report shows that the lapse time is 37.3 days in safety (national goal is 45.5) and 44.7 days in health (national goal is 58.7).

Emphasis programs

Virginia expanded its local emphasis program on tree falling and tree delimbing from the Tidewater and Central regions to all regions in Virginia because of the increasing number of fatalities. Since 2005, there have been 26 fatalities involving tree trimmers or loggers. Virginia's other local emphasis programs cover spray-on truck bed linings, fall hazards in construction, scaffolding, heavy construction equipment, overhead high-voltage lines, lumber and wood products, and waste water and water treatment facilities. The results for the year from Virginia's local emphasis programs are:

- Inspections: 3,468
- Serious violations: 4,138
- Willful violations: 39
- Repeat violations: 158
- Other violations: 1,745

Virginia also participates in excavations, amputations, asbestos, lead, crystalline silica, and combustible dust national emphasis programs.

Enforcement

The primary goal of VOSH's Safety and Health Enforcement Divisions is to increase the presence of our compliance officers through increased inspections and to target industries that present the greatest risk to employees. Though recent budgetary constraints have affected hiring and retention of compliance officers in 2008, the Virginia State Plan over the past seven years has:

- Increased the number of enforcement inspections by 30 percent
- Increased the number of violation instances identified and cited by 40 percent
- Decreased the contest rate of inspections by 180 percent

VOSH also leverages inspection resources with specialized settlement agreements involving fatalities, willful violations, or employers who have poor safety and health records. The settlement agreements require employers to:

- Develop comprehensive safety and health programs
- Provide VOSH with monthly lists of active construction sites for inspection scheduling
- Hire a full-time safety and health professional to run the company's safety and health program
- Implement training programs for employees and supervisors
- Require the company CEO or other high-ranking managers to visit job sites to assure safe and healthful work practices
- Require the company CEO or other high-ranking managers to attend safety and health training courses
- Develop a disciplinary system that documents safety and health violations and a progressive disciplinary policy culminating in the possible dismissal of employees who do not follow safe practices

To give employers an incentive to focus on safety and health concerns after a case is settled, VOSH will excuse part of the penalty if no violations cited in the original inspection occur within a set number of years and if the employer requests consultation services.

Outreach

Conferences: The 13th annual Virginia Safety and Health Conference was held June 3-6, 2008, at the Renaissance Portsmouth Hotel and Waterfront Conference Center in Portsmouth. The theme of the conference was "Building Management Commitment and Employee Involvement" and 333 people attended. Sessions included how to prepare for court testimony, crane awareness for non-crane workers, OSHA's process safety management requirements, and fatality prevention. Equipment and related products were displayed and demonstrated at more than 45 vendor exhibits. Sessions also offered opportunities to learn about the VPP Program, Workers' Compensation and OSHA recordkeeping, what to expect during a VOSH inspection, working teens and hazardous occupations, and lead hazards in construction renovation.

Consultation services: Consultation Services offers consultations to employers and gives priority to those in high-hazard industries with 250 or fewer employees. In 2008, eight Department of Labor and Industry consultants provided on-site safety and health services to 610 private sector employers. In the public sector program, 12 employers received on-site services. The consultants conducted 96 promotional visits, nine follow-up visits, and 27 program assists. They identified 2,397 hazards – including 1,944 serious hazards and 453 other-than-serious hazards – and abated 2,186 serious hazards.

Consultation Services held 71 formal and 601 informal safety and health training sessions in 2008. Thirty-eight topics were presented in the formal training sessions which reached 838 employers and 2,964 employees.

SHARP and VPP: There are 52 employers in the Virginia SHARP program, which provides incentives and support to small, high-hazard employers to improve their safety and health programs. To participate, a company must be in business one year and have Days Away Restricted/Transferred (DART) and Total Recordable Case (TRC) rates below those of the latest BLS-published national averages for their industry.

VOSH's Voluntary Protection Program saw continued growth and an increased level of involvement in the number of Star worksites in 2008. Five new sites achieved Star status during the year and there are now 40 active sites. Seven sites were recertified Star status during 2008. In the spirit of VPP, at least half of the Star sites are involved in mentoring new sites.

Flag ceremony at Georgia-Pacific VPP site.

Wyeth Pharmaceuticals, VPP site.

Partnerships

The Department of Labor and Industry's first alliance is with the Virginia State Association of Occupational Health Nurses (VSAOHN). Its purpose is to promote safe work practices in businesses covering emergency management, ergonomics, health and wellness, health care worker safety, and respiratory protection. VSAOHN has also supported planning the annual Occupational Safety and Health Conference.

Signature project

Brightwater tunnel project: DOSH is continuing to work with contractors and King County Metro on the Brightwater Conveyance Project, a wastewater treatment project. The project consists of a 14-mile long underground tunnel with four shafts from a new wastewater treatment plant in Woodinville, which will carry treated wastewater into Puget Sound. Each shaft has a state-of-the-art tunnel-boring machine to complete the underground work. As of May 2009, contractors completed one section of the tunnel. The Brightwater Project began in 2006 and is scheduled to be completed in 2010.

Hospitalization initiative: In April 2008, the Department of Labor and Industries adopted a rule that requires employers to report the in-patient hospitalization of any employee within eight hours of the time they learn about an accident. The department gave employers a grace period and did not begin citing them until April 2009. Workplace inspections after such accidents often identify serious hazards and provide an opportunity to inform and educate employers who have never had any contact with DOSH.

Enforcement

Discrimination investigations: Washington's Discrimination Investigations Program continues its performance with exemplary timeliness, merit, and settled case rates. In fiscal year 2008, DOSH investigated 164 complaints and all were completed within the 90-day statutory time limit.

WISHA Information Network: The third and final implementation phase of the WISHA Information Network (WIN) occurred in June 2007. This phase improved abatement-tracking features and provided supervisors with the ability to delegate their approval authority. Washington now issues citations directly from data entered into the WIN system. During 2008, enforcement citation and notice documents were reformatted and streamlined, cutting the average number of pages per citation in half. The effort made the final citation documents available online in read-only format to WIN users, which eliminated the need to manually make copies of the citations for the regional offices. Another system release added the ability for regional staff to upload scanned, read-only images of the full case file document. This eliminated file requests and copying cases for appeal hearings. Additional system releases added new features for the Consultation, Enforcement, Appeals, and Quality Assurance modules.

Petroleum refineries: Tesoro Refining and Marketing Co., was cited at its Anacortes refinery for violations after a focused inspection. Tesoro is the third of Washington's four large refineries to have a comprehensive inspection as part of a federal national emphasis program to inspect all petroleum refineries in the U.S. Washington State Department of Labor and Industries cited Tesoro for 17 serious safety and health violations, which carry penalties totaling $85,700. The Shell Oil Company's Equilon refinery in Anacortes was cited for 23 serious safety and health violations with proposed penalties totaling $109,600 after a focused inspection at the facility.

Atlas Castings & Technology: In March 2008, DOSH fined Atlas Castings and Technology $19,200 after an investigation of a 2007 liquefied-petroleum (LP) gas explosion that killed a delivery truck driver. The investigation found that Atlas workers had repaired the foundry's damaged LP-gas fill hose with fasteners that were not designed to withstand pressurized LP gas. The delivery driver took the improperly repaired fill hose and began to unload the LP gas. Within seconds, the hose detached from its connection to the truck's tank and LP gas flowed out of the open valve. In less than a minute the gas ignited and engulfed the truck – eight minutes later the truck exploded, causing a second larger explosion. Atlas was cited for:

- Not properly training employees on the repair and maintenance of pressurized LP-gas systems
- Using hose connections that were not rated for LP-gas service and would not withstand the pressure
- Not testing the repaired hose after assembly to ensure it was free from leaks under normal use
- Not having a shutoff valve with means of remote control to protect against uncontrolled discharge of LP gas from piping close to the point where the piping and hose connected

Formaldehyde: DOSH cited Legacy Salmon Creek Hospital in Vancouver for numerous violations of hygiene standards for failing to protect workers from hazardous exposures to formaldehyde. Penalties for the violations totaled $255,800.

Cranes: DOSH is getting closer to having a fully established crane safety program for the construction industry. On Jan. 1, 2010, all cranes that have a capacity more than 2,000 pounds must be certified and operated by certified crane operators. After a tower crane accident in Bellevue in 2006, the Legislature directed the Department of Labor and Industries to develop the program by January 2010. Since the 2006 accident, Washington has adopted new rules covering the certification of cranes, operator qualifications, and crane certifier requirements.

DOSH wil have a fully established crane safety program for the construction industry on Jan. 1, 2010.

DOSH is also writing new crane rules that will outline the requirements for crane inspection, maintenance, and operation, and personnel lifting. These new rules should be adopted in March 2010. For more information on cranes and the new rules, see Construction Crane Safety on the DOSH Web site.

Heat-related illness: On July 5, 2008, Washington's permanent Outdoor Heat Exposure (OHE) rule became effective. The OHE standard is effective each year from May 1 through Sept. 30 when employees' work environments exceed set temperature action levels that are adjusted for different levels of personal protective equipment. At worksites where the rules apply, employees must have sufficient water (up to a quart per hour per employee), be trained on the signs and symptoms of heat-related illness, and have a place to get out of the heat when they show symptoms of heat-related illness.

Outreach

Construction Safety Days: Because of the increase of construction accidents in 2007, business and labor collaborated to organize the first annual Construction Safety Day, May 14, 2008, in Puyallup. The conference included more than 25 exhibits, a variety of demonstrations, a crane simulator, and new state of the art equipment. About 400 people attended.

Governor's Conference: Washington's 58th annual Governor's Industrial Safety and Health Conference will be held Oct. 7-8, 2009, at the Tacoma Convention Center. 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.

The Governor's Lifesaving Awards – for employees who have personally performed an urgent "hands-on" lifesaving effort – are also presented at the conference. Last year, 43 people received a lifesaving award or a humanitarian award.

Multilingual: In the last Grassroots edition, DOSH reported hiring and training a bilingual Spanish-speaking investigator to address all 11(c) complaints from migrant agricultural workers. The bilingual position continues to make a tremendous impact on cases involving 11(c) investigations and has continually enhanced the number of investigations completed and merit and settlement rates. In 2008, the position was responsible for three reinstatements and approximately $40,000 in settlements returned to complainants; it appears that the figures for 2009 will be equally significant.

Job safety calendars: Washington developed a 2009 Job Safety Calendar for Construction and Agriculture, which features monthly themes, safety tips, a focus on new regulations, and emphasizes workplace safety as a daily priority.

Education: The DOSH Employer Education Workshop Program provides safety- and health-related educational workshops at no cost to employers throughout the state. During 2008, the Employer Education Workshop Program held 130 workshops with an average attendance of eight people per workshop.

Safety and Health Investment Projects: The Safety and Health Investment Projects (SHIP) grant program was created in 2007 when the Washington State Legislature included a proviso in the Washington State Department of Labor and Industries 2007-2009 biennial budget authorizing $8 million to fund safety and health projects. Projects must address accident prevention and benefit businesses and workers covered by the state's workers' compensation medical aid fund. SHIP has funded 27 projects ranging in size from $3,291 to $359,172. The full list of current grants is on the SHIP Web page.

Worker Memorial Day: Every year Washington's Department of Labor and Industries takes the time to remember individual workers who died on the job during the past year. On April 28, 2009, the department held its 16th annual Workers Memorial Day, honoring the memories of 81 workers who died in 2008. The ceremony was held at the department's central office in Tumwater. After the ceremony, family members were invited to ring a bronze memorial bell specifically sculpted in memory of their loved ones.

Washington Department of Labor and Industries held its 16th annual Workers Memoral Day on April 28, 2009.

Accident Prevention Program: DOSH requires every employer to develop a written Accident Prevention Program (APP) addressing the hazards of their business. The plan must include a safety and health committee, a hazard identification system, and employee training about safe work practices. Washington is continuing to develop videos, workshops, and online sample programs to assist employers and workers to establish accident prevention programs. Washington's APP Web page includes general industry and industry-specific sample programs.

Agriculture: In February 2009, Washington held its fifth annual Agriculture Safety Day, which drew hundreds of agricultural workers, employers, supervisors, and safety and health professionals to Yakima for a full day of safety and health training. The event featured sessions on pesticide safety, fatality prevention, cross-cultural communication, food safety and site security, the worker protection standard, accident investigation, and drug-free workplaces. Experts from Washington's Department of Labor and Industries, Department of Agriculture, Washington State Farm Bureau, Washington State University, and Evergreen Safety Council presented the information. All sessions were offered in English and Spanish.

Eastern Washington orchard workers decontaminateing a tractor.

Partnerships

VPP: VPP now has 25 STAR sites and one Merit site – 22 fixed sites, two residential construction sites, and one demonstration project. Two sites have been evaluated for preapproval for STAR status. Two other applications are in review and seven more sites are working toward submitting their applications.

DOSH has 25 STAR sites in its VPP program.

OSHSPA – Directory

Alaska | Alaska Department of Labor and Workforce Development
P.O. Box 111149
1111 W. 8th Street, Room 304
Juneau, AK 99811-1149
Clark Bishop, Commissioner,
907-465-2700 Fax: 907-465-2784
Grey Mitchell, Director,
907-465-4855 Fax: 907-465-6012

Arizona | Industrial Commission of Arizona
800 W. Washington
Phoenix, AZ 85007-2922
Laura L. McGrory, Director, ICA,
602-542-4411 Fax: 602-542-7889
Darin Perkins, Program Director,
602-542-5795 Fax: 602-542-1614

California | California Department of Industrial Relations
455 Golden Gate Avenue, 10th Floor
San Francisco, CA 94102
John Duncan, Director,
415-703-5050 Fax: 415-703-5059
Len Welsh, Chief, Cal/OSHA,
510-286-7000 Fax: 510-286-7037
Vicky Heza, Deputy Chief, Cal/OSHA,
714-558-4411 Fax: 714-558-4431

Connecticut | Connecticut Department of Labor
200 Folly Brook Boulevard
Wethersfield, CT 06109
Patricia H. Mayfield, Commissioner,
860-263-6505 Fax: 860-263-6529
Conn-OSHA
38 Wolcott Hill Road
Wethersfield, CT 06109
Kenneth Tucker, Program Manager,
860-263-6900 Fax: 860-263-6940

Hawaii | Hawaii Department of Labor and Industrial Relations
830 Punchbowl Street
Honolulu, HI 96813
Darwin Ching, Director,
808-586-8842 Fax: 808-586-9099

Indiana | Indiana Department of Labor
State Office Building
402 West Washington Street, Room W195
Indianapolis, IN 46204-2751
Lori A. Torres, Commissioner,
317-232-2378 Fax: 31-233-3790
Jeffry S. Carter, Deputy Commissioner, IOSHA
317-233-3605 Fax: 317-233-3790

Iowa | Iowa Division of Labor Services
1000 E. Grand Avenue
Des Moines, IA 50319-0209
Dave Neil, Commissioner, 515-281-8067 Fax: 515-281-4698
Stephen Slater, Deputy Labor Commissioner/IOSH
Administrator, 515-281-3469 Fax: 515-281-7995

Kentucky | Kentucky Department of Labor
1047 U.S. Highway 127 South, Suite 4
Frankfort, KY 40601
J. R. Gray, Commissioner, 502-564-3070, Fax: 502-564-5387
Michael L. Dixon, Executive Director, Office of Occupational
Safety & Health, 502-564-3070 ext. 294 Fax: 502-564-2248

Maryland | Maryland Division of Labor and Industry
Department of Labor, Licensing and Regulation
1100 North Eutaw Street, Room 613
Baltimore, MD 21201-2206
Ron DeJuliis, Commissioner,
410-767-2241 Fax: 410-767-2986
Roger Campbell, Assistant Commissioner, MOSH
410-767-2190

Michigan | Michigan Department of Labor and Economic Growth

Keith Cooley, Director
517 373-7230 Fax: 517-373-2129
Michigan Occupational Safety and Health Administration
P.O. Box 30643
Lansing, MI 48909-8143
Douglas Kalinowski, Director,
517-322-1817 Fax: 517-322-1775
Martha Yoder, Deputy Director,
517-322-1817 Fax: 517-322-1775

Minnesota | Minnesota Department of Labor and Industry

443 Lafayette Road
St. Paul, MN 55155
Steve Sviggum, Commissioner,
651-284-5010 Fax: 651-284-5721
Thomas Joachim, Assistant Commissioner,
651 284-5018 Fax: 651-284-5720
Jeff Isakson, Administrative Director,
OSHA Management Team,
651-284-5310 Fax: 651-284-5741

Nevada | Nevada Division of Industrial Relations

400 West King Street, Suite 400
Carson City, NV 89703
Donald Jayne, Administrator,
775-684-7260 Fax: 775-687-6305
Occupational Safety and Health Administration
1301 N. Green Valley Parkway, Suite 200
Henderson, NV 89074
Jan Rosenberg, Acting Chief Administrative Officer,
702-486-9044 Fax: 702-990-0358

New Jersey | New Jersey Department of Labor and Workforce Development

Office of Public Employees' Occupational Safety & Health
PEOSH
1 John Fitch Plaza
P.O. Box 386
Trenton, NJ 08625-0386
David J. Socolow, Commissioner,
609-292-2975 Fax: 609-633-9271
Leonard Katz, Assistant Commissioner,
609-292-2313 Fax: 609-695-1314
Howard Black, Director, PSOSH,
609-292-0501 Fax: 609-292-3749
Gary Ludwig, Director, Occupational Health Service,
New Jersey Department of Health and Senior Services,
609-984-1843 Fax: 609-984-0849

New Mexico | New Mexico Environment Department

525 Camino de los Marquez, Suite 3
P.O. Box 26110
Santa Fe, NM 87502
Ron Curry, Secretary,
505-827-2855 Fax: 505-827-2836
Butch Tongate, Bureau Chief,
505-476-8700 Fax: 505-476-8734

New York | New York Department of Labor

New York Public Employee Safety and Health Bureau PESH
State Office Campus Building 12, Room 158
Albany, NY 12240
M. Patricia Smith, Commissioner,
518-457-2741 Fax: 518-457-6908
Maureen Cox, Director, Division of Safety and Health,
518-457-3518 Fax: 518-457-1519
David Rupert, Assistant Director,
Division of Safety and Health,
518-457-1263 Fax: 518-457-5545
Norman Labbe, Public Employee Safety and Health
Program Manager,
518-457-1263 Fax: 518-457-5545

North Carolina | North Carolina Department of Labor

1101 Mail Service Center
Raleigh, NC 27699-1101
Cherie Berry, Commissioner
919-733-0359 Fax: 919-733-6197
Allen McNeely, Deputy Commissioner, OSH Director
919-807-2861 Fax: 919-807-2855
Kevin Beauregard, Assistant Deputy Commissioner,
919-807-2863 Fax: 919-807-2856

Oregon | Oregon OSHA

Department of Consumer and Business Services
350 Winter Street, NE, Room 430
P.O. Box 14480
Salem, OR 97309-0405
Michael Wood, Administrator,
503-378-3272 Fax: 503-947-7461
Joan Fraser, Deputy Administrator,
503-378-3272 Fax: 503-947-7461
David Sparks, Liaison for Federal
and External Communications,
503-378-3272 Fax: 503-947-7461

Puerto Rico | Puerto Rico Department of Labor

Prudencio Rivera Martínez Building. 20 Floor
505 Muñoz Rivera Avenue
Hato Rey, PR 00918
Miguel Romero, Secretary
787-754-2119 Fax: 787-753-9550
Gladys Cruz-Mercado, Assistant Secretary
for Occupational Safety and Health,
787-754-2172 ext. 234 Fax: 787-754-2171

South Carolina | South Carolina Department of Labor, Licensing, and Regulation

Synergy Business Park, Kingstree Building
110 Centerview Drive
P.O. Box 11329
Columbia, SC 29211
Adrienne R. Youmans, Director
803-896-4300 Fax: 803-896-4393
Dottie Ison, Administrator
803-896-7686 Fax: 803-896-7670
Office of Voluntary Programs
803-896-7787 Fax: 803-896-7750

Tennessee | Tennessee Department of Labor and Workforce Development

220 French Landing Drive
Nashville, TN 37243
James G. Neeley, Commissioner
615-741-2582 Fax: 615-741-5078
John Winkler, Program Director
615-741-2793 Fax: 615-741-3325

Utah | Utah Labor Commission

160 East 300 South, 3rd Floor
P.O. Box 146650
Salt Lake City, UT 84114-6650
Sherrie M. Hayashi, Commissioner
801-530-6848 Fax: 801-530-6390
Louis Silva, UOSH Administrator
801-530-6901 Fax: 801-530-7606

Vermont | Vermont Department of Labor

5 Green Mountain Drive
P.O. Box 488
Montpelier, VT 05601-0488
Patricia Moulton Powden, Commissioner
802-828-4301 Fax: 802-888-4022
Robert McLeod, Vermont OSHA
Compliance Program Manager
802-828-2765 Fax: 802-828-0408

Virgin Islands | Virgin Islands Department of Labor

3012 Golden Rock
Christiansted, St. Croix, VI 00840
Albert Bryant, Commissioner,
340-773-1994 Fax: 340-773-1858
Glen Smith, Assistant Commissioner,
340-776-3700 Fax: 340-774-5908

Virginia | Virginia Department of Labor and Industry

Powers-Taylor Building
13 South 13th Street
Richmond, VA 23219-4101
C. Raymond Davenport, Commissioner,
804-786-2377 Fax: 804-371-6524
William Burge, Assistant Commissioner,
804-371-2327 Fax: 804-371-6524
Glenn Cox, Director, Safety Compliance, VOSHA
804 786-2391 Fax: 804-371-6524
Jay Withrow, Director, Office of Legal Support
804-371-2327 Fax: 804-371-6524

Washington | Washington Department of Labor and Industries

General Administration Building
PO Box 44001
Olympia, Washington 98504-4001
7273 Linderson Way SW
Tumwater, WA 98501-5414
Judy Schurke, Director, Division of
Occupational Safety and Health,
360-902-4200 Fax: 360-902-4202
Steve Cant, Assistant Director,
360-902-5495 Fax: 360-902-5619

Wyoming | Wyoming Department of Employment

Workers' Safety and Compensation Division
1510 East Pershing Boulevard | West Wing
Cheyenne, WY 82002
Steve Czoschke, Administrator,
307-777-5110 Fax: 307-777-5524
J.D. Danni, OSHA Program Manager,
307-777-7786 Fax: 307-777-3646

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2000 E. McFadden Avenue, Room 214
Santa Ana, CA 92705
714-558-4411 Fax: 714-558-4431

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North Carolina Department of Labor,
Occupational Safety and Health Division
1101 Mail Service Center
Raleigh, NC 27699-1101
919-807-2863, Fax: 919-807-2856

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Division of Safety and Health DOSH,
New York Department of Labor
W. Averell Harriman State Office Building - 12, Room 500
Albany, NY 12240
518-457-3518 Fax: 518-457-1519

Director | Douglas Kalinowski, Director
Michigan Occupational Safety & Health Administration,
Michigan Department of Labor and Economic Growth
7150 Harris Drive, P.O. Box 30643
Lansing MI 48909
517-322-1817 Fax: 517-322-1775

Director | Dottie Ison, Administrator
Office of OSHA Compliance,
South Carolina Department of Labor,
Licensing and Regulation
Koger Office Park, Kingstree Building 1
10 Centerview Drive, P.O. Box 11329
Columbia, SC 29210
803-896-7686 Fax: 803-896-7670

Director | Butch Tongate, Bureau Chief
Occupational Health and Safety Bureau, New Mexico
Environment Department
525 Camino de los Marquez, Suite 3
Santa Fe, NM 87505
505-476-8700 Fax: 505-476-8734

Past Chair | Steve Cant, Assistant Director
Division of Occupational Safety and Health,
Washington Department of Labor and Industries
P.O. Box 44600
Olympia, WA 98504-4600
360-902-5495 Fax: 360-902-5619

Credits

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Questions or comments about Grassroots 2009?
Contact Ellis Brasch at ellis.k.brasch@state.or.us.

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