

**Oregon Occupational Safety and Health Division  
Department of Consumer and Business Services**

**FY 2012 State OSHA Annual Report**

**October 1, 2011 - September 30, 2012**

**December 21, 2012**



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## **I. Summary of Results Related to Annual Performance Plan**

**Strategic Goals #(1, 2, 3)**  
**Self-Sufficiency, Outreach, Partnerships**

Strategic Goal 1: Reduce serious workplace injuries and the risks that lead to them.

Strategic Goal 2: Reduce serious workplace illnesses and the risks that lead to them.

Strategic Goal 3: Reduce workplace deaths and the risks that lead to them.

**Performance Goal (1, 2, 3)-1: Recognition Programs**

Increase the number of new SHARP and VPP participants by 4 and the number of new VPP participants by 2 and continue to promote employer self-sufficiency through consultations and by encouraging employers to attain VPP and SHARP status.

**FY 2012 Performance Goal (1, 2, 3)-1**

Oregon OSHA will promote SHARP and VPP through consultation, enforcement, technical services, and education.

Performance Indicator Type	Indicator	Results	Comments
<b>Activity Measure</b>	1. Market VPP & SHARP through a variety of methods, including but not limited to working with the SHARP Alliance, news releases, and articles in the Oregon OSHA Resource newsletter.	<p>Marketing during the 2012 federal fiscal year included:</p> <ul style="list-style-type: none"> <li>- Information on both programs was maintained on the Oregon OSHA website during the year.</li> <li>- SHARP and VPP companies continue to be featured in Oregon OSHA’s Resource newsletter.</li> <li>- Both programs were promoted at the quarterly meetings of the SHARP Alliance.</li> <li>- The Oregon SHARP Alliance hosted Networking Receptions at five conferences, (Southern OR, Cascade, Region X VPP, Blue Mt., and Central OR).</li> </ul> <p>During FFY12, VPP and SHARP were marketed in multiple copies of the Resource Newsletter. Oregon OSHA and the Oregon SHARP Alliance helped market both programs during 5 Occupational Safety and Health conferences in Oregon. The SHARP Alliance teamed up with Oregon VPP companies to provide networking and mentoring opportunities at conferences and at their 4 meetings during the year.</p>	
<b>Intermediate Outcomes</b>	2. Number of companies working toward SHARP recognition.	There were 58 companies working toward SHARP recognition as of September 30, 2012.	
	3. Number of companies indicating an interest in VPP by requesting program information.	The VPP/SHARP Program Manager met with representatives from 8 different companies during the 2012 federal fiscal year requesting VPP information.	

<b>Primary Outcomes</b>	4. Number of employers who receive SHARP certification.	At the end of FY 2012, a total of 160 companies were SHARP certified. This total includes 62 current employers and 94 graduates. Four new sites received <i>initial</i> SHARP certification during FY 2012. Oregon OSHA had nine companies become inactive in the SHARP process during FY2012.	Previously reported year-end totals (current and graduated SHARP companies): FY 2012: 160 FY 2011: 169
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	<p>5. Number of employers who receive VPP certification.</p>	<p>At the end of FY 2012 (10/1/11 – 9/30/2012) a total of 26 Oregon companies were VPP certified. During the FFY, no new VPP sites were added. During the FFY, Oregon OSHA recertified 12 existing VPP sites:</p> <ul style="list-style-type: none"> <li>-1 Timber Products - Spectrum Division, White City Star-Recertified on 9/25/2012</li> <li>-2 Georgia-Pacific - Toledo Operations, Toledo - Star-Recertified on 7/30/2012</li> <li>-3 Owens Corning - Linton Asphalt Plant, Portland - Star-Recertified on 7/12/2012</li> <li>-4 Weyerhaeuser - Coos Bay Timberlands, Coos Bay - Star-Recertified on 5/24/2012</li> <li>-5 Linde North America - Medford Electronic Materials, White City - Star-Recertified on 4/23/2012</li> <li>-6 Sherwin-Williams - Purdy Portland, Portland - Star-Recertified on 1/10/2012</li> <li>-7 Covanta Marion, Brooks - Star-Recertified on 12/7/2011</li> <li>-8 GP Consumer Products, NWSC, Front Avenue, Portland - Star-Recertified on 12/6/2011</li> <li>-9 GP Consumer Products, NWSC, Kelly Point, Portland - Star-Recertified on 12/6/2011</li> <li>-10 GP Consumer Products, NWSC, Rivergate, Portland - Star-Recertified on 12/6/2011</li> <li>-11 AmeriTies West - Tie Plant, The Dalles - Star-Recertified on 11/18/2011</li> <li>-12 US Gypsum - Rainier Plant, Rainier - Star-Recertified on 11/2/2011</li> </ul> <p><b>2 sites left the VPP program:</b></p> <ul style="list-style-type: none"> <li>Owens Corning - Portland Roofing Plant, Portland - Application Withdrawal, SEP 19, 2012</li> <li>Kiewit - Bilfinger Berger AJV, East Side CSO Tunnel Project, Portland - Job Completed, 3/01/12.</li> </ul>	<p>As of September 30, 2012, Oregon had the following 26 VPP sites: (there were 28 sites in FY11)</p> <ul style="list-style-type: none"> <li>-1 AmeriTies West, LLC</li> <li>-2 Georgia-Pacific West, Inc., Toledo</li> <li>-3 Georgia-Pacific West, Inc., Philomath</li> <li>-4 Timber Products</li> <li>-5 Marvin Wood Products</li> <li>-6 Linde, Inc.</li> <li>-7 US Gypsum Rainier</li> <li>-8 Stanley Works/Hydraulic Tools</li> <li>-9 Utility Vault/Oldcastle Precast</li> <li>-10 Weyerhaeuser TOPS</li> <li>-11 Weyerhaeuser Coos Bay Timberlands</li> <li>-12 Life Technologies (Invitrogen)</li> <li>-13 ConocoPhillips, Portland Lubricants Plant</li> <li>-14 Boise Packaging &amp; Newsprint</li> <li>-15 Sherwin-Williams Purdy</li> <li>-16 Georgia-Pacific Consumer Products LLC NWSC Front Ave.</li> <li>-17 Georgia-Pacific Consumer Products LLC NWSC Kelly Point.</li> <li>-18 Georgia-Pacific Consumer Products LLC NWSC Rivergate</li> <li>-19 Covanta Marion, Inc.</li> <li>-20 Roseburg Forest Products, Coquille</li> <li>-21 ConocoPhillips Pipeline Co</li> <li>-22-Roseburg Forest Products Dillard</li> <li>-23 Klamath Energy (Iberdrola Renewables)</li> <li>-24 Coca-Cola Portland Syrup Plant</li> <li>-25 BluLinx Portland Distribution Center</li> <li>-26 PGE Coyote Springs</li> </ul>
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**Performance Goal (1, 2, 3)-2: Outreach**

Educate employers and employees regarding the value of occupational safety and health by providing workshops, conferences, and other offerings for small businesses.

**FY 2012 Performance Goal (1, 2, 3)-2**

Continue outreach efforts to small employers and vulnerable or hard-to-reach populations by increasing publications, workshops and conferences to those employers and employees.

<b>Performance Indicator Type</b>	<b>Indicator</b>	<b>Results</b>	<b>Comments</b>
<b>Activity Measures: Training Media</b>	<b>Videos:</b> 1. Number of new non-English videos acquired.	Our current video collection contains 136 titles in languages other than English. In FY 2012 we added 3 new non-English videos to our collection.	
	2. Number of non-English videos checked out.	676 non-English videos were checked out in FY 2012.	

	<p><b>Publications:</b></p> <p>3. Number of new or substantially revised <i>publications</i> developed that are targeted to small employers and vulnerable or hard-to-reach worker populations.</p>	<p>9 new or substantially revised <i>publications</i> were developed that targeted small employers and vulnerable or hard-to-reach worker populations.</p>	<p><b>The substantially revised publications that were developed in FY12 are:</b></p> <ul style="list-style-type: none"> <li>• PPE Hazard Assessment quick guide</li> <li>• Safety orientation for seasonal workers in agriculture</li> <li>• AV Catalog</li> <li>• Sample Written Safety and Health Program-Forest Activities</li> <li>• Cranes and Derricks in Construction</li> <li>• Machines used in Forest Activities (a collaborative effort between the Associated Oregon Loggers and Oregon OSHA)</li> <li>• Quick facts for employees about diisocyanates <a href="http://www.cbs.state.or.us/external/osha/pdf/pubs/3422.pdf">http://www.cbs.state.or.us/external/osha/pdf/pubs/3422.pdf</a></li> <li>• Quick facts for employees about hydrofluoric acid <a href="http://www.cbs.state.or.us/external/oha/pdf/pubs/3658.pdf">http://www.cbs.state.or.us/external/oha/pdf/pubs/3658.pdf</a></li> <li>• Quick facts for employees about methylene chloride</li> </ul>
	<p>4. Review current publications for possible translation to other languages, considering cultural barriers to communication that may necessitate an alternative approach.</p>	<p>In FY 2012, 8 publications were reviewed for possible translation to another language. Four publications were translated.</p>	<p>In FY 2012, 8 publications were reviewed for possible translation to another language. 4 publications were translated into Spanish.</p> <ul style="list-style-type: none"> <li>• Quick facts for employees about diisocyanates <a href="http://www.cbs.state.or.us/external/osha/pdf/pubs/3422.pdf">http://www.cbs.state.or.us/external/osha/pdf/pubs/3422.pdf</a></li> <li>• Quick facts for employees about hydrofluoric acid <a href="http://www.cbs.state.or.us/external/oha/pdf/pubs/3658.pdf">http://www.cbs.state.or.us/external/oha/pdf/pubs/3658.pdf</a></li> <li>• Quick facts for employees about methylene chloride</li> <li>• Sample Written Safety and Health Program-Forest Activities</li> </ul>

	<p><b>On-Line Courses:</b> 5. Continue review and revision of on-line course offerings and expand the number of on-line courses.</p>	<p>In FY 2012 there were 4 online classes that were developed and deployed; Lockout Tagout, Safety and Health Management, Intro to Safety Meetings and Committees, and Ergonomics for Everyone. In addition to these classes 7 YouTube videos were created and deployed.</p>				
	<p><b>Conferences:</b> 6. Coordinate with stakeholders to con-sponsor a variety of safety and health conferences throughout the state.</p>	<p>Seven conferences were held in FY 2012:</p> <ul style="list-style-type: none"> <li>• Southern Oregon Conference, 10/2011</li> <li>• Western Pulp &amp; Paper Workers Conference, 11/2011</li> <li>• Mid-Oregon Construction Safety Summit, 1/2012</li> <li>• Cascade Occupational Safety &amp; Health Conference, 3/2012</li> <li>• Region X VPPPA Conference, 5/2012</li> <li>• Blue Mountain Conference, 6/2012</li> <li>• Central Oregon Conference, 9/2012</li> </ul>	<p>Seven conferences were held in FY 2011:</p> <ul style="list-style-type: none"> <li>• Southern Oregon Conference, 10/2010</li> <li>• Western Pulp &amp; Paper Workers Conference, 11/2010</li> <li>• Oregon Governor’s Conference, 3/2011</li> <li>• Mid-Oregon Construction Safety Summit, 1/2011</li> <li>• Region X VPPPA Conference, 5/2011</li> <li>• Blue Mountain Conference, 6/2011</li> <li>• Central Oregon Conference, 9/2011</li> </ul>			
<b>Primary Outcome Measures</b>	<p><b>Training Sessions:</b> 7. Number of Spanish language training sessions.</p>	<p>A total of 6, 4-hour workshops were presented in Spanish during the FY 2012 fiscal year.</p>	<p>A total of 7, 4-hour workshops were presented in Spanish during the FY 2011 fiscal year.</p> <p>These Spanish language workshops have been at the request of employer associations</p>			
	<p>8. Number of attendees at Spanish language training sessions.</p>	<p>A total of 89 attendees participated in the Spanish-language workshops in FY 2012.</p>				
	<p>9. Number and percent of participants from small businesses and high hazard industries participating in Oregon OSHA training sessions.</p>	<p>In FY 2012, 1,724 (48.5%) participants from small businesses and 2224 (62.5%) from high hazard industries participated in Oregon OSHA training sessions. There were a total of 3,557 attendees at workshops and on-line classes.</p>	<p>Small business is defined as 20 or fewer employees</p>			
	<p>10. Number of participants at Oregon OSHA training sessions.</p>	<p>There were a total of 10,154 participants at Oregon OSHA training sessions in FY 2012.</p> <p>Participants:</p> <table style="width: 100%; border: none;"> <tr> <td style="padding-right: 20px;">Workshops (including on-line classes)</td> <td style="text-align: right;">3,557</td> </tr> <tr> <td>OST/Speaker Request</td> <td style="text-align: right;">6,597</td> </tr> </table>	Workshops (including on-line classes)	3,557	OST/Speaker Request	6,597
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	<p><b>Educational Activities:</b></p> <p>11. Number of new or substantially revised <i>educational resources</i> developed that are directed to small employers, high hazard industries and vulnerable or hard-to-reach worker populations.</p>	<p>There were 9 new educational resources developed in FY 2012:</p> <p><u>Audio Tip Sheets:</u></p> <ul style="list-style-type: none"> <li>• PESO – Accident Investigation</li> <li>• PESO – Root Cause Analysis</li> </ul> <p><u>YouTube Video:</u></p> <ul style="list-style-type: none"> <li>• Preventing Falls in Construction</li> <li>• One Minute Fall Prevention</li> <li>• One Minute Accident Investigation</li> <li>• One Minute Lockout Tagout</li> <li>• One Minute Machine Guarding</li> <li>• One Minute Forklift</li> </ul>	
	<p>12. Other educational activities directed to small employers and to high-hazard industries.</p>	<p>There were no other educational activities outside of the regular workshops and On-Site-Training in FFY 2012</p>	
	<p>13. Number of participants at Oregon OSHA conference sessions.</p>	<p>A total of 1,673 participants attended conferences in FY 2012. Attendees at all sessions were 6,942 Attendance at the conferences was as follows:</p> <ul style="list-style-type: none"> <li>• Southern Oregon Conference: 288</li> <li>• Western Pulp &amp; Paper Workers Conference: 365</li> <li>• Mid-Oregon Construction Safety Summit: 175</li> <li>• Cascade Occupational Safety &amp; Health Conference: 148</li> <li>• Region X VPPPA Conference: 327</li> <li>• Blue Mountain Conference: 243</li> <li>• Central Oregon Conference: 127</li> </ul>	<p>A total of 2,944 participants attended conferences in FY 2011. Attendees at all sessions were 13,669. Attendance at the conferences was as follows:</p> <ul style="list-style-type: none"> <li>• Southern Oregon Conference: 314</li> <li>• Western Pulp &amp; Paper Conference: 377</li> <li>• Oregon Governor’s Conference: 1,437</li> <li>• Mid-Oregon Construction Safety Summit: 156</li> <li>• Region X VPPPA Conference: 330</li> <li>• Blue Mountain Conference: 178</li> <li>• Central Oregon Conference: 152</li> </ul> <p>Based on the current economics within the State, attendance was considered to be good. Two conferences had an increase in attendance over last year.</p>
	<p><b>Consultations:</b></p> <p>14. Number and percentage of consultations provided to small employers.</p>	<p>In FY 2012, 1403 out of 2725 (51.49%) consultations were provided to small employers</p>	<p>Oregon OSHA’s consultation section classifies small employer as one that has fewer than 20 employees.</p>

	<p>15. Number and percentage of consultations provided to employers who have not used Oregon OSHA's consultation services during the previous five years.</p>	<p>In FY 2012, 1331 out of 2725 (48.5 %) consultations were provided to employers who have not used Oregon OSHA's consultation services during the previous five years.</p>	<p>Oregon OSHA is working on refining our targeted marketing efforts to reach employers that have not used our services.</p>
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**Performance Goal (1, 2, 3)-3: Partnerships**

Promote occupational safety and health by maintaining and enhancing the effectiveness of existing partnerships and establishing three new partnerships, each with specific safety and/or health awareness improvement objectives.

**FY 2012 Performance Goal (1, 2, 3)-3**

Use existing partnerships to advise Oregon OSHA management on focus areas more specific Oregon OSHA activities.

Performance Indicator Type	Indicator	Results	Comments
<b>Activity Measures</b>	1. Activities undertaken in collaboration with stakeholder groups and partnerships to increase occupational safety and health awareness.	<p><u>DEQ</u>: Oregon OSHA has a joint publication for asbestos with the Oregon Department of Environmental Quality (DEQ). When the publication runs low, we ask if DEQ has any revisions that need to be made. To date, no revisions have been necessary. This publication continues to be distributed by both agencies.</p> <p><u>American Water Works Association</u>: Oregon OSHA has developed a letter of agreement with the American Water Works Association regarding repair of active runs of cement asbestos water pipe. This letter accepts historical air monitoring for asbestos so long as participating jurisdictions provide very specific training to affected employees and requires only specific work practices. To date, 5 jurisdictions have signed letters with us.</p> <p><u>Health Division – Office of Environmental Public Health</u>: Office of Public Health Radiation Protection Services: The Radiation Advisory Committee meets quarterly, and we attend these meetings. We have also discussed laser safety and health issues with Radiation Protection Services, and they have yet to decide whether or not to pursue this.</p> <p><u>Agriculture Labor Housing Advisory Committee</u>: Because there were no proposed changes to the ALH rules, no formal meetings of this advisory committee occurred during the period between October 1<sup>st</sup>, 2011 and September 30<sup>th</sup>, 2012. Some committee members worked with the Small Agriculture Advisory committee to review and make suggestions concerning other</p>	This partnership has proven particularly useful in maintaining relationships critical to responding to emerging public health issues.

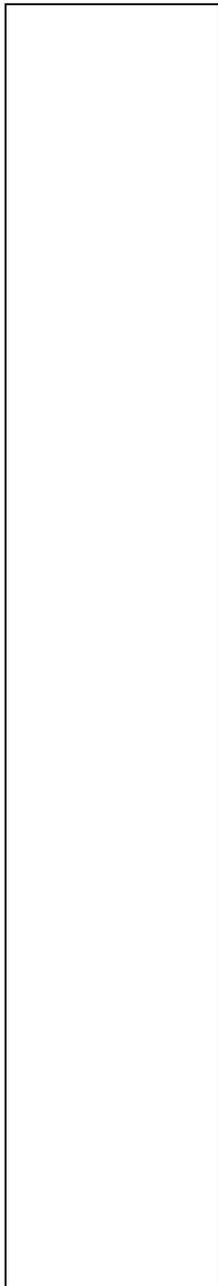
proposed changes to the Division 4/ Agriculture rules. Oregon OSHA representatives continued to cooperate with representatives from the Farm Bureau, Oregon Department of Revenue, Oregon Department of Housing, and labor and housing advocates regarding the use of tax credits to expand and remodel housing. During the third and fourth quarters, we meet monthly to discuss housing needs and to better coordinate outreach.

Small Agriculture Advisory Committee: Between October 1<sup>st</sup>, 2011 and September 30<sup>th</sup>, 2012, the advisory committee members reviewed potential rule changes to Subdivision 4/A, Scope; Subdivision 4/B, Definitions; Subdivision 4/I, Protective Equipment; and Subdivision 4/Z, Chemicals & Toxins. The review was done primarily through the use of e-mail. A committee meeting was scheduled and held on February 1<sup>st</sup>, 2012, in Salem to accommodate members who expressed an interest in attending. The proposed administrative rule changes to the four subdivisions were filed on April 30, 2012. Public hearings were held in June, 2012 in three rural Oregon areas. On September 19<sup>th</sup> -- after removing proposed changes in Subdivisions A and B from the current rulemaking -- Oregon OSHA adopted one new rule in Division 4/Z, one new appendix in Division 4/I, and amended 23 existing rules in Division 4/I and 4/Z. The rule changes will become effective on January 1, 2013.

Ergonomics Advisory Committee: A subcommittee called the Construction Ergonomics Coalition (CEC) was formed in the summer of 2008 with a mission to create stakeholder awareness and provide education in the prevention of Musculoskeletal Disorders through research, outreach, networking and collaboration. We are currently reevaluating the structure and future of this group due to reduced resources and hope to reconstitute in the upcoming year.

Oregon Coalition for Healthcare Ergonomics (OCHE): The OCHE continues to assist both Facility of Choice projects with data collection and reporting. In addition, the website is live and populated with relevant and meaningful material so it can be used as a resource to other healthcare entities trying to implement safe patient

One of our more active partnerships with members highly engaged in moving ergonomic improvements in Oregon.



handling programs with frequent additions and updates. It is one of the first sites that come up on Google searches for healthcare ergonomics. The coalition's goals and priorities for the upcoming year will center around home care workers. They will be working with our internal training staff to develop short online trainings for different settings. OCHE continues to meet bi monthly.

Mt. Hood Community College (MHCC): Our partnership with Mt Hood Community College that allows students to apply for college credits when taking the Oregon OSHA workshop classes has been successful and will continue with no changes.

Firefighter Standards Advisory Committee: The committee last met June 27, 2012. The committee chair has assumed new duties within his organization and has not had the opportunity to focus on the committees goals. The committee last worked through the fire fighter rule in Division 2 subdivision L. Additional research on specific sections by committee members is forthcoming, more specifically Division 2 subdivision L appendices. The committee will meet when directed by the committee chair with plans of submitting a final proposal in the near future.

Oregon Fire Chiefs Association: Throughout the year the Chiefs Association notifies several Oregon OSHA representatives of their activities and discuss the participation with Oregon OSHA's Fire Fighters Advisory Committee, by involving their safety officer's group. The current president of the chiefs' safety officers group is the chairman of the fire fighter advisory committee. Firefighter Standards Advisory Committee chair has additional duties and has held that committees progress on hold. Oregon OSHA has/will continue to work with the association to openly discuss significant cases to bring awareness to all fire services in Oregon.

Forest Activities Advisory Committee (FAAC): The Forest Activities Advisory Committee met four times during the 2011-2012 fiscal year. During those meetings, the Committee discussed topics which included injury/illness rates, rules/regulations, Hazard Alerts, handouts, machines/equipment, safe work practices, innovative safety meetings, training materials and videos,

Another extremely active partnership with members throughout the state who are also active in the healthcare ergonomics debate at the national level.

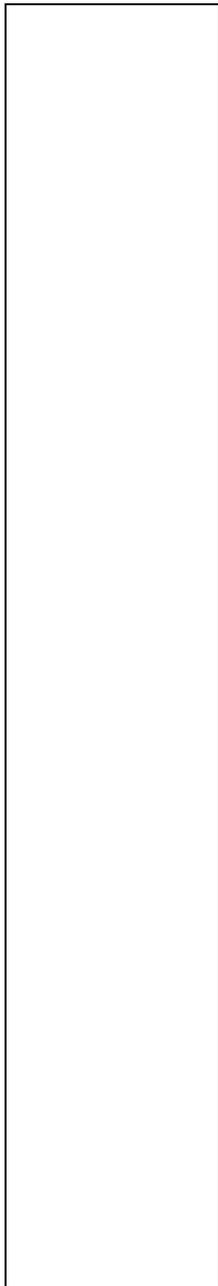
and a rule change request Oregon OSHA received. In the March 2012 meeting, a member offered to conduct pull tests and magnafluxing on connectors (i.e., double-enders). The tests were completed by the following meeting in June 2012. The test results helped identify the need for Oregon OSHA to issue a Hazard Alert on connectors. Oregon OSHA is also developing a Hazard Alert on thrown objects (i.e., chain shot).

Oregon OSHA Emergency Preparedness: The Safety & Technical Assistance Resource Team (START): START continues to work with Oregon Office of Emergency Management (OEM). START member attends Portland Area ECHO meetings. START members participate in the OSHA/DOL quarterly emergency preparedness teleconference. Emergency preparedness activities with Oregon Emergency Management are coordinated through DCBS Employee Services (Safety, Risk Management, Facilities Coordinator). Oregon OSHA supports these activities when requested or needed, and attends regional emergency preparedness meetings (LEPC, CAER, ECHO, etc.) as resources permit.

Oregon OSHA Partnership Committee: Met in November, March and July and discussed the 2012 legislative session, HB 4131, continuing budget issues, Federal OSHA and effectiveness, rulemaking including penalties, small capacity cranes and hazard communication, and a recent loss of a Court of Appeals case (Oregon OSHA vs CC&L) which prompted potential rulemaking through an interpretive rule that builds upon existing rules to provide more explicit guidance regarding employer knowledge, unpreventable employee misconduct, and the role of a supervisor.

Construction Advisory Committee: The committee met monthly throughout the year to discuss outreach and consistency issues. They are currently working with us to develop potential changes to the crane standards for small capacity cranes. The group continues to play an active role in facilitating the two-way flow of information between Oregon OSHA and the construction industry.

Greater Portland Construction Partnership: The Greater Portland Construction Partnership (GPCP) was



incorporated in June, 2006 in Portland, Oregon. The GPCP is a Non-Profit Public Benefit Corporation registered in the State of Oregon and organized for the purpose of making the Greater Portland metropolitan area the safest place to conduct construction in the world. In an effort to achieve this goal the GPCP meets quarterly offering speakers on topics from safety management systems, to Oregon OSHA rules, and fall protection. Membership levels have surged in recent years and the group has already had to find a larger location to meet. In addition, the GPCP is once again financially supporting the Oregon Young Employee Safety coalition's video PSA contest.

Landscape Contractors Board: Continued to distribute our publications through their office. They have agreed to accept our workshops as CEUs for licensing recertification. They are also advertising our services in their newsletter.

Manufactured Home Association Safety & Health Team: Oregon OSHA attended the quarterly meetings of the Manufactured Home Association Safety and Health team throughout 2012. The meetings were held at a variety of plant locations and included a tour of each plant. Speakers at these meetings have included Oregon OSHA staff as well as persons representing industries such as the Crane Association and Western Rigging. Presentations have included information on electrical hazards, use of cranes, accident investigations and safety committees. The manufactured home industry continues to struggle in these economic times and the membership has been significantly reduced by plant closures. Oregon OSHA intends to continue attending these quarterly meetings in the coming year. Oregon OSHA staff will continue to participate in these meetings. The next quarterly meeting is scheduled for October 2012.

Oregon Coalition for Healthy Nail Salons: The coalition of agencies is continuing to work on ways to increase awareness among nail salon owners and workers regarding hazards of materials they use and ways to better protect workers. Oregon OSHA's fact sheet and pamphlet, available in English and Vietnamese, has been

This group has provided significant support to our efforts for improving safety and health in the construction industry.

This is a motivated group that continues to move up the bar for safety in the construction industry.

well received and is continuing to be distributed by the coalition members at different venues including at Asian festivals.

Oregon Home Builders Association (OHBA): We are collaborating on developing joint safety program training sessions during the OHBA statewide meetings. Oregon OSHA staff continues to participate in the OHBA statewide safety meetings. As part of our alliance we are engaged in discussions to leverage our online training resources through both of our websites. They are working to find new ways to disseminate safety and health information to all of their members around the state using electronic means.

Oregon Trucking Association: We continue to collaborate with the Oregon Trucking Association in an attempt to reduce soft tissue injuries among drivers. Drivers in the transportation industry are at high risk for musculoskeletal injury due to repetitively entering and exiting the cab. In addition, many drivers sustain acute and cumulative trauma injuries caused by manually transferring their load. Staff have given presentations at the trucking association safety group and management group quarterly meetings.

Oregon Utility Safety Committees: Oregon OSHA continues to work with the western and eastern Oregon committees, utilities, and the Oregon PUC. A sub group is working to develop a mechanism to ensure that local building officials address overhead lines that may put workers within 10 ft. of the lines. One utility member has created a short video intended for contractors working near overhead high voltage lines. We provided a mailing list of employers in trades industries in their service area. They mailed the video to 700 employers initially and plan to have a second mailing.

Oregon Restaurant Association: They have continued to put articles in their magazine about safety and health to promote the new restaurant safety PESO modules. We revamped our poster on working around hot oil to one that addresses different hazards posed to workers in the restaurant industry. They alerted their members to its existence on our website. The Oregon Restaurant Association is working with us to adapt our publications

for their membership. A new agreement was signed in December. We have had discussions with them and their insurer Liberty N.W. on how best to get safety and health information in front of their members. We agreed to participate at each other's conferences. They are also having their marketing staff distribute our consultation brochures.

Young Worker Health and Safety Coalition: Since 2007 the coalition has worked primarily through subgroups that focus on projects such as the annual PSA video contest, formulation of a speaker's bureau, youth outreach, fundraising, and connecting with youth. The group obtained 501(c)3 status during this year and is looking for opportunities to seek grant funding to expand projects.

The PSA video contest is an opportunity for all Oregon high school students to create a 45-second video relating to on-the-job safety and health. Winners and their schools received cash prizes ranging from \$200 to \$500. Videos must demonstrate the importance of on-the-job safety for young workers.

Coalition members brainstormed the most effective way to do speaking engagements. We plan to use not only professional safety & health speakers but young workers who have been injured at work or families directly affected by the injury or fatality of a young loved one. The coalition is working on holding a youth day at GOSH this next year, development of a new website, and adoption of a revised "Talking Safety" curriculum.

Oregon Health Licensing Agency: We entered into an MOU with them this year. They have worked closely with us in the joint enforcement of the formaldehyde standard as it relates to hair care products used in salons. They sent out hazard information to all licensed hairdressers, adopted our formaldehyde standard by reference in emergency temporary rulemaking and have participated in joint enforcement inspections with us when jurisdiction was uncertain.

NIOSH National Personal Protective Equipment (PPE) Surveillance and Intervention Program for Agriculture Pesticide Handlers: Worked with NOISH on joint efforts to provide training and outreach to the Agricultural

This highly engaged partnership with members from government, academia & private sector has been very successful in raising funds for the video contest and in outreach to a traditionally unreached population.

industry regarding Personal Protective Equipment (PPE).  
Department of Housing and Community Services, Department of Revenue, and Oregon OSHA: A Memorandum of Understanding was entered into between the Department of Housing and Community Services, Department of Revenue, and Oregon OSHA, in February 2012.

Over the summer of 2011 and into 2012, representatives from the Departments of Revenue, Oregon Housing & Community Services, Oregon Department of Agriculture, and Oregon OSHA met with the Oregon Farm Bureau, Oregon Association of Nurseries, Oregon Opportunity Network and various housing groups to address many of the questions that came up during those committee hearings. The group agreed to create this MOU agreement to clarify respective roles and responsibilities to ensure that housing tax credit recipients are meeting their obligations. We are currently collaborating with Housing on legislation for the next session to clarify our involvement in property tax exemptions for agriculture labor housing. We have participated in the Farm Worker Housing Task Force to continue to look for innovative ways to create additional housing opportunities as well as ensuring that the various state and federal agencies and non profits maintain open communication.

Oregon Health Authority and Mortuary and Cemetery Board: We are collaborating with them to develop outreach materials for mortuaries on the hazards of Tuberculosis (TB). We are currently consulting with the largest volume mortuary to determine potential exposure and processes.

	2. Identify partnership opportunities with groups in target industry sectors.	<u>Agriculture:</u> <u>Small Agriculture Advisory Committee</u> <u>Health Care:</u> <u>Oregon Coalition for Health Care Ergonomics (OCHE)</u> <u>Oregon Health Licensing Agency</u> <u>Logging:</u> <u>Forest Activities Advisory Committee</u> <u>Construction:</u> <u>Construction Advisory Committee</u> <u>Greater Portland Construction Partnership</u> <u>Oregon Home Builders Association (OHBA)</u> <u>Oregon Transportation Partnership</u>	
<b>Intermediate Outcome Measure</b>	3. Number of OREGON OSHA stakeholder collaborations and partnerships.	During FY 2012, two new partnerships were added bringing the total active partnerships to 27.	
<b>Primary Outcome Measures</b>	4. Number of alliances developed and status of goals.	<p>There were three alliances developed – included is the status of their goals.</p> <ul style="list-style-type: none"> <li>• <u>The Oregon Coalition for Health Care Employees (OCHE)</u> alliance was renewed September 26, 2011. Its members are extremely active in reaching out to a wide spectrum of the health care community to raise awareness around the need for safe patient handling programs. <ul style="list-style-type: none"> <li>▪ <u>The Oregon Home Builders Association (OHBA)</u> alliance was renewed on April 15, 2011</li> <li>▪ <u>The Oregon Restaurant &amp; Lodging Association (ORLA)</u> alliance was signed on December 27, 2011.</li> </ul> </li> </ul> <p>These alliances are on our website:  <a href="http://www.orosha.org/admin/alliance/alliances.html">www.orosha.org/admin/alliance/alliances.html</a>  and on the federal OSHA website:  <a href="http://www.osha.gov/dcsp/alliances/regional/state_plans_oregon.html">www.osha.gov/dcsp/alliances/regional/state_plans_oregon.html</a></p>	See section (1, 2, 3)-3 for more information on the activities of these alliances.

	<p>5. Number of partnerships in targeted industry sectors and achievements.</p>	<p>At the end of FY 2012, there were 10 partnerships in target industries:</p> <p><u>Agriculture:</u>  <u>Agriculture Labor Housing Advisory Committee:</u>  <u>Small Agriculture Advisory Committee:</u>  <u>NIOSH National Personal Protective Equipment (PPE) Surveillance and Intervention Program for Agriculture Pesticide Handlers:</u></p> <p><u>Construction:</u>  <u>Construction Advisory Committee:</u>  <u>Greater Portland Construction Partnership:</u>  <u>Oregon Home Builders Association (OHBA):</u></p> <p><u>Transportation:</u>  <u>Oregon Trucking Association:</u></p> <p><u>Logging:</u>  <u>Forest Activities Advisory Committee (FAAC)</u></p> <p><u>Health Care:</u>  <u>Oregon Coalition for Health Care Ergonomics (OCHE):</u>  <u>Oregon Health Licensing Agency:</u></p>	
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**Strategic Goals #(1, 2)**  
**Workplace Safety and Health, Ergonomics**

**Strategic Goals #(1, 2, 3)**  
**Emphasis**

**Strategic Goal #(3)**  
**Fatalities**

Strategic Goal 1: Reduce serious workplace injuries and the risks that lead to them.  
Strategic Goal 2: Reduce serious workplace illnesses and the risks that lead to them.  
Strategic Goal 3: Reduce workplace deaths and the risks that lead to them.

### Performance Goal (1, 2)-1: Safety & Health Hazards

Reduce the injury and illness DART rate to 2.2 (or less) per 100 workers by 2016 through focusing on targeted high hazard industries and safety and health hazards.

### FY 2012 Performance Goal (1, 2)-1

Health enforcement will focus on targeting high hazard industries and safety and health hazards at the following levels: Safety Enforcement 75%, Health Enforcement 60%, and Consultation 50%.

Performance Indicator Type	Indicator	Results	Comments
Activity Measures	<b>Inspections – Health:</b>	There were 918 <i>health</i> inspections in FY 2012.	There were 901 <i>health</i> inspections in FY 2011.
	1. Total number of <i>health</i> inspections.		
	2. Total number of <i>health</i> inspections in high hazard industries.	Total <i>health</i> inspections in high hazard industries: 643 in FY 2012.	Total <i>health</i> inspections in high hazard industries: 598 in FY 2011.
	3. Percentage of <i>health</i> inspections in high hazard industries compared to target of 60%.	In FY 2012. 70.0% (643/918) of health inspections were in high hazard industries (Target = 60%)	In FY 2011: 66.4% (598/901) of health inspections were in high hazard industries (Target = 60%)
	4. Total number of serious <i>health</i> hazards identified in enforcement.	There were 763 serious <i>health</i> hazards identified in enforcement in FY 2012.	There were 741 serious <i>health</i> hazards identified in enforcement in FY 2011.  For FY2013, a new measure focused on severe chemical hazards resulting in chronic disease outcomes has been developed. Preliminary data are summarized in the narrative for this section.
	<b>Inspections - Safety:</b>	There were 3175 <u>safety</u> inspections. This is below the FY12 goal of 3,200.	In FY12 there were 37 full time employees compared to 47.5 in FY10.
	5. Total number of <u>safety</u> inspections.		
	6. Total number of <u>safety</u> inspections in high hazard industries.	Total <u>safety</u> inspections in high hazard industries: 2649.	We were above the target for safety inspections in high hazard industries.
	7. Percentage of <u>safety</u> inspections in high hazard industries compared to target of 75%.	83.4% (2649/3175) of <u>safety</u> inspections were in high hazard industries (Target = 75%)	We were above the target for safety inspections in high hazard industries.
	8. Total number of serious <u>safety</u> hazards identified in enforcement.	There were 2182 serious <u>safety</u> hazards identified in enforcement.	

<p><b>Programmed and Non-Programmed Visits:</b> 9. The number and percentage of programmed and non-programmed enforcement visits in high-hazard industries.</p>	<p>Safety – 69.0% (2192/3175) programmed 31.0% (983/3175) non-programmed Health – 40.7% (374/918) programmed 59.3% (544/918) non-programmed Total – 62.7% (2566/4093) programmed 37.3% (1527/4093) non-programmed</p>	
<p><b>Consultation – Health:</b> 10. Total number of <i>health</i> <u>consultations</u>.</p>	<p>710 health consultations were conducted.</p>	
<p>11. Total number of <i>health</i> <u>consultations</u> in high hazard industries.</p>	<p>There were 368 Health High Hazard Consultations conducted by consultants in FY 2012.</p>	
<p>12. Percent of <i>health</i> <u>consultations</u> in high hazard industries.</p>	<p>368 of 868 (42.42%) health consultations were in high hazard industries.</p>	
<p>13. The number of serious <i>health</i> hazards identified on-site <u>consultation</u> activities.</p>	<p>2808 serious health hazards were identified during on-site consultation activities.</p>	
<p><b>Consultation – Safety:</b> 14. Total number of <i>safety</i> <u>consultations</u>.</p>	<p>1857 Safety consultations were conducted.</p>	
<p>15. Total number of <i>safety</i> <u>consultations</u> in high hazard industries.</p>	<p>There were 1272 Safety High Hazard Consultations conducted by consultations in FY 2012.</p>	
<p>16. Percent of <i>safety</i> <u>consultations</u> in high hazard industries.</p>	<p>1272 of 1857 (68.50%) safety consultations were in high hazard industries.</p>	
<p>17. The number of serious <i>safety</i> hazards identified on-site <u>consultation</u> activities.</p>	<p>10,429 serious safety hazards were identified during on-site consultation activities.</p>	
<p><b>High Hazard Consultations:</b> 18. The number and percentage of <u>consultation</u> visits in high-hazard industries compared to target.</p>	<p>1640 of 2725 (60.18%) of all consultation activities were in high hazard industries. (Target = 50%)</p>	
<p>NOTE: High hazard industries for safety is defined by list A-G, construction, logging, and all other emphasis programs not already counted. High hazard industries for health is defined by list A, construction, logging, and all other emphasis programs not already counted.</p>		

<b>Primary Outcomes Measures</b>	19. Percent change in DART rate (reported annually).	<p>DART rate history</p> <p>(private/private &amp; public) percent change</p> <p>CY 2011: 2.1/2.1 (-4.5%)</p> <p>CY 2010: 2.2/2.2 (-4.3%)</p> <p>CY 2009: 2.3/2.3 (-8.0%)</p> <p>CY 2008: 2.5/2.5 (-10.7%)</p> <p>CY 2007: 2.8/2.8 (0.0%)</p> <p>CY 2006: 2.8/2.8 (-3.4%)</p> <p>CY 2005: 2.9/2.9 (-3.3%)</p> <p>CY 2004: 3.1/3.0 (3.4%)</p> <p>CY 2003: 3.1/2.9 (-6.5%)</p> <p>CY 2002: 3.2/3.1 -</p>	<p>This reflects 32.26% reduction in the public/private rate since CY 2002.</p> <p>In 2002, the recordkeeping rules changed, causing the data between 2001 and 2002 to not be strictly comparable.</p>
	<b>Comments:</b>	<b>Enforcement Statistics are from IMD reports, effective FY11. Reporting before FY11 used NCR local reports.</b>	

**Performance Goal (1, 2, 3)-4: Emphasis**

Implement all state local emphasis programs and appropriate national emphasis programs.

**FY 2012 Performance Goal (1, 2, 3)-4**

<b>Performance Indicator Type</b>	<b>Indicator</b>	<b>Results</b>	<b>Comments</b>
<b>Activity Measures</b>	1. Total number of Trenching inspections and consultations in emphasis programs.	There were 115 Trenching inspections and consultations.  72 inspections, 43 consultations	
	2. Total number of Falls In Construction inspections and consultations in emphasis programs.	There were 767 Falls In Construction inspections and consultations.  384 inspections, 383 consultations	
	3. Total number of Struck-By in Logging inspections and consultations in emphasis programs.	There were 169 Struck-By In Logging inspections and consultations.  148 inspections, 21 consultations	
	4. Total number of Silviculture inspections and consultations in emphasis programs.	There were 8 Silviculture inspections and consultations.  5 inspections, 3 consultations	
	5. Total number of Assigned Risk Pool inspections and consultations in emphasis programs.	There were 2 Assigned Risk Pool inspections and consultations.  0 inspections, 2 consultations	
	6. Total number of Farm Labor Housing inspections and consultations in emphasis programs.	There were 97 Farm Labor Housing inspections and consultations.  44 inspections, 53 consultations	
	7. Total number of Field Sanitation inspections and consultations in emphasis programs.	There were 145 Field Sanitation inspections and consultations.  114 inspections, 31 consultations	

	8. Total number of Pesticide inspections and consultations in emphasis programs.	There were 138 Pesticide inspections and consultations.  91 inspections, 47 consultations	
	9. Total number of Lead inspections and consultations in emphasis programs.	There were 123 Lead inspections and consultations.  75 inspections, 48 consultations	
	10. Total number of Silica inspections and consultations in emphasis programs.	There were 91 Silica inspections and.  26 inspections, 65 consultations	
	11. Total number of Diisocyanate inspections and consultations in emphasis programs.	There were 44 Diisocyanate inspections and consultations.  11 inspections, 33 consultations	
	12. Total number of Process Safety Management	There were 27 Process Safety Management inspections and consultations.  7 inspections, 20 consultations	Consultation activities include a count of all employers where PSM was addressed regardless of reportable quantities.
	13. Total number of Combustible Dust inspections and consultations in emphasis programs.	There were 82 Combustible Dust inspections and consultations.  22 inspections, 60 consultations	
	14. Total number of Hexavalent Chromium inspections and consultations in emphasis programs.	There were 62 Hexavalent Chromium inspections and consultations.  23 inspections, 39 consultations	
	15. Total number of Amputation inspections and consultations in emphasis programs.	There were 356 Amputation inspections and consultations.  99 inspections, 257 consultations	
	16. Total number of Formaldehyde inspections and consultations in emphasis programs.	There were 23 Formaldehyde inspections and consultations.  1 inspections, 22 consultations	
	17. Total number of Primary Metal Industries inspections and consultations in emphasis programs.	There were 25 Primary Metal Industries inspections and consultations.  4 inspections, 21 consultations	

	18. Total number of Nursing and Residential Care Facilities inspections and consultations in emphasis programs.	There were 264 Nursing and Residential Care Facilities inspections and consultations.  228 inspections, 36 consultations	
<b>Primary Outcome</b>	19. Percent of all <u>safety</u> inspections conducted in local and national emphasis programs.	33.0% (1047/3175) of all <u>safety</u> inspections were conducted in local and national emphasis programs.	
	20. Percent of all <i>health</i> inspections conducted in local and national emphasis programs.	33.4% (307/918) of all <i>health</i> inspections were conducted in local and national emphasis programs.	Emphasis program inspection lists have been cross-referenced to the health inspection scheduling for high hazard industries (List A). The percent of total health inspections done in local or national emphasis programs has increased over the last three years: 21.3% (FY2010), 27.4% (FY2011), 33.4% (FY2012).
	21. Percent of all <u>consultation</u> conducted in local and national emphasis programs.	43.45% (1184/2725) of all <b>consultations</b> were conducted in local and national emphasis programs.	Consultation activities include a count of all employers where an emphasis program issue was addressed regardless of whether the employer was subject to the emphasis program or not.
	<b>Comments:</b>	<b>Enforcement Statistics are from IMD reports, effective FY11. Reporting before FY11 used NCR local reports.</b> These totals may exceed total emphasis inspections /consultations due to multiple emphasis areas being addressed in an inspection / consultation.	

## Performance Goal 3-1 : Fatalities

### FY 2012 Performance Goal 3-1

Reduce the 5-year average rate of workplace fatalities by 20% by 2016 and by 4% by FY2011 through scheduled inspections and interventions at worksites in targeted industries.

Performance Indicator Type	Indicator	Results	Comments
<b>Activity Measures</b>	1. Total number of enforcement inspections.	There were 4093 enforcement inspections in FY 2012. This exceeds the FY12 goal of 4,050.	There were 4588 enforcement inspections in FY 2011. There were 5261 enforcement inspections in FY 2010. This reflects an 11% decrease from FY 2011 and is a direct reflection of our current -31% staffing vacancy rate, due to budget restraints.
	2. Total number of <u>consultations</u> .	There were 2725 <b>consultations</b> in FY 2012.	Oregon OSHA's Consultation section will continue to directly market high hazard industries identified by Oregon OSHA.
<b>Intermediate Outcome Measure</b>	3. Average penalty where the hazard cited creates a meaningful increase in the risk of workplace death.	There was an average penalty of \$1584 where the hazard cited creates a meaningful increase in the risk of workplace death.	In FY 2011 there was an average penalty of \$1,069 where the hazard cited creates a meaningful increase in the risk of workplace death.
<b>Primary Outcome Measures</b>	4. Number of compensable fatalities. (reported 1/4ly fiscal year and annually calendar year)	There were 28 accepted compensable fatalities in CY 2011	

5. Compensable fatality rate (calendar year)	<p>Breakout of CY 2011 fatalities:</p> <ul style="list-style-type: none"> <li>• 7 highway accidents</li> <li>• 5 falls</li> <li>• 5 struck by or against</li> <li>• 3 industrial vehicle accidents</li> <li>• 2 fires &amp; explosions</li> <li>• 2 pedestrian accidents</li> <li>• 2 homicides</li> <li>• 1 animal assault</li> <li>• 1 drowning</li> </ul> <p>Some history:  CY 2011 rate: 1.71 (28 fatalities)  CY 2010 rate: 1.05 (17 fatalities)  CY 2009 rate: 1.89 (31 fatalities)  CY 2008 rate: 2.58 (45 fatalities)  CY 2007 rate: 1.99 (35 fatalities)  CY 2006 rate: 2.13 (37 fatalities)  CY 2005 rate: 1.85 (31 fatalities)  CY 2004 rate: 2.76 (45 fatalities)  CY 2003 rate: 2.59 (41 fatalities)  CY 2002 rate: 3.26 (52 fatalities)  CY 2001 rate: 2.10 (34 fatalities)</p>	<p>For summary of fatalities reported to Oregon OSHA and their compensability status, please refer to the Charts section.</p> <p>Baseline is 2.15 (CY 2007-09)</p> <p>Note that all fatality rates are calculated on a calendar year basis. Rates for earlier years may get updated due to new reported information (either count or employment numbers).</p> <ul style="list-style-type: none"> <li>• The CY 2010 rate: 1.05 is the rate for the 1st year of the 5-yr strategic plan FY11-FY15.</li> <li>• The CY 2011 rate: 1.71 is the rate for the 2nd year of the 5-yr strategic plan FY11-FY15.</li> </ul> <p>See FY12 SOAR, (3-1) 5- Year Performance Goal: Fatality narrative notes.</p>
6. Number of violations classified as death.	There were 618 violations classified as “death”.	
<b>Comments:</b>	<b>Fatality statistics in #4 and #5 are from IMD/RA reports.</b>	

## Performance Goal (1, 2)-2: Ergonomics

### FY 2012 Performance Goal (1, 2)-2

Increase awareness and reduce workplace injuries related to ergonomic factors by providing ergonomic assistance to employers.

Performance Indicator Type	Indicator	Results	Comments
<b>Activity Measures</b>	1. Address ergonomic issues during <u>consultation</u> activities.	A basic discussion of ergonomic issues were addressed during 1322 consultations.	The basic discussion typically includes risk factors through observation, and explaining those risk factors to employers and employees. (Number reported excludes ergonomic specific consultations reported in #4.)
	2. Track assistance/outreach provided to employers.	73 ergonomic assessments and 19 referrals for a comprehensive ergonomic consultation were conducted in FY 2012.	
<b>Primary Outcome</b>	3. Address ergonomic issues during 10% of <u>consultative</u> activities.	Ergonomics was addressed during 51.5% of all consultative activities.	The data set for this statistic is based on the final consultation file closed date. (Number reported excludes ergonomic specific consultations.)
	4. Number of ergonomic <u>consultations</u> .	There were a total of 158 comprehensive ergonomic consultations for FY 2012.	See narrative for NAICS code breakdown.

**Strategic Goal #1, 2, 3**

**Excellence: Timely Response, Customer Service, Staff Development**

Strategic Goal 1: Reduce serious workplace injuries and the risks that lead to them.

Strategic Goal 2: Reduce serious workplace illnesses and the risks that lead to them.

Strategic Goal 3: Reduce workplace deaths and the risks that lead to them.

## Performance Goal (1, 2, 3)-5: Timely Response

### FY 2012 Performance Goal (1, 2, 3)-5

Investigations/inspections will be initiated timely in 95% of all reported fatalities and hazard complaints; complainant responses will be timely in 90% of all cases; family members will be notified 100% timely, and discrimination cases will be processed 80% timely.

Performance Indicator Type	Indicator	Results	Comments
<b>Activity Measure</b>	1. Document and follow up on untimely openings of fatality and imminent danger complaint inspections.	1. There was 1 untimely opening of fatality and imminent danger complaint inspections in FY 2012:  One inspection-was opened untimely. The fatality was an MVA and the local manager decided not to investigate, the next day, central management determined that an investigation should be opened.	<u>FY2011:</u> 1) There were 3 untimely openings of fatality and imminent danger complaint inspections.
<b>Primary Outcomes</b>	2. Percent of timely responses. <u>Fatalities:</u> Attempt within 24 hours of notification. Data reflects Oregon OSHA attempt from time of notification (note this may not be consistent with IMIS data). <u>Imminent Danger Complaint Inspections:</u> Attempt within 24 hours of notification. Data reflects Oregon OSHA attempt from time of notification (note this may not be consistent with IMIS data). <u>Serious Complaint Inspections:</u> Attempt within 5 working days <u>Other-than-Serious Complaint Inspections:</u> Attempt within 30 working days <u>Complainant Response:</u> Send letter within 10 working days  <u>Investigations</u> (phone/fax, letter): Respond	<u>FY2012 Response Times:</u> Timely Response to Fatalities: 95.0% (19 of 20) <ul style="list-style-type: none"> <li>One inspection was opened untimely. The fatality was a MVA and the local manager decided not to investigate, the next day, central management determined that an investigation should be opened.</li> </ul> Timely Response to Complaints: Imminent Danger: 100.0% (39 of 39) Serious: 92.6% (462 of 499) Other-Than-Serious: 98.8% (327 of 331) Complainants: 94.9% (1089 of 1147) Investigations: 97.5% (516 of 529)	<u>FY2011 Response Times:</u> Timely Response to Fatalities: 96% (22 of 23)  Timely Response to Complaints: Imminent Danger: 100.0% (37 of 37) Serious: 95.6% (475 of 497) Other-Than-Serious: 99.1% (331 of 334) Complainants: 95.0% (1152 of 1212) Investigations: 97.6% (534 of 547)

	<p>within 10 working days  <u>Family Letter</u>: Send within 10 days of fatality notification</p> <p><u>Alleged Discrimination Complaints</u>: Process through determination level within 90 calendar days</p>	<p>Family Letter:  100.0% (20 of 20)</p> <p>FY 2012 Response Times  <u>Timely Response to Discrimination Complaints</u>:  82.5% (94/114)</p> <p>Discrimination – Completion of discrimination within the statutorily required 90 days</p> <p>FY 2012:  1st Quarter – 87.1%  2nd Quarter – 85.3%  3rd Quarter – 77.4 %  4th Quarter – 77.8 %</p>	<p>Family Letter:  98.3% (57 of 58)</p> <p>Discrimination:  Performance in this area has been discussed with BOLI, and is something that will be closely evaluated on a continuing basis during Oregon OSHA’s quarterly records review of 11c cases.</p>
	<p><b>Comments:</b></p>		<p><b>Reported and investigated natural cause fatalities were previously omitted from quarterly reports. These fatalities are now included in the totals.</b></p>

## Performance Goal (1, 2, 3)-6: Customer Service

### FY 2010 Performance Goal (1, 2, 3)-6

Achieve and maintain customer satisfaction in the delivery of Oregon OSHA programs and services as evidenced by a survey rating of 90% or above on each program survey.

Performance Indicator Type	Indicator	Results	Comments
<b>Activity Measure</b>	1. Analyze stakeholder survey results and take corrective actions as necessary to address results falling below 90%.	No survey results fell below the 90% minimum benchmark, no corrective action necessary.	
<b>Primary Outcome</b>	2. Percent of positive responses on customer surveys in the following areas: <ul style="list-style-type: none"> <li>- Conferences</li> <li>- Public Education</li> <li>- Audio-visual library</li> <li>- Consultation</li> <li>- Enforcement</li> <li>- Appeals</li> <li>- Lab</li> </ul>	FY 2012 survey results – percent satisfaction:  Conferences: 100% Public Education: 98.2% AV Library: 92% Consultation: 99.5% Enforcement: 95.0% Appeals: 98.0% Lab: 95.8%	FY 2011 survey results – percent satisfaction:  Conferences: 100% Public Education: 99.1% AV Library: 91.0% Consultation: 98.6% Enforcement: 95.9% Appeals: no data Lab: 95.8%
<b>Comments:</b>		A new Appeals survey tool was put into place January 2012. The tool looks at informal conference participant demographics which include the industry type, and number of employees. It also queries the participant about their perception of the informal conference process, their interaction with the appeals specialist, and the informal conference outcome.	

## Performance Goal (1, 2, 3)-7: Staff Development

### FY 2012 Performance Goal (1, 2, 3)-7

Ensure 90% of Safety and Health staff receives 24 hours of Safety and Health professional development training.

Performance Indicator Type	Indicator	Results	Comments
<b>Activity Measure</b>	1. Classes offered to Safety and Health staff.	<p>Snapshot of Oregon OSHA employees' training needs</p> <p>During FFY 2012, in addition to classes reported in Quarters I, 2, 3, the following classes were developed and implemented:</p> <ul style="list-style-type: none"> <li>• DCBS Dealing with Hostile Situations</li> <li>• Electrical Power Generation, Transmission, and Distribution</li> <li>• Basic Training Classes: Overhead Cranes &amp; Rigging, IMIS, Oregon OSHA Standards &amp; Emphasis Programs, Industrial Hygiene 101 and Occ. Lab tour.</li> <li>• Emergency Response for Rail</li> <li>• EPA Safe Practices in Lead Abatement</li> <li>• Fall Prevention &amp; Protection Workshop: "Avoid the Fall...Arrest the Fall"</li> <li>• 2012 Fire School</li> <li>• EPA Risk Management Program</li> </ul>	<p>Classes in planning stage for FY 2013:</p> <ul style="list-style-type: none"> <li>• Confined Space</li> <li>• Lockout/Tagout</li> <li>• GHS</li> </ul>
<b>Primary Outcome Measure</b>	2. Number of Safety and Health staff members receiving 24 hours of Safety and Health professional development training.	<p>38 health staff out of 42 received 24 hours training</p> <p>55 safety staff out of 60 received 24 hours training</p>	<p>We did provide an All Staff Symposium in October 2011. This provided a significant portion of staff goal hours for 2012.</p>

	<p>3. Percentage of Safety and Health staff members receiving 24 hours of Safety and Health professional development training.</p>	<p>91% of staff received professional training this fiscal year.</p> <p>90% health staff out of 100% received training 92% safety staff out of 100% received training</p>	<p>See addition information in the section progress summaries.</p>
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## **II. Progress Toward Strategic Plan Accomplishment**

**Strategic Goal # (1, 2, 3)-1, -2, -3  
Self-Sufficiency, Outreach, Partnerships**

Strategic Goal 1: Reduce serious workplace injuries and the risks that lead to them.

Strategic Goal 2: Reduce serious workplace illnesses and the risks that lead to them.

Strategic Goal 3: Reduce workplace deaths and the risks that lead to them.

**Goal (1, 2, 3)-1: Recognition Programs**

**(1, 2, 3)-1 5-Year Performance Goal: Increase the number of new SHARP participants by 4 and the number of new VPP participants by 2 and continue to promote employer self-sufficiency through consultations and by encouraging employers to attain VPP and SHARP status. Oregon OSHA will promote SHARP and VPP through consultation, enforcement, technical services, and education.**

In FY 2012, an additional 4 employers received initial SHARP certification, bringing the total number of employers in the program to 160, which include 4 new employers, 62 current employers and 94 graduates. During the past seven years a total of 87 sites were added to the program (4 in FY 2006, 10 in FY 2007, and 24 in 2008, 20 in FY 2009, 14 in FY 2010, 11 in FY2011 and 4 in FY2012). In FY 2012, 4 employers closed their businesses. Twenty employers either withdrew from the SHARP program or closed their businesses, since FY2009.

The VPP program recertified 12 existing VPP sites in FY 2012. At the end of FY 2012, Oregon OSHA had 26 VPP sites. No new VPP sites were added during this fiscal year. Two sites left the program, in FY 2012. One employer withdrew their application and another completed their construction project and left the VPP program. However, there has been a net increase of new VPP sites, with 6 new sites being added in FY11.

The continued success of these programs are somewhat dependent on the economy. We expect that we will see some variation in growth for new SHARP and VPP employers. We do not anticipate large increases during the next 5 years.

### **Goal (1, 2, 3)-2: Outreach**

**(1, 2, 3)-2 5-Year Performance Goal: Educate employers and employees regarding the value of occupational safety and health by providing workshops, conferences, and other offerings for small businesses. Continue outreach efforts to small employers and vulnerable or hard-to-reach populations by increasing publications, workshops and conferences to those employers and employees.**

This year's revision of public education online course materials took precedence over creating new workshops. During the revision process classroom and online workbooks were updated. A new area of outreach was the creation and deployment of YouTube videos on various topics.

Oregon OSHA has had a long history of partnering with labor, business, and associations to coordinate occupational safety and health conferences throughout the state. These one day and multi-day conferences offer concurrent educational sessions and workshops designed for a region's industries and some, such as the Mid-Oregon Construction Safety Summit and the Western Pulp & Paper Workers Safety Conference, focus on specific industries. For federal fiscal year 2012, Oregon OSHA conducted seven conferences.

The annual education goal was met; we have done well in continuing our education delivery to Oregon employees and employers.

Oregon OSHA has continued its outreach to non-English speaking workers by making training and outreach materials available to the multicultural workforce. Four Spanish language publications were developed in FY 2012 and 676 non-English videos loaned. In addition 9 new or revised publications were developed to target small employers and vulnerable or hard-to-reach worker populations.

### **Goal (1, 2, 3)-3: Partnerships**

**(1, 2, 3)-3 5-Year Performance Goal: Promote occupational safety and health by maintaining and enhancing the effectiveness of existing partnerships and establishing three new partnerships, each with specific safety and/or health awareness improvement objectives. Use existing partnerships to advise Oregon OSHA management on focus areas more specific Oregon OSHA activities.**

Oregon OSHA continued to form collaborative relationships with industry groups in targeted industry sectors as well as making full use of advisory stakeholder groups to assist in rulemaking resulting from legislative activity. Many of the partnerships have produced tangible and well-received products and developed strong working relationships with employers.

At the end of FY 2012, Oregon OSHA had 27 active partnerships. During this year two new partnerships were added. We collaborated with the Oregon Health Authority and Mortuary and Cemetery Board to develop outreach materials for mortuaries on the hazards of Tuberculosis (TB). In February we entered into an agreement with the Department of Housing and Community Services, Oregon Department of Revenue, and Oregon OSHA. Representatives from these agencies along with the Oregon Department of Agriculture, Oregon Farm Bureau, Oregon Association of Nurseries, Oregon Opportunity Network and various housing groups met and agreed to establish a memorandum of understanding that would serve to clarify respective roles and responsibilities to ensure that housing tax credit recipients are meeting their obligations.

This has been an active year in membership participation. We will continue to look for additional ways we can partner with new employers during the next fiscal year.

**Strategic Goal # (1, 2)**  
**Workplace Safety and Health, Ergonomics**

**Strategic Goals #(1, 2, 3)**  
**Emphasis**

**Strategic Goal #(3)**  
**Fatalities**

Strategic Goal 1: Reduce serious workplace injuries and the risks that lead to them.

Strategic Goal 2: Reduce serious workplace illnesses and the risks that lead to them.

Strategic Goal 3: Reduce workplace deaths and the risks that lead to them.

**(1, 2)-1 5-Year Performance Goal: Safety and Health Hazards**

**Reduce the injury and illness DART rate to 2.2 (or less) per 100 workers by 2016 through focusing on targeted high hazard industries and safety and health hazards. Health enforcement will focus on targeting high hazard industries and safety and health hazards at the following levels: Safety Enforcement 75%, Health Enforcement 60%, and Consultation 50%.**

The DART rate for CY 2011, the most recent year available, was 2.1 over all sectors. The most recent rate reported of 2.1 indicates that our approach has been successful in achieving the current target DART rate.

In FY 2012, Oregon OSHA continued its focus on inspections in high hazard industries. Oregon OSHA passed the goal of 75% of safety inspections in high hazard industries. There were 2649 (83.4%) safety inspections in high hazard industries.

In FY 2012, health enforcement completed 918 inspections. 643 health inspections (70.0%) were done in high hazard industries.

For FY2013, a new measure focused on severe chemical hazards has been developed. This measure is intended to describe meaningful progress in reducing occupational illnesses and diseases by identifying and correcting chemical hazards, rated as serious violations, which contribute to chronic disease outcomes. The count of serious violations, totaled annually, will be averaged over a 5-year period (federal fiscal year) to establish the base indicator. The indicator will be a 5-year rolling average moving forward. This will be reported annually.

For FY2010, 633 serious hazards were identified, and the 5-year rolling average (FY2006-2010) was 652, which will be the base indicator. For FY2011, 699 serious hazards were identified, and the 5-year rolling average (FY2007-2011) was 688.) For FY2012, 628 serious hazards were identified, and the 5-year rolling average (FY2008-2012) was 689. Overall, there has been a 5.7% increase from the base indicator (689/652) over the last two years. Our inspection priorities and resources are targeted in high hazard industries with our inspection scheduling system and emphasis programs.

**(1, 2, 3)-4 5-Year Performance Goal: Emphasis**

**Implement all state local emphasis programs and appropriate national emphasis programs.**

Oregon OSHA's consultation program started tracking our activities related to emphasis programs during FY12. The information collected indicates that the consultation program assists employers in addressing these emphasis programs during 43.45% of our consultative activities in FY12. The consultative program is actively seeking outreach opportunities as new emphasis programs are under development.

**(3-1) 5-Year Performance Goal: Fatalities**

**Reduce the recent 5-year average rate of workplace fatalities by 20% by 2016 and by 4% by FY 2011 through scheduled inspections and interventions at worksites in targeted industries.**

In this fiscal year, inspections in trenching, falls in construction, struck by hazards in logging, silviculture accounted for 14.9% (609 of 4093) of our total enforcement inspections

The compensable fatality count for CY 2011 is 28. There were 17 accepted compensable fatalities in CY 2010. Total compensable fatalities in CY2011 increased by 11 from the previous year, and is still the second lowest ever reported since Oregon began tracking the statistic in 1943. The CY 2011 compensable fatality rate of 1.71 is still a clear reduction over the baseline rate of 2.15 (CY2007-2009 average rate). The fatality rate for the past years is CY 2010 (1.05), CY 2009 (1.89), CY 2008 (2.58), CY 2007 (1.99), and CY 2006 (2.13). The fatality rate reduction in CY11 is 28%. We will continue tracking this.

**(1, 2)-2 5-Year Performance Goal: Ergonomics**

**Increase awareness and reduce workplace injuries related to ergonomic factors by providing ergonomic assistance to employers.**

Health care will continue to be a focus area for Oregon OSHA over the next several years as we continue the Safe Patient Handling initiative with the Oregon Coalition for Healthcare Ergonomics (OCHE). We are using existing resources as well as continuing to leverage our partnerships in the health care field.

Toward our yearly goal of developing a plan to reduce ergonomic hazards, we have targeted the health care sector, which has one of the highest claims rates for injuries. Claims data, demographic trends, and the increase in service sector employment in the state point to this being an increasing problem if nothing is done. We are continuing to track the progress of the pilot projects that were provided grant funding to develop safe patient handling programs and install lift equipment throughout their facilities.

The following is a breakdown of Ergonomic consultations by NAICS code. This data only includes requested Ergonomic consultations of which there were 158 in FY2012;

<b>Percent</b>	<b>NAICS Code</b>	<b>Description</b>
30%	623	Nursing and residential care
13%	331	Primary Metal Manufacturing
7.5%	331	Food Manufacturing
6.5%	321	Wood Product Manufacturing
5.6%	23	Construction
	541	Professional, Scientific and Technical Services
	92	Public Administration

Of the remaining ergonomic consultations there were 4 or fewer requests per NAICS code.

Oregon has addressed the national emphasis program in nursing and residential care facilities by conducting 228 inspections and 36 consultations since the beginning of 2012. Inspections have resulted in 130 serious violations, with hazard communication, recordkeeping, and employers' responsibilities among the top items cited.

The MSD claims rate data over all sectors will not be reported this fiscal year because reliable counts of the data are not available at this time. Beginning January 1, 2013, the department's claims coding system will change allowing for more detailed reports.

During this fiscal year, Oregon OSHA's consultative program tracked the level of ergonomic information and assistance consultants provided to employers that they provided consultations for. This tracking included the level of assistance provided to the employer and includes not addressed, basic discussion, assessment and ergonomic consultation referral. The results of this tracking indicate that Oregon's consultants have at least some level of interaction with employer during 52% of all consultative activities.

### **Strategic Goal #1, 2, 3**

#### **Excellence: Timely Response, Customer Service, Staff Development**

Strategic Goal 1: Reduce serious workplace injuries and the risks that lead to them.

Strategic Goal 2: Reduce serious workplace illnesses and the risks that lead to them.

Strategic Goal 3: Reduce workplace deaths and the risks that lead to them.

#### **(1, 2, 3)-5 5-Year Performance Goal: Timely Response**

**Investigations/inspections will be initiated timely in 95% of all reported fatalities and hazard complaints; complainant responses will be timely in 90% of all cases; family members will be notified 100% timely, and discrimination cases will be processed 80% timely.**

Timely response to imminent danger complaints and complainant response goals were met.

Timely response to fatalities goal of 95% for the year was met at 95% (19 of 20). One fatality was initially not going to be inspected and the next day an investigation was opened.

The yearly complaint response goal of 95% to send letter within 10 working days was exceeded (97.5%).

The yearly goal for timely discrimination processing of 80% of cases was met for FFY2012, with 94 out of 114 (82.5%) cases completed within the expected 90 day time frame. The Oregon Bureau of Labor and Industries (BOLI) continues to monitor and manage this requirement to the best of their ability. A review of all cases investigated by BOLI is conducted by Oregon OSHA quarterly with a summary of the number of cases provided to the Region. Region 10 conducted an audit of the 11c whistleblower cases that BOLI had completed. At the time of this report a closing conference has been held, but a final report with a list of findings/recommendations has not been provided for response.

#### **(1, 2, 3)-6 5-Year Performance Goal: Customer Service**

**Achieve and maintain customer satisfaction in the delivery of Oregon OSHA programs and services as evidenced by a survey rating of 90% or above on each program survey.**

The yearly goal of attaining a 90% or better customer satisfaction rating in all measured areas of service delivery was met.

**(1, 2, 3)-7 5-Year Performance Goal: Staff Development**

**Ensure ninety percent of safety and health staff will receive 24 hours of Safety and Health professional development training.**

The yearly goal for staff development of 90% was met. Ninety-one percent of the Safety and health staff received professional development training during this fiscal year. The all-staff symposium in October provided a significant portion of staff training hours.

For 2013, we are developing the following classes for staff: Lockout/Tagout, Confined Space, and GHS. We have new resources available to conduct more staff training through webinars which should also serve to increase training hours.

We are also working closely with neighboring states to establish training needs that could be addressed by bringing in OTI classes to regional areas to share resources and costs.

### **III. Special Accomplishments**

### *Alliance activity*

The Oregon Restaurant Association (ORA) alliance was renewed on December 27, 2011.

Oregon OSHA continues activities with the first alliance, renewed September 26, 2011 with the Oregon Coalition for Health Care Ergonomics (OCHE). Oregon OSHA and OCHE will continue to focus on reducing MSDs in health care by encouraging safe patient handling programs. This is the goal of this alliance is to share ergonomics best practices and injury prevention strategies throughout the Oregon healthcare community.

The Oregon Home Builders Association (OHBA) alliance renewal was renewed on April 15, 2011. The alliance seeks to increase outreach efforts to affected employers and employees in the residential home construction industry with the goal of increasing awareness surrounding fall and motor vehicle safety hazards, and ultimately reducing illness and injury rates among employers in the residential construction industry in Oregon.

### *Publications*

#### *What's Wrong With This Picture*

The “What’s wrong with this picture” is a new interactive desktop application that takes users through photographs of workplace hazards taken by Oregon OSHA compliance officers, challenging them to find hazards, some of which are easy to find and other are more difficult. This new desktop application is available online at [http://www.orosha.org/interactive/ww/whats\\_wrong\\_with\\_this\\_pic.html](http://www.orosha.org/interactive/ww/whats_wrong_with_this_pic.html)

#### *Portable Ladder*

The Portable ladder” is a new interactive desktop application that tests user knowledge in selecting, setting up, and climbing a portable extension ladder. The new Portable Ladder application is available online at <http://www.orosha.org/ladder/index.html>

#### *Citation Appeal and Extension Request Form*

Oregon OSHA started offering an online form that reduces the paperwork and time necessary to appeal a citation or request an extension of an appeal date. The only information needed for an employer to complete the form is the inspection number or the optional report number. Nearly half of the agency appeals are now filed online. The new [Appeal a Citation or Request an Extension](http://www.orosha.org/appeals/appeals.html) request form is available online at <http://www.orosha.org/appeals/appeals.html>

### *Special Accomplishments:*

#### *Nursing and residential care facilities program*

Oregon has addressed the national emphasis program in nursing and residential care facilities by conducting 228 inspections since the beginning of 2012. Inspections have resulted in 130 serious violations, with hazard communication, recordkeeping, and employers' responsibilities among the top items cited.

#### *Violence in the workplace incidents-enforcement program directive*

Oregon OSHA issued a new program directive, Workplace Violence Incidents-Enforcement Procedures for Investigating or Inspecting, in December, 2011. The purpose of this instruction is to provide general policies and procedures that apply when workplace violence is identified as a hazard while conducting an inspection at worksites in industries with a high incidence of workplace violence and when responding to complaints, referrals and accidents where workplace violence is an issue. Workplace violence complaints are increasing with several resulting in violations.

#### *Cooperation with Law Enforcement Officials during Investigations*

Over the last few years, Oregon OSHA has conducted several investigations into law enforcement shootings and other incidents. The cases have involved officers who have been shot or injured on the job. Historically, many of these cases weren't investigated by Oregon OSHA. In one recent investigation, a law enforcement agency challenged Oregon OSHA's ability to subpoena records and the record request was later upheld in circuit court. During an all-staff training, Oregon OSHA partnered with local public safety representatives to share learning experiences about how we can work cooperatively during active investigations.

#### *Spotlight Award winner for Issue Management*

Oregon OSHA was awarded a "Spotlight Award," the highest award given by the Portland chapter of the Public Relations Society of America, for the agency's work on formaldehyde in hair smoothing products. Oregon OSHA entered the award in partnership with Oregon Health and Science University's Center for Research on Occupational and Environmental Toxicology after publishing a report on the dangers of hair smoothing products.

#### *Injured Worker's Scholarship*

The Workers' Memorial Scholarship is open to any high school graduate, graduating high school senior, GED recipient, or current college undergraduate or graduate student who is a dependent or spouse of an Oregon worker who has been fatally injured or permanently disabled while on the job. In 2012, seven candidates were awarded individual scholarships of 750 to 1500 dollars.

#### *Safety Break for Oregon*

More than 50 companies across Oregon held awards programs, trainings, and other employee events as part of the annual Safety Break for Oregon on May 9, 2012. Oregon OSHA coordinates the one-day event, designed to raise awareness and promote the value of safety and health in preventing on-the-job injuries and illnesses.

*Grant activity*

Oregon OSHA training grants continued to be suspended during FY 2012, due to lack of available funds.

*Ergonomics activity*

Since Oregon OSHA started tracking ergonomic activities conducted by consultative staff we have seen a significant increase in the percentage of consultative activities where ergonomics has been addressed. It was anticipated that ergonomics would be addressed during 10% of all consultative activities at the end of FFY 2012. Oregon OSHA consultative staff were conducting basic ergonomic discussions with employers and employees during 48% of all consultative activities.

## **IV. Adjustments and Other Issues**

## Occupational Injury and Workers' Compensation Premium

The Oregon pure premium rate for workers compensation insurance will increase in 2013, in order to track the growth in medical claims costs. The Oregon premium in 2012 was 1.9 percent.

The workers' compensation division approved a 1.7 percent change in "pure premium," in 2013. The average increase is 3.7 percent for employers in the Assigned Risk Plan. There will be no change in the workers' compensation premium assessment, which remains at 6.2 percent in 2013. (Self-insured employers and self-insured employer groups pay an additional 0.2 percent into reserves to pay claims in the event of a bankruptcy.) The growth in pure premium reflects claims costs in Oregon and is based on a recommendation from the National Council on Compensation Insurance Inc. (NCCI).

The 1.7 percent is an average so an individual employer may see a large increase, no change, or even a rate decrease depending on the employer's industry, claims experience, workforce, and other factors. Employers will see these changes when they renew their policies

While workers' compensation costs are relatively flat, medical costs are beginning to play a larger role in annual changes. Even so, Oregon's workers' compensation premium rates remain low nationally. Only 11 states and the District of Columbia had average rates lower than Oregon at the beginning of 2012, according to the preliminary analysis of a DCBS study. Of neighboring states, Washington and Idaho had higher rates, and California's average rates were more than 50 percent higher. Only Nevada had a lower rate. Oregon has minimized rate increases by improving workplace safety, getting injured workers back to work quickly, and controlling medical payments for certain procedures.

The rates will go into effect January 1, 2013.

## FY 2011 FAME Recommendations

### *Oregon Report Recommendations for Fiscal Year 2011.*

#### **Recommendation:**

There were three recommendations for improvement in the 2011 Federal Annual Monitoring and Evaluation report.

#### **Recommendation:**

- 1. Ensure appropriate inspection goals are set based on realistic expectations in consideration of current resources, abilities and training status of compliance staff, and properly allocated in order to achieve goals.**
- 2. Increase gravity-based penalty amounts significantly in order to encourage employer voluntary compliance and to serve as a strong deterrent. Make policy adjustments to raise penalty averages for serious violations.**
- 3. Ensure the appropriate violation classification is determined based on the severity and probability of the hazard.**

*Response:*

1. We took steps to make the FY 2012 goals more realistic, based on expected staffing and productivity. We also are filling positions, which will enable our FY 2013 goals to more closely approximate our historic levels. We have completed our actions in relation to this issue and do not anticipate further action.
2. We have completed our rulemaking to improve penalty effectiveness, primarily by better encouraging desired employer behavior, better reflecting the size of the employer, and focusing on those violations most likely to cause the death of a worker. As we indicated in response to the finding, we did not set out to increase the average first-time serious penalty, and we do not think that indicator is a particularly strong measure of the deterrent effect of our enforcement activity. We have completed our actions in relation to this issue and do not anticipate further action.
3. We are reinforcing appropriate classification, especially in relation to agriculture (the source of the finding). We will focus our internal audit activities during the coming federal fiscal year on violation classification (as well as appropriate application of the new penalty rules). Our focused audit will be completed in FFY 2013.

### **FY 2012 New Major Issues**

In a 1999 decision, the Oregon Supreme Court found that if Oregon OSHA proves that a supervisor personally committed a serious violation and the supervisor was acting within the scope of his authorized duties then “facts that the supervisor knew or reasonably could have known are attributable to employer because of their agency relationship.” At the time, the court noted that the employer “may offer relevant evidence that, in the particular circumstances, it should not be held responsible.” Neither the existing rules nor the court decision defined relevant evidence. Since *Don Whitaker Logging*, Oregon OSHA has held employers accountable for a supervisor’s knowledge in almost all circumstances, even when the supervisor was the only employee involved.

In February 2012, the Oregon Court of Appeals’ decision in *Oregon OSHA vs. CC&L Roofing* threw into question Oregon OSHA’s previous understanding that knowledge should almost always be imputed to the employer. The court upheld an administrative law judge decision that the employer had done everything it could be expected to do, even though a supervisor participated in a violation that also exposed a subordinate employee to injury. The court held that it was appropriate for the ALJ to consider the employer’s safety program in determining whether Oregon OSHA had met its burden of proving employer knowledge. Since the original ALJ decision, employers have often raised *CC&L* during settlement discussions, even when multiple supervisors are involved or when the employer made little effort to enforce safety rules. In deferring to the ALJ’s decision, the appellate court did not provide guidance as to how Oregon OSHA or an ALJ should determine whether an employer has provided sufficient evidence to absolve it of responsibility.

Existing rules also do not provide such criteria, nor do they provide guidance about the application of the broader unpreventable employee misconduct defense in general. Because of the lack of such guidance, it remains to be seen whether, for example, limited training and minimal enforcement efforts by an employer would be adequate to relieve the employer of responsibility for the supervisor’s misconduct. It also is not clear whether such “rogue supervisor” arguments could be used to protect the employer from misconduct committed by very senior individuals in the company, such as the director of safety, a division head, or even a chief executive officer who is not following the direction provided by the corporate board. While such extremes may be unlikely in practice, they highlight the

lack of guidance currently available and currently must be addressed on a case-by-case basis. This not only raises questions about consistency but also about possible reductions in enforcement effectiveness if certain employers believe that they can avoid responsibility for violations committed by their supervisory staff to which they have been subject in the past. Existing guidance also does not address Oregon OSHA's past practice of holding employers accountable for the supervisor's knowledge even when the supervisor is the only employee involved. In such cases, when a supervisory employee is not actually acting as a supervisor, it is at least arguable that the standard *should* be no different than it would be if the employee were not a supervisor and the employer was arguing that the violation is the result of unpreventable employee misconduct.

Oregon OSHA is actively considering issuing an interpretive rule to address these and related issues.

## **V. 21(d) Consultation Activities**

## **Executive Summary**

The Oregon OSHA consultation program is a large, highly successful program consisting of 39 state-funded consultation positions (27 consultants, 4 managers, 4 consultation support and 4 21(d) funded positions). The staffing levels for the 21(d) program have remained unchanged and fully staffed. This section of the FY 2012 annual report highlights consultation activities conducted by the 21(d) funded positions.

The vision of the agency's safety and health program assistance goal is to increase self sufficiency among Oregon employers. The FY 2012 goal for Oregon OSHA's entire consultation program was to work with all employers to improve their understanding of a comprehensive safety and health management system during consultations.

During FY 2012, 21(d) consultants opened a total of 341 consultations. Health consultants conducted 132 initial visits and 1 follow-up, for a total of 133. Safety consultants conducted 199 initial visits and 9 follow-ups, for a total of 341. Four training/assistants sessions were provided during this FFY. Overall the 21(d) consultative staff exceeding the projections of 230 consultation visits, by 48.3%.

## **Training**

Oregon OSHA is committed to providing field staff with the most up-to-date training on occupational safety and health. All but one 21(d) consultative staff attended a minimum of 24 hours of development training during this FFY. 21(d) training hours are as follows: Brian Annis – 30.25, Randy Nice – 48.25, Fran Clark – 36.00, and Nancy Graf – 2.00 (Nancy was out of the office for two unplanned extended periods of time during FY12.)

## **Other Issues or Adjustments**

### State-Specific Initiatives

There are no initiatives specific to the 21(d) consultants at this time.

### Quality Assurance Program

Quality Assurance is achieved through effective guidelines and policies, a set of core competencies for all consultants, linkage of those core competencies to annual performance evaluations, a consultation evaluation process, mandated activity reports, and data reports tracking progress toward strategic goals.

Quarterly file reviews were conducted during 2012 for additional quality control. These reviews resulted in timely identification and if needed correction of any issues identified. No major issues were identified during any of the file reviews.

Customer satisfaction surveys on every consultation gather feedback from customers regarding the quality and usefulness of the consultation service. Consultation Managers' meetings are held on a regular basis throughout the year, as are field office staff meetings. In addition, every report is reviewed by the manager for technical accuracy, consistency and quality assurance.

All staff were accompanied on consultation visits by their supervisor during the fiscal year. No negative or unusual situations were noted during these reviews.

### State-Specific Employer Variance

During FY 2012 Oregon OSHA revoked an Order Of Variance for one employer. Repeated attempts to reach the employer concerning the need for the continuance of the variance were unsuccessful.

## Appendix

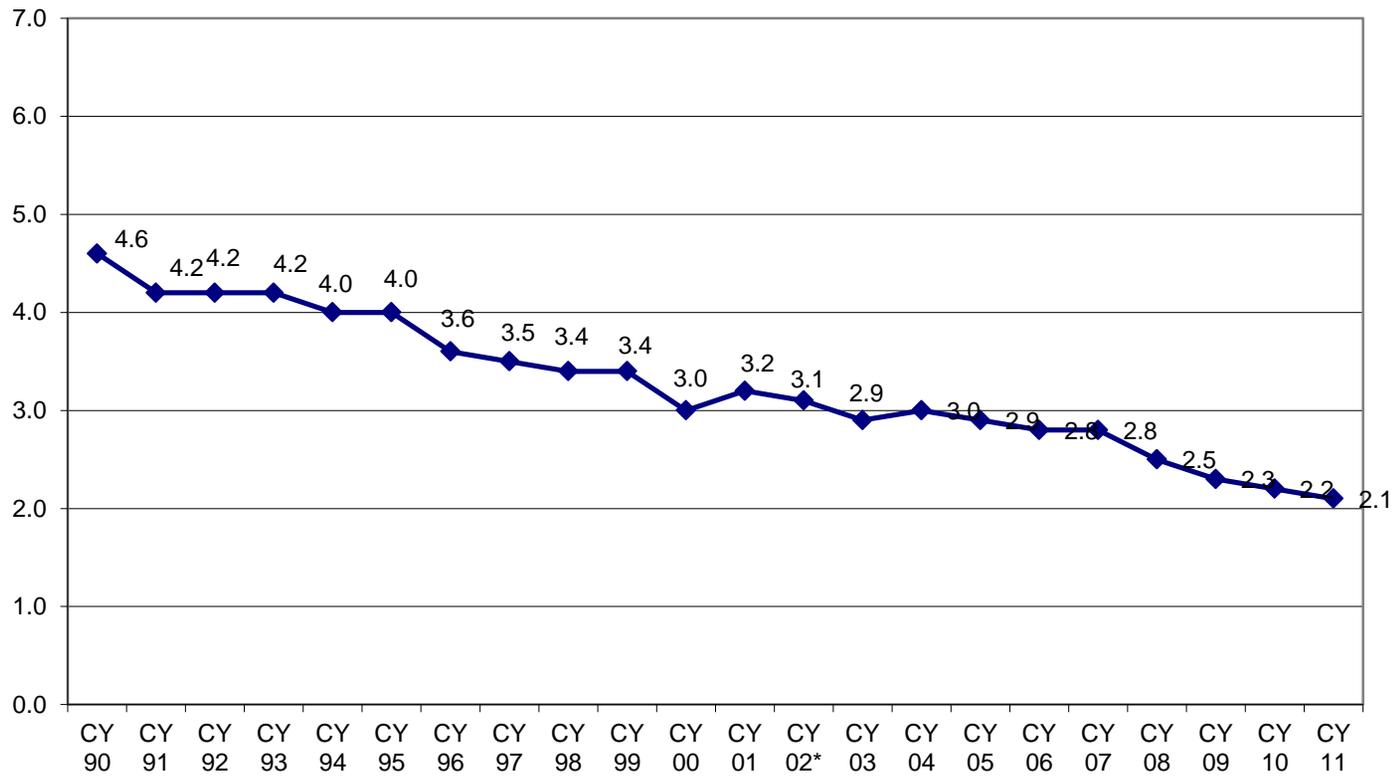
### *Charts*

*Note to chart readers: data now reflects corrections (if any) to prior year's data.*

**Notice of Change:** Beginning with calendar year 2003, industry data is classified according to a North American Industry Classification System (NAICS) instead of the Standard Industrial Classification (SIC) System. The final year using the Standard Industrial Classification (SIC) System was CY 2002.

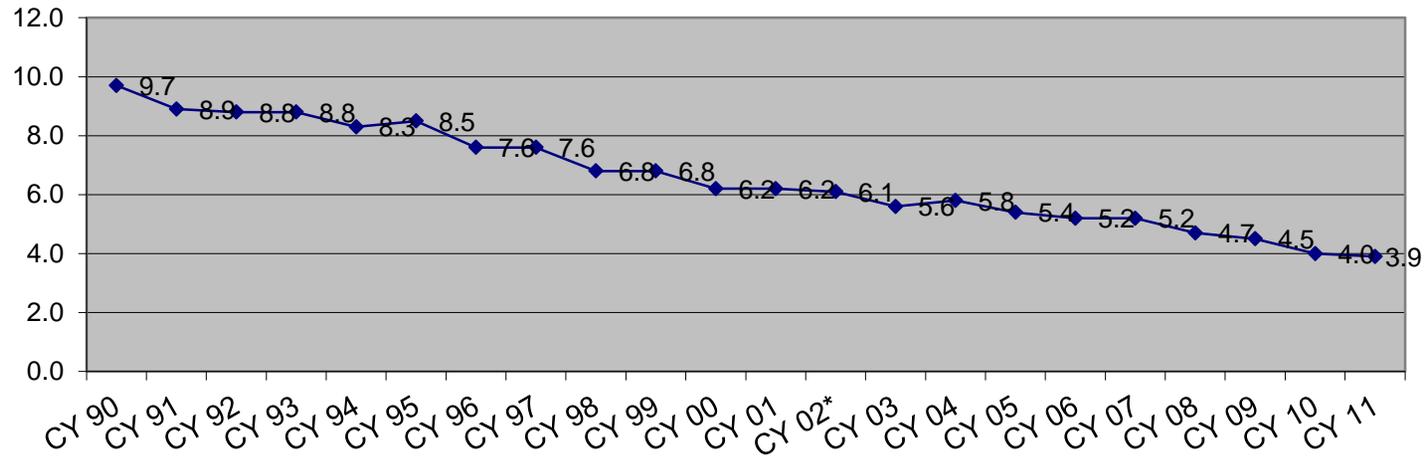
Rolled up data between 2001 and 2002 is not *strictly* comparable because of changes in the recordkeeping rules.

### Oregon Lost Workday Cases Incidence Rate/DART rate (all sectors) Calendar Years 1990 - 2011



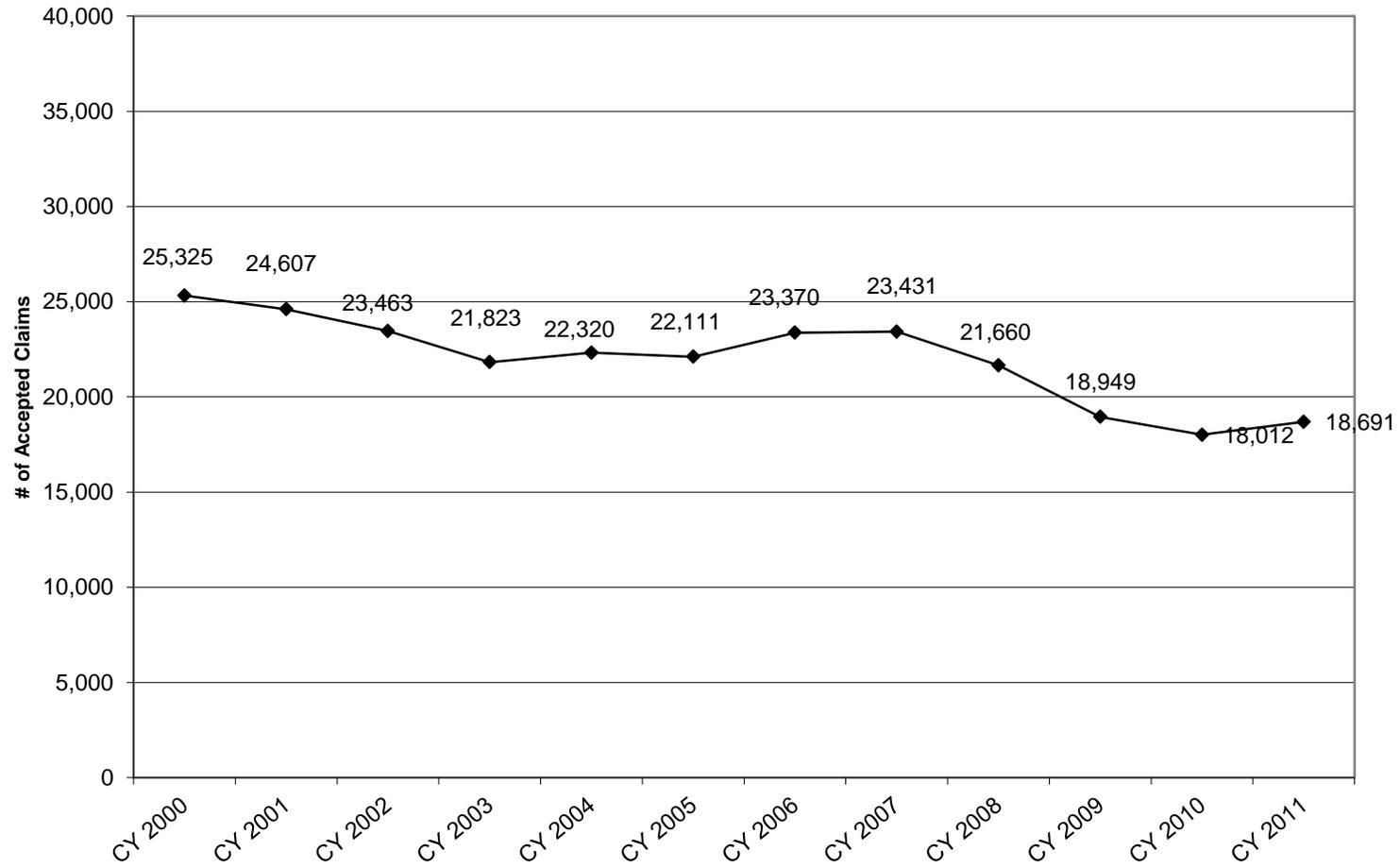
\*In 2002, the recordkeeping rules changed, causing the data between 2001 and 2002 to not be strictly comparable.

### Total Case Incidence Rate (all sectors)

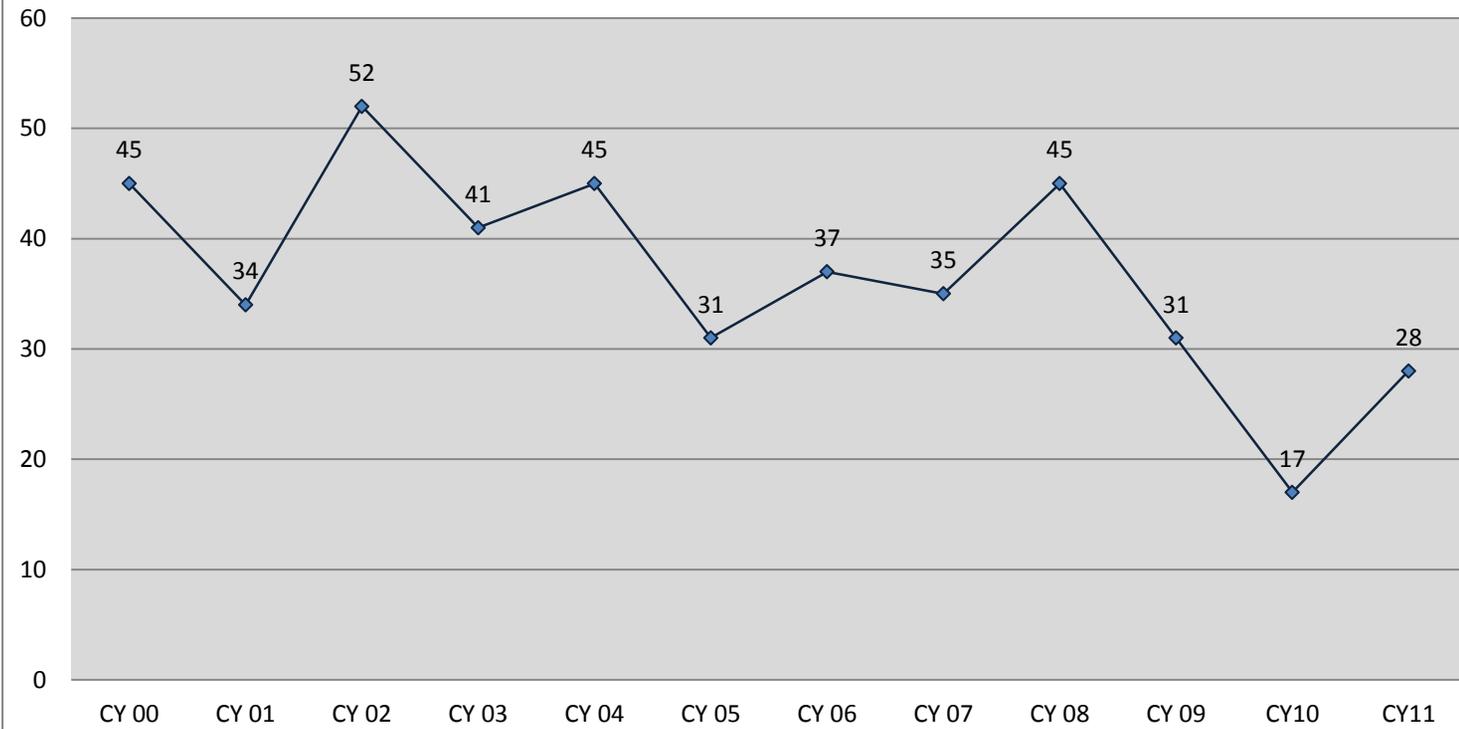


\*In 2002, the recordkeeping rules changed, causing the data between 2001 and 2002 to not be strictly comparable

### Oregon Accepted Disabling Claims Calendar Years 2000 - 2011



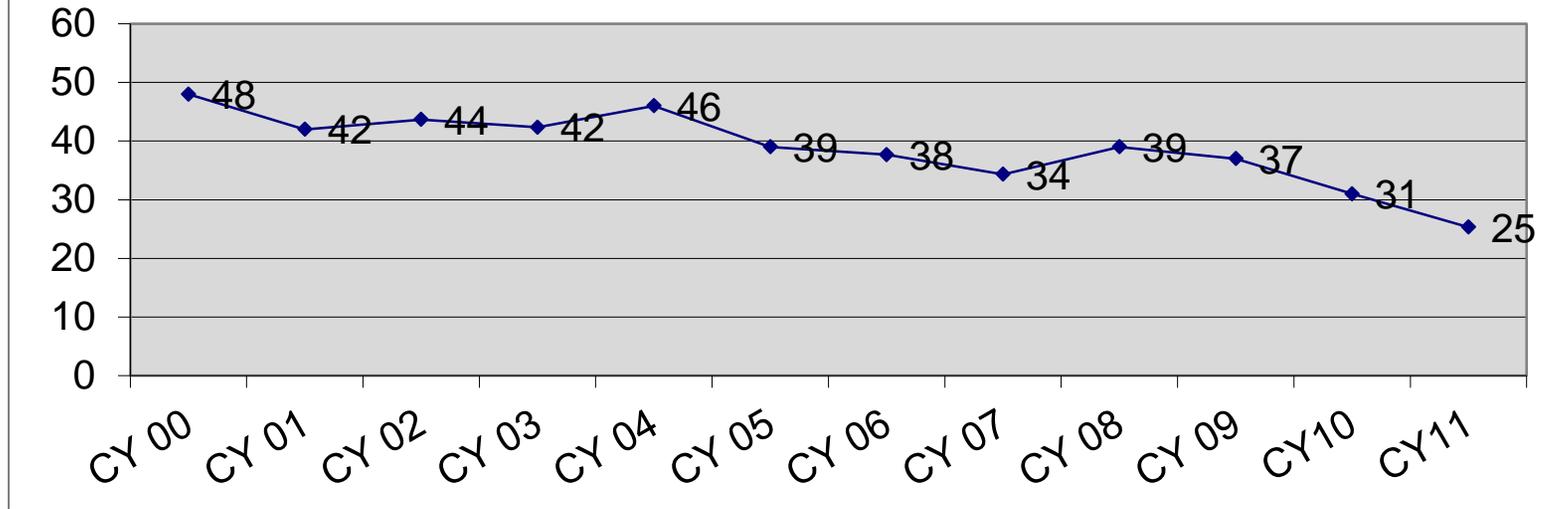
### Oregon Compensible Fatalities Calendar Years 2000-2011



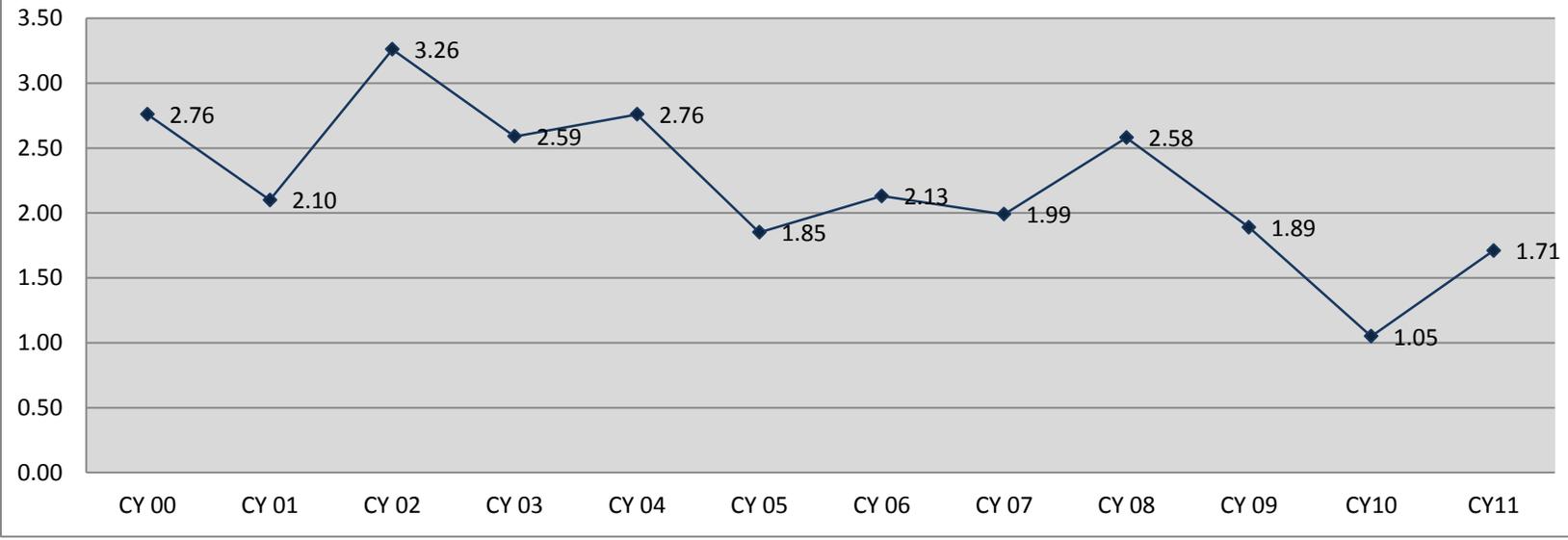
# Oregon Compensable Fatalities

Calendar Years 2000 - 2011

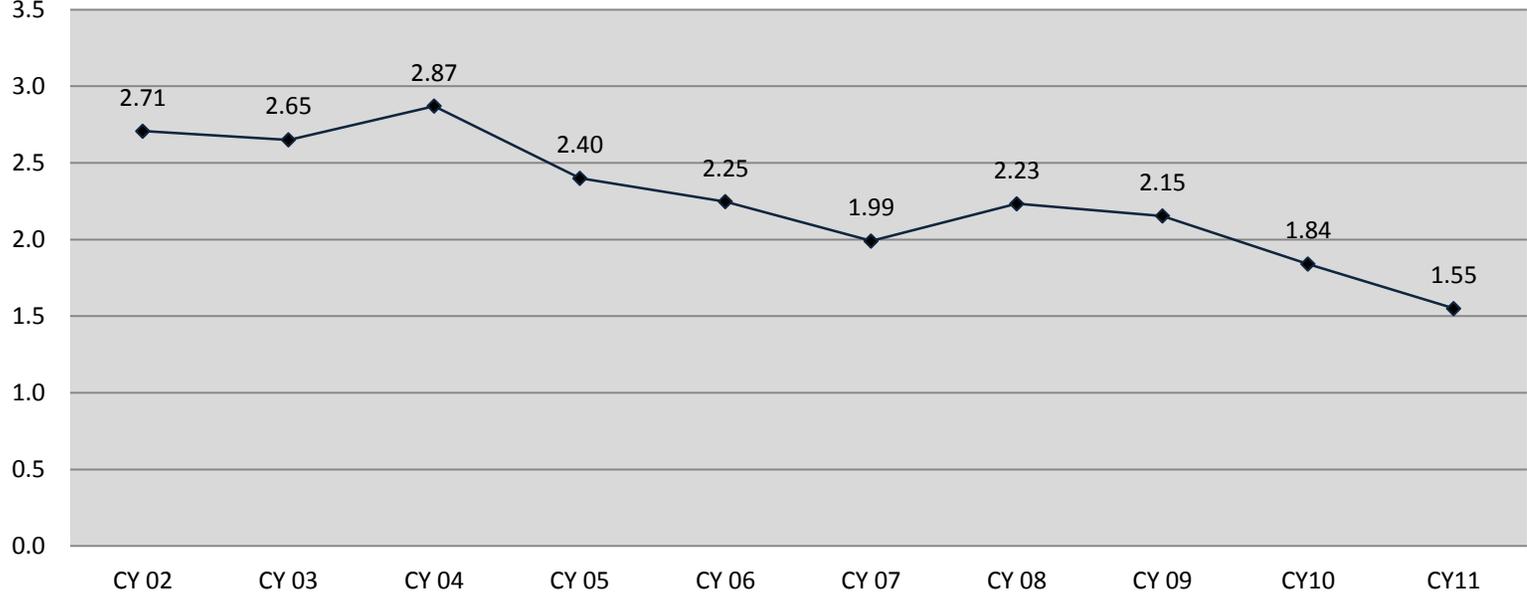
3-year rolling average



### Compensable Fatality Rate (per 100,000 workers) CY 2000-2011

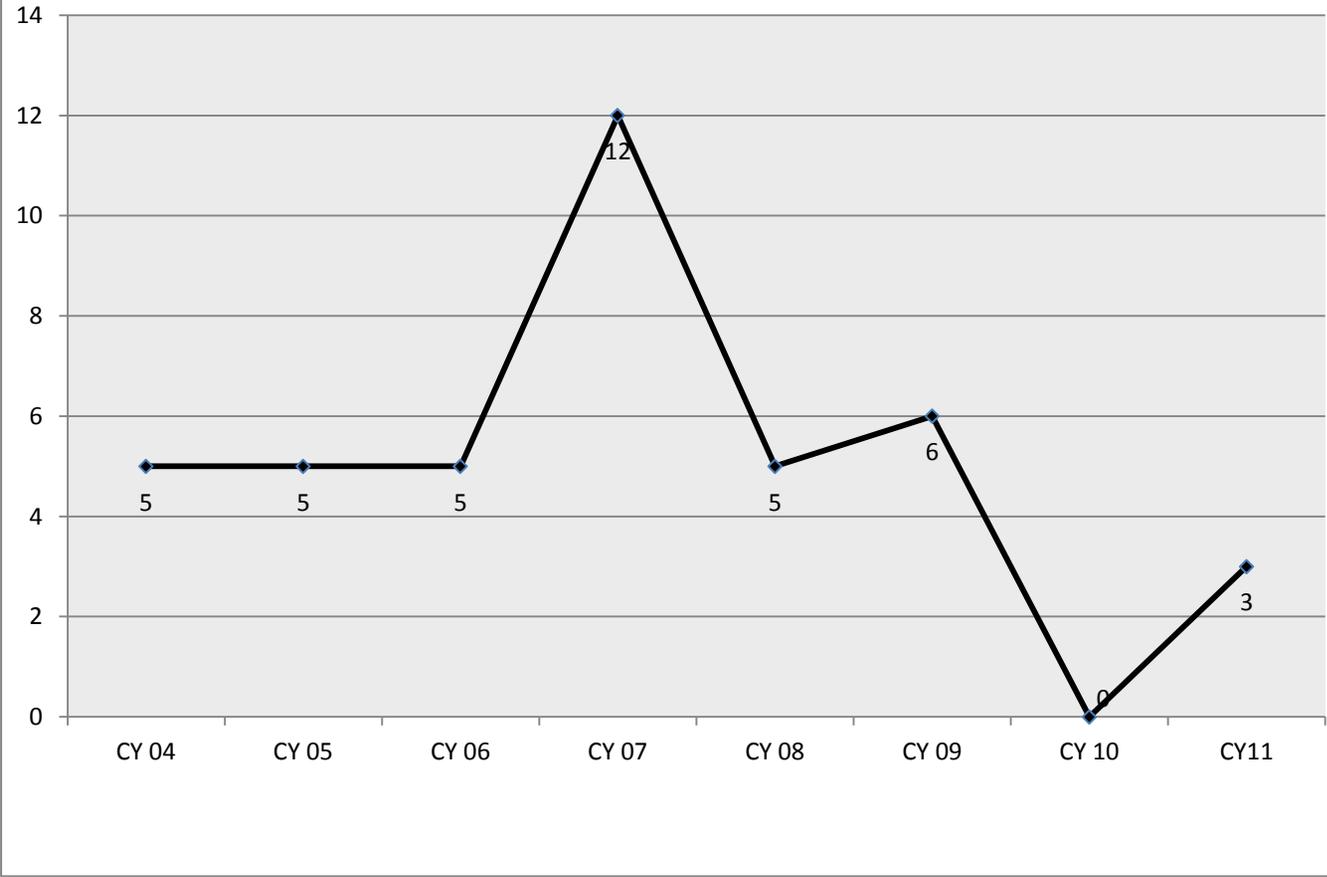


**Compensable Fatality Rate**  
(per 100,000 workers)  
CY 3-year rolling average

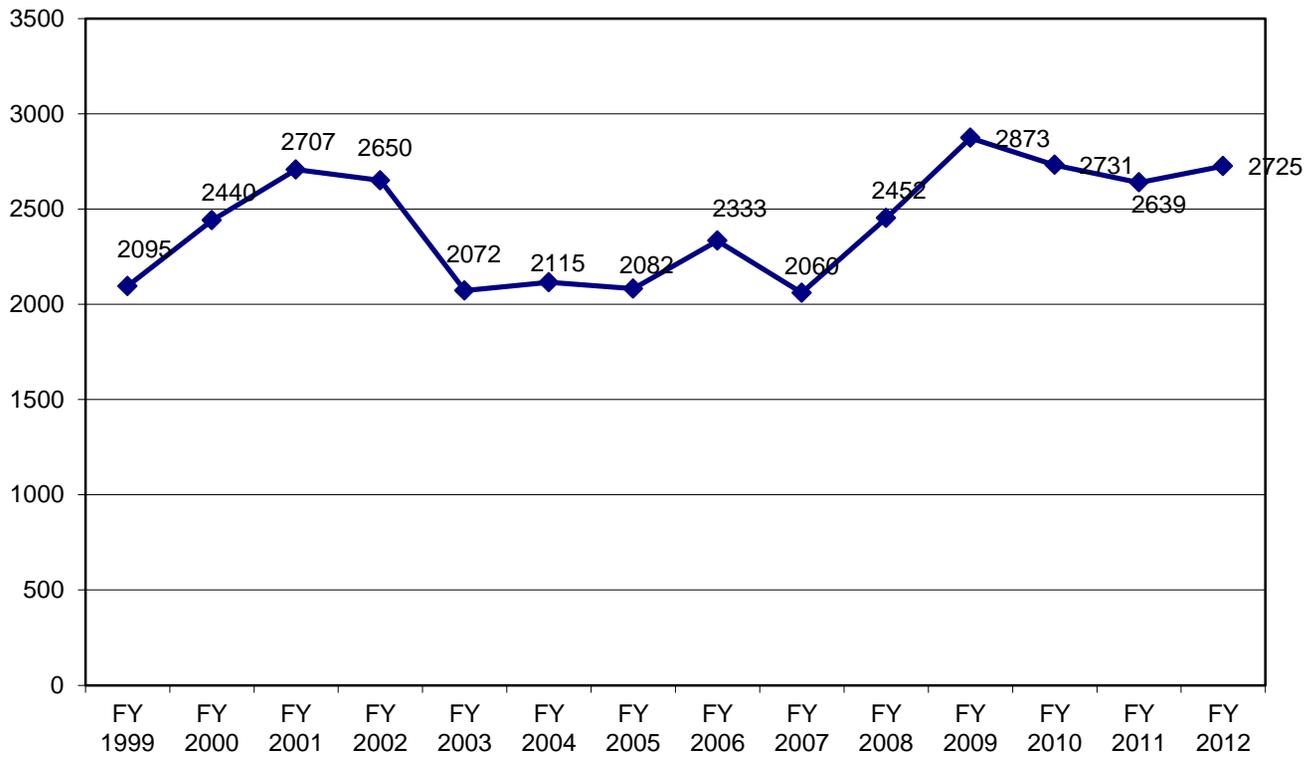


# Oregon Compensable Construction Fatalities

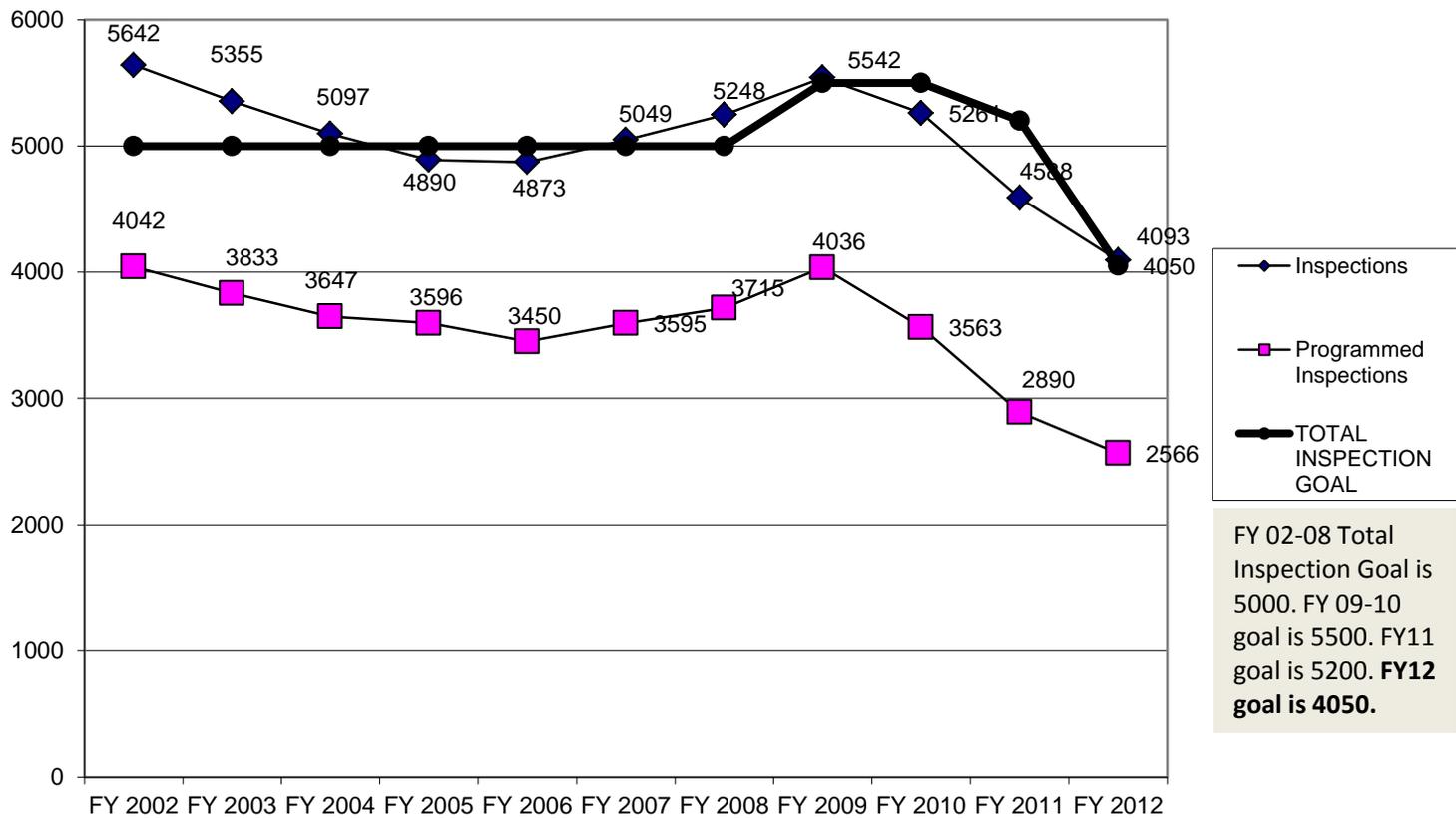
## Calendar Years 2004-2011



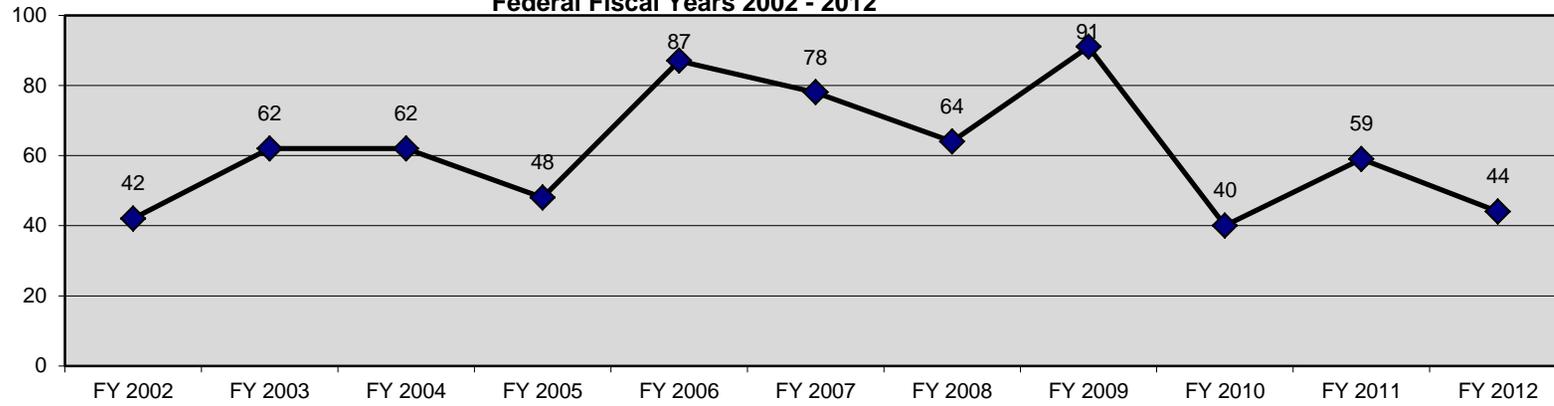
### Total OR-OSHA Consultations Federal Fiscal Years 1999 - 2012



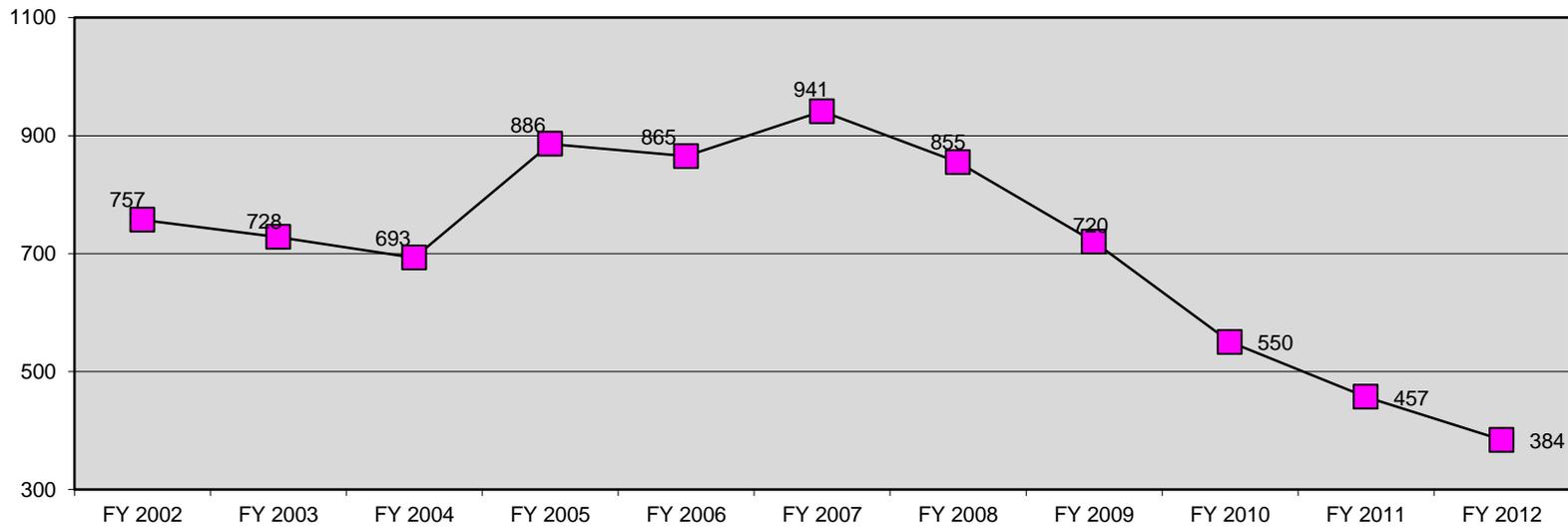
### Total Oregon OSHA Inspections Federal Fiscal Years 2002 - 2012

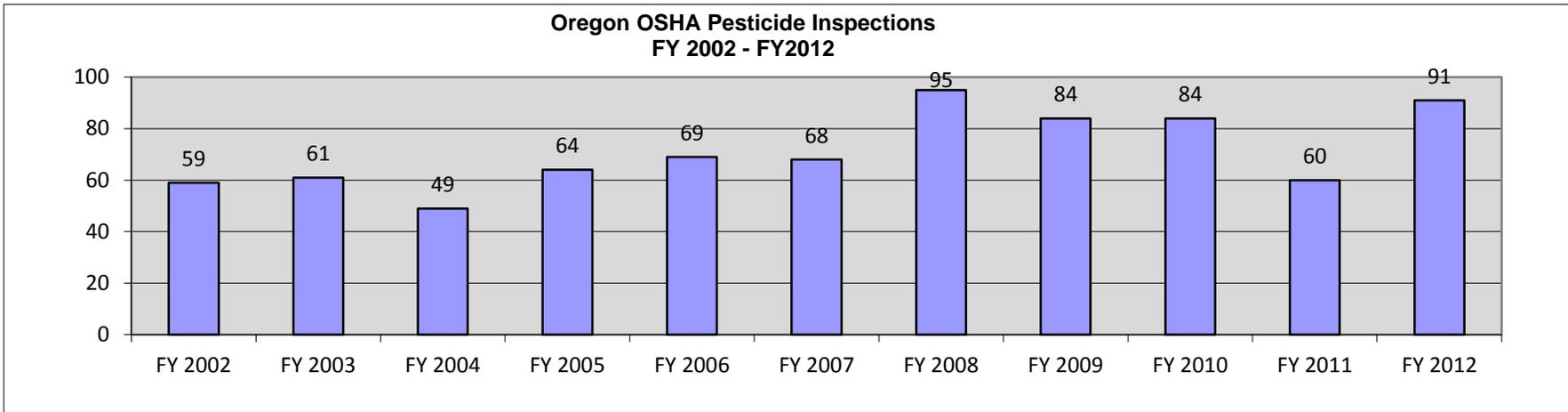


**Oregon OSHA Agriculture Labor Housing Inspections  
Federal Fiscal Years 2002 - 2012**

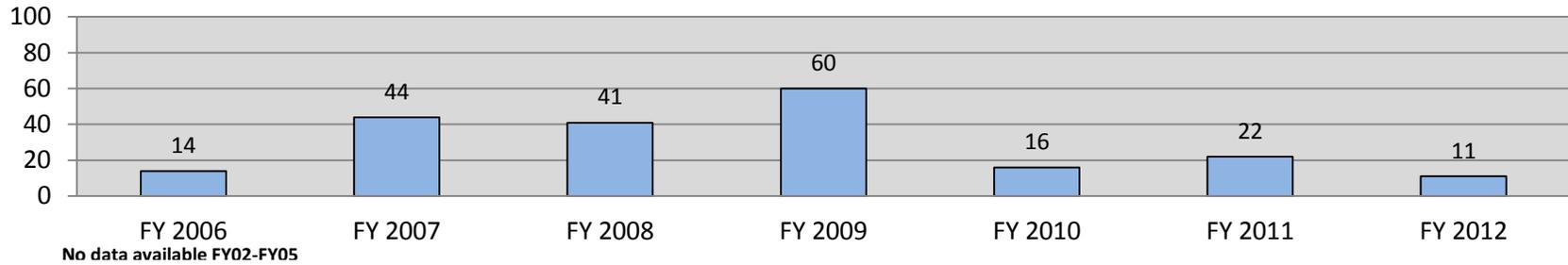


**Oregon OSHA Falls-In-Construction Inspections  
Federal Fiscal Years 2002 - 2012**

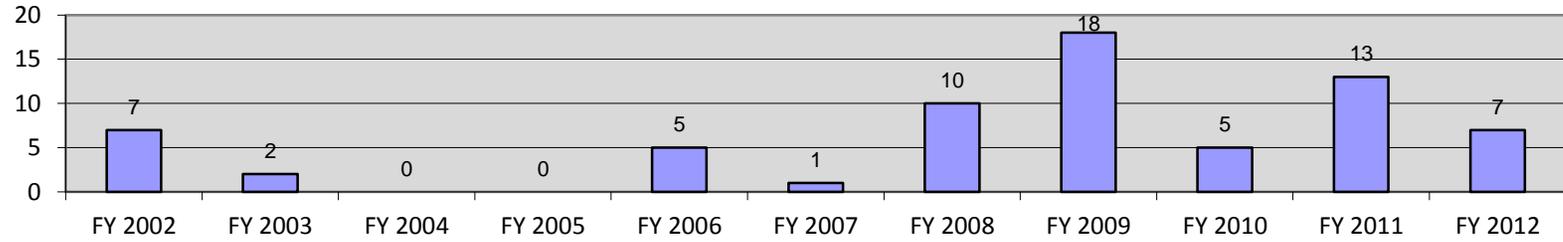




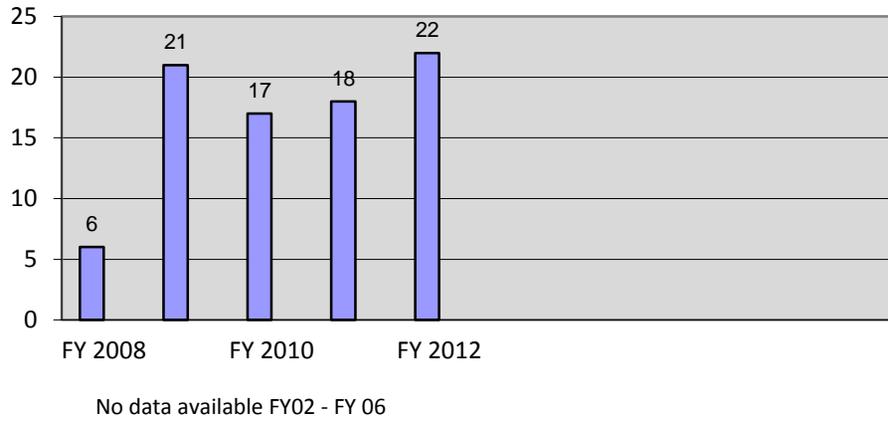
**Oregon OSHA Diisocyanate Inspections  
Federal Fiscal Years 2006 - 2012**



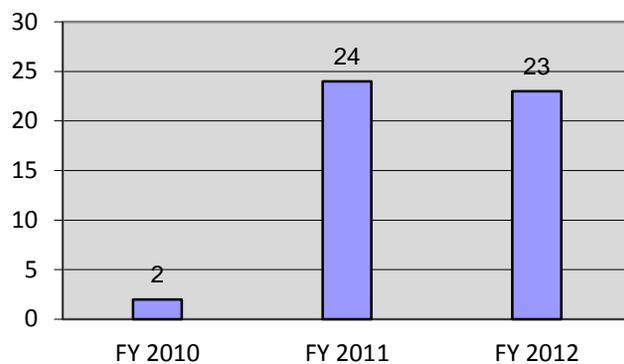
**Oregon OSHA Process Safety Management Inspections  
Federal Fiscal Years 2002 - 2012**



**Oregon OSHA Combustible Dust Inspections  
Federal Fiscal Years 2008 - 2012**



**Oregon OSHA Hexavalent Chromium Inspections  
Federal Fiscal Years 2010 - 2012**



No data available FY02-FY09