

FY 2018
Follow-up Federal Annual Monitoring Evaluation (FAME) Report

Industrial Commission of Arizona (ICA)
Arizona Division of Occupational Safety and Health
(ADOSH)



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I. Executive Summary

The purpose of this report is to assess the Arizona Division of Occupational Safety and Health (ADOSH) program for fiscal year (FY) 2018 and its progress in resolving outstanding findings from the previous FY 2017 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report. ADOSH is responsible for the enforcement of regulations protecting workers from health and safety hazards in Arizona's workplaces.

FY 2018 was a year of transition as a new Director was selected in the summer. ADOSH made some progress towards rectifying nine findings and one observation from the FY 2017 Comprehensive Fame Report; however, new findings emerged. Two findings were verified as completed. Of the remaining seven findings, five corrective action plans were completed and are pending verification. Two were continued and three new findings were identified. The single observation was continued and two new observations were added. The continued and new findings will be the focus of next year's on-site case file review during the FY 2019 Comprehensive Fame. The three observations are open for further monitoring.

Many of the FY 2018 Annual Plan Performance goals were met, but some goals were not achieved. Most enforcement goals were not met, such as completing the projected number of annual inspections, and completing the projected number of construction, public entity, and agriculture inspections. The number of inspections where no hazards were observed increased from prior years. The rate of serious, willful, repeat violations, and unclassified violations cited remained low.

II. State Plan Background

The state of Arizona operates an occupational safety and health program administered by ADOSH under the Industrial Commission of Arizona (ICA). James Ashley serves as the Director of the ICA and the State Plan Designee. Bill Warren was the Director for the ADOSH program, but tendered his resignation in February 2018. Jessie Atencio, Assistant Director of Cooperative Programs, was designated as Acting Director until July 2018 when he was officially selected as Director. Assistant Director Phil Murphy managed the enforcement program under Mr. Atencio.

ADOSH's organizational units include Administration, Safety and Health Compliance, Consultation, Boiler Safety, Elevator Safety, and Research and Statistics. Boiler Safety, Elevator Safety, and the Research and Statistics units were not included under the OSHA 23(g) grant. There were two offices, one in Phoenix and another in Tucson. The 23(g) grant provided funding for a full-time staff comprised of two managers, four first line supervisors, 17 safety compliance officers, eight health compliance officers, two retaliation investigators, four clerical staff, and two trainers. Consultation for state and local government employers was provided by six consultants who spent 15% of their time under the 23(g) grant and the remainder of their time in the private sector consultation program.

ADOSH covers nearly all private employers and state and local government workplaces with the exception of federal workers, mining, smelters, batch plants, and areas of exclusive federal jurisdiction such as tribal lands. All inspections with proposed penalties in excess of \$2,500 are

reviewed by the Commissioners of the ICA, who may modify proposed citations and penalties prior to citation issuance.

The initial base award to fund the Arizona program was \$2,286,400 in federal funds. The state matched this for a total grant amount of \$4,572,800. Arizona de-obligated \$300,000 and later lapsed \$184,547.

New Issues

Over the past four years, the program has been returning grant amounts ranging from \$180,000 - \$300,000. In June 2018, \$300,000 was de-obligated and by the end of the fiscal year an additional \$185,000 was left unobligated and returned to the federal Treasury. This lapse in funding prevented OSHA from redistributing the funds to other states and made ADOSH ineligible for fund increases that other State Plans received in FY 2019. OSHA will implement monthly oversight of spending to ensure federal funds are appropriately expended or obligated by the end of the fiscal year to ensure that no funds are lapsed. The Occupational Safety and Health State Plan Association and OSHA will be implementing further measures to ensure timely expenditure or redistribution of de-obligated grant funds to maximize their use among State Plans.

ADOSH's number of inspections decreased significantly since FY 2017. In FY 2017, ADOSH conducted 1,205 total inspections. In FY 2018, ADOSH conducted only 613 of 1,115 (55%) inspections projected in the Annual Performance Plan. In addition, despite the goal to focus on hazardous conditions in the construction industry, only 214 of 580 (37%) inspections were conducted, and only 150 of 795 (19%) violations identified.

Maximum Penalties

In accordance with the Bipartisan Budget Bill passed on November 2, 2015, OSHA published a rule on July 1, 2016 raising its maximum penalties. As required by law, OSHA then increased maximum penalties annually, on January 1, 2017, January 1, 2018, and January 23, 2019, according to the Consumer Price Index (CPI). State Plans are required to adopt both the initial increase and subsequent annual increases within the corresponding six-month timeframe set by regulation. December 2018 marked two full years since the first deadline passed for adoption and the Arizona State Plan has not yet completed the legislative changes to increase maximum penalties. Therefore, if the State Plan does not take significant steps to adopt during FY 2019, this issue may be a finding in the FY 2019 Comprehensive FAME Report.

On January 9, 2017, OSHA issued a final rule to prevent chronic beryllium disease and lung cancer in workers by limiting their exposure to beryllium. The rule contains standards for general industry, construction and shipyards. State Plans were required to adopt an "at least as effective as" rule within six months of promulgation or by July 9, 2017. On June 27, 2017, OSHA published a notice of proposed rulemaking (NPRM) proposing to revoke the ancillary provisions of the standards applicable to the construction and shipyard sectors, but to retain the new permissible exposure limit of 0.2 $\mu\text{g}/\text{m}^3$ (PEL) and the short-term exposure limit (STEL) of 2.0 $\mu\text{g}/\text{m}^3$. The NPRM for the construction and shipyard beryllium standards is still pending. In May 2018, OSHA issued a Direct Final Rule adopting a number of clarifying amendments to address the application of the beryllium general industry standard to materials containing trace amounts

(< 0.1%) of beryllium. Subsequently, in December 2018, OSHA published an NPRM modifying the beryllium general industry standard to clarify certain provisions and to help improve compliance. This NPRM is still pending. Given the unusual circumstances of this rulemaking, in which substantive changes have been proposed to a rule within six months following its initial promulgation, the Arizona State Plan has delayed promulgation pending completion of all rulemaking on this rule.

III. Assessment of State Plan Progress and Performance

A. Data and Methodology

OSHA has established a two-year cycle for the FAME process. This is the follow-up year, and as such, OSHA did not perform an on-site case file review associated with a comprehensive FAME. This strategy allowed the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME. The analyses and conclusions described in this report were based on information obtained from a variety of monitoring sources, including:

- State Activity Mandated Measures Report (SAMM, Appendix D)
- State Information Report (SIR)
- OSHA Information System (OIS)
- Mandated Activities Report for Consultation (MARC)
- State OSHA Annual Report (SOAR, Appendix E)
- State Plan Annual Performance Plan
- State Plan Grant Application
- Quarterly monitoring meetings between OSHA and the State Plan
- Web Integrated Management Information System (WebIMIS)

B. Findings and Observations

FINDINGS (STATUS OF PREVIOUS AND NEW ITEMS)

The FY 2017 Comprehensive FAME Report identified nine findings and one observation. Two of the findings from FY 2017 were completed and verified. This follow-up FAME report contains ten findings (seven continued, three new) and three observations (one continued and two new). Appendix C describes the status of each FY 2017 recommendation in detail.

Completed Findings

Finding FY 2017-01: In FY 2017, data entry errors in entering fatality information in OIS resulted in miscalculations in the SAMM.

Status: ADOSH followed recommendations on how to properly input fatality data and corrected data entry errors that OSHA identified. OSHA monitored fatality data by reviewing OIS and SAMM reports throughout FY 2018. This item is completed.

Finding FY 2017-02: In FY 2017, the average time to respond to complaint investigations was 3.9 days which exceeded the negotiated 3 day average response time.

Status: The negotiated goal for initiating complaint investigations was three days. Management implemented measures that included close supervisory attention and tracking of complaint investigations. ADOSH's efforts resulted in a response time for complaint investigations that averaged 1.31 days. This item is completed.

Continued Findings

Finding FY 2018-01 (FY 2017-03): In FY 2017, a fatality investigation lacked pertinent facts in addressing hazardous conditions that violated OSHA standards or the general duty clause.

Status: ADOSH management provided compliance staff retraining and enhanced oversight for fatality cases in 2018. The corrective action plan was completed, awaiting verification, and will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME.

Finding FY 2018-02 (FY 2017-04): In FY 2018, the average number of serious, willful, repeat or unclassified (SWRU) violations per inspection was 1.16 (SAMM 5).

Status: On August 8, 2018, management provided in-house training on hazard classification and documentation but the rate remained low. For FY 2018, the further review level (FRL) for the average number of SWRU violations per inspection was +/- 20% of the three-year national average of 1.82. The range of acceptable data not requiring further review was 1.46 to 2.18 SWRU violations per inspection. For FY 2017, ADOSH's average number of SWRU violations per inspection was 1.13, which was below the FRL. ADOSH's average increased from 1.13 to 1.16 in FY 2018; however, the average is still below the acceptable range. In fact, ADOSH has been below the FRL for at least the last four years. Therefore, this finding is continued as Finding FY 2018-02 and amended to reflect the new SAMM data from FY 2018.

Finding FY 2018-03 (FY 2017-05): OSHA standards for Walking-Working Surfaces and Personal Protective Equipment (Fall Protection) and the table updates to the silica standard were not adopted by the adoption due date.

Status: ADOSH adopted the final rules on Occupational Exposure to Respirable Crystalline Silica, Electric Power Generation, Transmission and Distribution (Electrical Protective Equipment), and Injury and Illness Recording and Reporting Requirements on July 23, 2018. Standards that were not adopted but were included as part of this finding were the final rule on Walking-Working Surfaces and Personal Protective Equipment (Fall Protection) and the table updates to the silica standard. Therefore, this finding remains open. The adoption of final rules related to penalty updates and the final rule on Occupational Exposure to Beryllium were addressed in the major new issues section of this report and will be tracked separately from this finding.

Finding FY 2018-04 (FY 2017-06): In FY 2017, in 23 of 26 (88%) of whistleblower retaliation cases reviewed, case disposition information entered into WebIMIS was not accurate or timely entered.

Status: ADOSH developed a method to track and audit WebIMIS entries weekly. The corrective action plan was completed, awaiting verification, and will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME.

Finding FY 2018-05 (FY 2017-07): In FY 2017, in 4 of 15 (27%) closed whistleblower retaliation cases reviewed, there was no evidence that ADOSH's whistleblower unit referred the retaliation claim to ADOSH's enforcement unit.

Status: ADOSH implemented a process on July 26, 2018, to ensure that referrals were made to the enforcement unit appropriately. The corrective action plan was completed, awaiting verification, and will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME.

Finding FY 2018-06 (FY 2017-08): In FY 2017, in 4 of 8 (50%) whistleblower retaliation cases which were dismissed on the merits, there was no evidence found that the substance of the respondent's position statement was provided to the complainant for review.

Status: ADOSH conducted training with the whistleblower investigators and compliance officers in late FY 2017 to ensure all position statements were sent to complainants and documented in the case file. The corrective action plan was complete, awaiting verification, and will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME.

Finding FY 2018-07 (FY 2017-09): In FY 2017, in 7 of 11 (64%) whistleblower retaliation cases which were administratively closed, there was no evidence that a supervisor reviewed and approved the administrative closure.

Status: Management reminded staff that all administratively closed cases require review by a supervisor and the Assistant Director. The corrective action plan was completed, awaiting verification, and will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME.

New FY 2018 Findings

Finding FY 2018-08: A total of 613 inspections (55%) of the goal of 1,115 inspections were conducted.

Recommendation FY 2018-08: ADOSH should ensure action is taken to meet its performance goals for total inspections and construction inspections.

Discussion: Overall, ADOSH's inspection goal was not met. In addition, the State Plan's Annual Performance Plan goal to complete 580 construction inspections was not met; in fact, only 214 construction inspections were conducted. OSHA discussed concerns regarding inspection activity (SAMM 7) and Annual Performance Plan goals at each quarterly conference. ADOSH states that staff turnover, the time required to train new compliance officers to work independently, and the inability to hire qualified personnel were the primary reasons for not meeting inspection targets.

Finding FY 2018-09: ADOSH issued 150 construction violations out of its Annual Performance Plan goal of 795.

Recommendation FY 2018-09: ADOSH should determine the cause of the low number of construction violations and implement a corrective action plan.

Discussion: ADOSH's Annual Performance Plan goal for FY 2018 construction violations was not met. Per the OIS one liner report (run date November 7, 2018), in the North American Industrial Classification System (NAICS) 23, only 150 out of a goal of 795 violations were cited. Per the Arizona SOAR report (provided on December 3, 2018), there were 239 violations cited. The SOAR report counted construction violations issued up until at least December 3, 2018, effectively including violations issued in the first quarter of FY 2019. OSHA discussed concerns regarding the total number of violations in construction inspections at each quarterly conference. ADOSH states that staff turnover, the time required to train new compliance officers to work independently, and the inability to hire qualified personnel were the primary reasons for not meeting construction violation targets.

Finding FY 2018-10: ADOSH's lapse time for safety inspections was 85.59 days and the lapse time for health inspections was 84.01 days; both were outside the FRL range.

Recommendation FY 2018-10: Management should monitor lapse time and take action to reduce it.

Discussion: Lapse times for both safety and health (SMMM 11) were high throughout FY 2018. The FRL ranged from 36.96 days to 55.44 days for safety, and from 45.25 days to 67.87 days for health. ADOSH's lapse time of 85.59 days for safety and 84.01 days for health exceeded the FRL. Longer lapse times create situations where workers may be exposed to hazards because employers are not required to abate hazards until after citations have been issued.

OBSERVATIONS

Closed FY 2017 Observation

None.

Continued FY 2017 Observation

Observation FY 2018-OB-01 (FY 2017-OB-01): In FY 2017, there were 4 of 14 (28.6%) cases with informal conferences that did not have an explanation to justify penalty reductions.

Status: Due to the lack of an on-site case file review during this follow-up FAME cycle, OSHA was unable to close or elevate this observation at this time. In addition, this observation has appeared in three or more consecutive FAME Reports. According to the State Plan Policies and Procedures Manual, observations have a three-year life span, after which the Regional Office must either close the observations or convert them to findings. However, because this observation is focused on an issue that is only apparent when reviewing case files, OSHA will make an exception and allow it to continue for one additional year. Next year, this issue will be evaluated during the on-site case file review and the observation will either be closed or elevated to a finding.

New FY 2018 Observations

Observation FY 2018-OB-02: In FY 2018, the State Plan conducted 19 of 613 (3.1%) of inspections with state and local government agencies, which was significantly below the bottom range of the FRL of 14.06%.

Federal Monitoring Plan: OSHA will monitor the ADOSH State Plan during FY 2019 to identify possible causes of this disparity to ensure state and local government workplace inspections are conducted.

Discussion: The FRL for SAMM 6, percent of total inspections in state and local government workplaces ranged from 14.06% to 15.54%. The percent of total inspections conducted in state and local government workplaces was 3.10%, which was below the FRL and along with the low number of overall inspections and low number of violations cited, was a cause for concern. Since this is the first year that ADOSH has dipped below the FRL on SAMM 6, OSHA will monitor the situation as an observation.

Observation FY 2018-OB-03: ADOSH's safety inspection in-compliance rate was 40.65%, which was above the FRL range of 23.92-35.88%.

Federal Monitoring Plan: OSHA will conduct a case file review during the FY 2019 FAME period to evaluate potential causes for the upward trend in this metric.

Discussion: ADOSH's safety in compliance rate (SAMM 9) has trended upward over the last two years. In FY 2017, the rate was 33.84% compared to the FRL range of 23.62% to 35.44%. In FY 2016, the rate was 25.61% compared to the FRL range of 23.08% to 34.62%.

C. State Activity Mandated Measures (SAMM) Highlights

Each SAMM has an agreed upon FRL, which can be either a single number, or a range of numbers, above and below the national average. State Plan SAMM data that falls outside the FRL may trigger a closer look at the underlying performance of the mandatory activity. The measures that were within the FRL are not discussed in this section. Appendix D presents the State Plan's FY 2018 SAMM Report and includes the FRLs for each measure.

SAMM 8 – Average Current Penalty per Serious Violation

Discussion of State Plan data and FRL: The FRL for average current serious penalty (SAMM 8 for 1-250+ workers) was +/- 25% of \$2,603.32, which is based on a three-year national average, with \$1,952.49 on the low end of the range of the goal and \$3,254.15 on the high end of the range. Employers in Arizona were penalized an average fine of \$1,122.38 which was below the FRL range. OSHA will continue to discuss this metric during quarterly meetings with the State Plan.

Explanation: ADOSH has not adopted maximum penalty increases commensurate to federal OSHA's 2016 update.

SAMM 12 – Percent Penalty Retained

Discussion of State Plan data and FRL: The FRL for the percent of penalty retained was +/- 15% of 66.81 which is based on a three-year national average of penalties retained. The upper limit of the FRL was 76.83% whereas the program retained an average of 80.60%.

Explanation: ADOSH exceeded the upper limit of penalties retained which indicates superior performance of maintaining original penalty amounts assessed and indicates very few violations were cited incorrectly.

SAMM 14 - Percent of 11(c) Investigations Completed within 90 Days

Discussion of State Plan data and FRL: The FRL for this metric was fixed for all State Plans at 100%. ADOSH completed 14% of 11(c) investigations within 90 days. However, the national average for 11(c) investigations completed within 90 days was only 35%.

Explanation: The merit rate was higher than the national average, which may have increased the amount of time required to complete investigations.

SAMM 15 - Percent of 11(c) Complaints that are Meritorious

Discussion of State Plan data and FRL: The FRL for this measure was +/- 20% of 24% which is based on a three-year national average. The upper limit of the FRL was 28.8% whereas the program found 36% of 11(c) complaints meritorious.

Explanation: ADOSH exceeded the upper limit of meritorious cases which is attributed to increased communications between whistleblower staff and complainants and proactive attempts to settle cases.

SAMM 16 -Average Number of Calendar Days to Complete an 11(c) Investigation

Discussion of State Plan data and FRL: The FRL for this metric was fixed at 90 days for all State Plans. The program averaged 209 days. However, the national average to complete an 11(c) investigation was 277 days.

Explanation: The merit rate was higher than the national average, which may have increased the amount of time required to complete investigations. This result does not rise to the level of an observation, but will continue to be discussed at quarterly meetings.

SAMM 17 Percent of Enforcement Presence

Discussion of State Plan data and FRL: The FRL for this measure was +/-25% of 1.24 which is based on a three-year national average with a range between 0.93% and 1.55%. The enforcement presence (0.58%) captures the overall enforcement activity relative to the number of employers in the state and was below the FRL.

Explanation: ADOSH made contact with less than half the percent of employers than the national average with its enforcement activity, which is a cause for concern. OSHA will continue to discuss enforcement staffing with ADOSH at quarterly meetings.

Appendix A – New and Continued Findings and Recommendations

FY 2018 Arizona Division of Occupational Safety and Health Follow-up FAME Report

FY 2018-#	Finding	Recommendation	FY 2017-# or FY 2017-OB-#
FY 2018-01	In FY 2017, a fatality investigation lacked pertinent facts in addressing hazardous conditions that violated OSHA standards or the general duty clause.	ADOSH should ensure investigations include employer and employee interviews and contain adequate documentation as described in the AZ FOM. Corrective action complete; awaiting verification.	FY 2017-03
FY 2018-02	In FY 2018, the average number of serious, willful, repeat or unclassified (SWRU) violations per inspection was 1.16 (SAMM 5).	ADOSH should determine the cause of the low rate of inspections with serious, willful, repeat or unclassified violations and implement corrective action.	FY 2017-04
FY 2018-03	OSHA Standards were not adopted by the adoption due date.	ADOSH should ensure each standard is adopted by the due date.	FY 2017-05
FY 2018-04	In FY 2017, in 23 of 26 (88%) of whistleblower retaliation cases reviewed, case disposition information entered into WebIMIS was not accurate or timely entered.	ADOSH should ensure information is entered into WebIMIS in a timely and accurate manner. Corrective action complete; awaiting verification.	FY 2017-06
FY 2018-05	In FY 2017, in 4 of 15 (27%) closed whistleblower retaliation cases reviewed, there was no evidence that ADOSH's whistleblower unit referred the retaliation claim to ADOSH's enforcement unit.	ADOSH should ensure whistleblower investigators refer retaliation claims to enforcement. Corrective action complete; awaiting verification.	FY 2017-07
FY 2018-06	In FY 2017, in 4 of 8 (50%) whistleblower retaliation cases which were dismissed on the merits, there was no evidence found that the substance of the respondent's position statement was provided to the complainant for review.	ADOSH should ensure the complainant is provided with the substance of respondent's position statement. Corrective action complete; awaiting verification.	FY 2017-08

Appendix A – New and Continued Findings and Recommendations

FY 2018 Arizona Division of Occupational Safety and Health Follow-up FAME Report

FY 2018-07	In FY 2017, in 7 of 11 (64%) whistleblower retaliation cases which were administratively closed, there was no evidence that a supervisor reviewed and approved the administrative closure.	ADOSH should ensure that a supervisor review and approve the decision to administratively close a complaint. Corrective action complete; awaiting verification.	FY 2017-09
FY 2018-08	A total of 613 inspections (55%) of the goal of 1,115 inspections were conducted.	ADOSH should ensure action is taken to meet its performance goals for total inspections and construction inspections.	New
FY 2018-09	ADOSH issued 150 construction violations out of its Annual Performance Plan goal of 795.	ADOSH should determine the cause of the low number of construction violations and implement a corrective action plan.	New
FY 2018-10	The lapse time for safety inspections was 85.59 days and the lapse time for health inspections was 84.01 days; both were outside the FRL range.	Management should monitor lapse time and take action to reduce it.	New

Appendix B – Observations and Federal Monitoring Plans

FY 2018 Arizona Division of Occupational Safety and Health Follow-up FAME Report

Observation # FY 2018-OB-#	Observation# FY 2017-OB-# or FY 2017-#	Observation	Federal Monitoring Plan	Current Status
FY 2018-OB-01	FY 2017-OB-01	In FY 2017, there were 4 of 14 (28.6%) cases with informal conferences that did not have an explanation to justify penalty reductions.	OSHA will monitor to ensure that documentation justifying penalty reductions, reclassifications, or deletions resulting from informal conferences was included in the case files during the FY2019 Comprehensive FAME case file review. This item has been an observation for three years, and per the State Plan Policies and Procedures Manual, should have been either closed or elevated as this was the third year. However, because a case file review was not conducted as part of the follow-up FAME process, there is not enough information to support closing or elevating the observation. OSHA is making an exception to the three year policy and will defer this decision to the FY2019 FAME.	Continued
FY 2018-OB-02		In FY 2018, the State Plan conducted 19 of 613 (3.1%) of inspections with state and local government agencies, which was significantly below the bottom range of the FRL of 14.06%.	OSHA will monitor the ADOSH State Plan during FY 2019 to identify possible causes of this disparity to ensure state and local government workplace inspections are conducted.	New
FY 2018-OB-03		ADOSH's safety in-compliance rate was 40.65%, which was above the FRL range of 23.92-35.88%.	OSHA will conduct a case file review during the FY 2019 FAME period to evaluate potential causes for the upward trend in this metric.	New

Appendix A – New and Continued Findings and Recommendations
FY 2018 Arizona Division of Occupational Safety and Health Follow-up FAME Report

Appendix C - Status of FY 2017 Findings and Recommendations

FY 2018 Arizona Division of Occupational Safety and Health Follow-up FAME Report

FY 2017-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2017-01	Data Entry errors in entering fatality information in OIS resulted in miscalculations in the SAMM.	ADOSH should ensure that fatality information is entered into OIS correctly.	ADOSH provided staff training and supervisory review to ensure fatality data is entered into OIS correctly	11/7/2018	Completed
FY 2017-02	The average time to respond to complaint investigations was 3.9 days which exceeded the negotiated 3 day average response time.	ADOSH should ensure all investigation complaints are conducted within three days.	ADOSH tracked complaint processing using the Arizona Management System (AMS) to ensure complaints were conducted within the negotiated 3 day period.	10/30/2018	Completed
FY 2017-03	A fatality investigation lacked pertinent facts in addressing hazardous conditions that violated OSHA standards or the general duty clause.	ADOSH should ensure investigations include employer and employee interviews and contain adequate documentation as described in the AZ FOM.	ADOSH conducted two training sessions in August and September 2018 for all staff. The training was provided by an internal ADOSH team comprised of an ICA attorney, ADOSH Director, ADOSH Assistant Director, two experienced CSHOs, and two supervisors on Interviewing Techniques and Accident Investigation. ADOSH utilized training materials from the OSHA OTI and additional in-house information. The information was tracked using the AMS. Supervisors were held accountable for the success of the metrics.	11/7/2018	Awaiting Verification (11/7/2018)

Appendix C - Status of FY 2017 Findings and Recommendations

FY 2018 Arizona Division of Occupational Safety and Health Follow-up FAME Report

FY 2017-04	The average number of serious, willful, repeat, or unclassified violations per inspection was 1.13, which was below the further review level.	ADOSH should determine the cause of the low rate of inspections with serious, willful, repeat, or unclassified violations and implement corrective action.	ADOSH compliance staff will be provided in-house training on classification of hazards and the documentation required to sustain a serious versus a non-serious violation. In addition, leadership will look for better ways to inspect targeted industries. The in-house training took place during an all hands meeting on August 22, 2018.		Open (11/7/2018)
FY 2017-05	OSHA standards were not adopted by the adoption due date.	ADOSH should ensure each standard is adopted by the due date.	ADOSH has developed and implemented a tracking spreadsheet to oversee timely adoption of standards by the due date and to track each step of progress to ensure timely implementation. The new tracking system is using the AMS and will help to provide the community with education and training before full implementation.		Open (11/7/2018)
FY 2017-06	In 23 of 26 (88%) whistleblower retaliation cases reviewed, case disposition information entered into WebIMIS was not accurate or timely entered.	ADOSH should ensure information is entered into WebIMIS in a timely and accurate manner.	ADOSH filled an open supervisor position at the end of January 2018. The new supervisor is in charge of ensuring information entered into WebIMIS is accurate and timely. Additionally, the supervisor and whistleblower investigator created an AMS visual board to track what cases are in process and whether or not they were entered. Management is monitoring WebIMIS data weekly.	11/7/2018	Awaiting Verification (11/7/2018)

Appendix C - Status of FY 2017 Findings and Recommendations

FY 2018 Arizona Division of Occupational Safety and Health Follow-up FAME Report

FY 2017-07	In 4 of 15 (27%) closed whistleblower retaliation cases reviewed; there was no evidence that ADOSH's whistleblower unit referred the retaliation claim to ADOSH's enforcement unit.	ADOSH should ensure whistleblower investigators refer retaliation claims to enforcement.	ADOSH documented in the casefile all cases referred to enforcement. Using the AMS, the section supervisor and whistleblower investigator created a Heijunka board on July 6, 2018. The board reviews provided the opportunity to determine what was referred to ADOSH's enforcement section for processing and created a referral to enforcement when needed.	11/7/2018	Awaiting Verification (11/7/2018)
FY 2017-08	In 4 of 8 (50%) whistleblower retaliation cases which were dismissed on the merits, there was no evidence found that the substance of the respondent's position statement was provided to the complainant for review.	ADOSH should ensure the complainant is provided with the substance of respondent's position statement.	All cases dismissed on merit were reviewed by the Whistleblower Staff and the Assistant Director. ADOSH mailed the respondent's position statement to the complainant, and documented the case file.	11/7/2018	Awaiting Verification (11/7/2018)

Appendix C - Status of FY 2017 Findings and Recommendations

FY 2018 Arizona Division of Occupational Safety and Health Follow-up FAME Report

FY 2017-09	In 7 of 11 (64%) whistleblower retaliation cases which were administratively closed, there was no evidence that a supervisor reviewed and approved the administrative closure.	ADOSH should ensure that a supervisor review and approve the decision to administratively close a complaint.	All cases administratively closed were reviewed by the Whistleblower Staff and Assistant Director of Enforcement to ensure there was evidence that a supervisor reviewed and approved the administrative closure. ADOSH ensured that supervisors documented the review and approval of all administrative closures by using a diary sheet or other similar form.	11/7/2018	Awaiting Verification (11/7/2018)
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Appendix D – FY 2018 State Activity Mandated Measures (SAMM) Report
 FY 2018 Arizona Division of Occupational Safety and Health Follow-up FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Arizona – ADOSH			FY 2018	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	6.08	7	The further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	3.79	N/A	This measure is for informational purposes only and is not a mandated measure.
2a	Average number of work days to initiate complaint investigations (state formula)	1.31	3	The further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	0.74	N/A	This measure is for informational purposes only and is not a mandated measure.
3	Percent of complaints and referrals responded to within one workday (imminent danger)	N/A	100%	N/A – The State Plan did not receive any imminent danger complaints or referrals in FY 2018. The further review level is fixed for all State Plans.

Appendix D – FY 2018 State Activity Mandated Measures (SAMM) Report

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4	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
5	Average number of violations per inspection with violations by violation type	SWRU: 1.16	+/- 20% of SWRU: 1.82	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.46 to 2.18 for SWRU and from 0.78 to 1.18 for OTS.
		Other: 1.06	+/- 20% of Other: 0.98	
6	Percent of total inspections in state and local government workplaces	3.10%	+/- 5% of 14.80%	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 14.06% to 15.54%.
7	Planned v. actual inspections – safety/health	S: 416	+/- 5% of S: 835	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 793.25 to 876.75 for safety and from 266 to 294 for health.
		H: 197	+/- 5% of H: 280	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,122.38	+/- 25% of \$2,603.32	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,952.49 to \$3,254.15.
	a. Average current serious penalty in private sector (1-25 workers)	\$818.55	+/- 25% of \$1,765.19	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,323.89 to \$2,206.49.
	b. Average current serious penalty in private sector (26-100 workers)	\$1,237.15	+/- 25% of \$3,005.17	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,253.88 to \$3,756.46.

Appendix D – FY 2018 State Activity Mandated Measures (SAMM) Report

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	c. Average current serious penalty in private sector (101-250 workers)	\$1,590.95	+/- 25% of \$4,203.40	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,152.55 to \$5,254.25.
	d. Average current serious penalty in private sector (greater than 250 workers)	\$2,114.85	+/- 25% of \$5,272.40	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,954.30 to \$6,590.50.
9	Percent in compliance	S: 40.65%	+/- 20% of S: 29.90%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 23.92% to 35.88% for safety and from 28.88% to 43.32% for health.
		H: 33.33%	+/- 20% of H: 36.10%	
10	Percent of work-related fatalities responded to in one workday	100%	100%	The further review level is fixed for all State Plans.
11	Average lapse time	S: 85.59	+/- 20% of S: 46.20	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 36.96 to 55.44 for safety and from 45.25 to 67.87 for health.
		H: 84.01	+/- 20% of H: 56.56	
12	Percent penalty retained	80.60%	+/- 15% of 66.81%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 56.79% to 76.83%.
13	Percent of initial inspections with worker walk around representation or worker interview	100%	100%	The further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	14%	100%	The further review level is fixed for all State Plans.

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15	Percent of 11(c) complaints that are meritorious	36%	+/- 20% of 24%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 19.20% to 28.80%.
16	Average number of calendar days to complete an 11(c) investigation	209	90	The further review level is fixed for all State Plans.
17	Percent of enforcement presence	0.58%	+/- 25% of 1.24%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.93% to 1.55%.

ARIZONA STATE PLAN OSHA ANNUAL REPORT (SOAR) Federal Fiscal Year 2018



Protection of life, health, safety and
welfare of Arizona's most valuable assets.

Director: Jessie Atencio
Assistant Director: Phil Murphy
Administrative Assistant: Margarita Aguayo

Submitted: December 3, 2018

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Cover photograph of scenic overlook from SR 89 outside of Flagstaff, Arizona taken by Bill Warren



Arizona State Plan OSHA Annual Report

I. Executive Summary – FFY 2018

The Arizona State Plan OSHA annual report documents our progress toward achieving the ADOSH strategic vision to be a leader in occupational safety and health by helping make Arizona’s workplaces as safe and healthful as possible. ADOSH continues to strive for the elimination of workplace injuries, illnesses and, most notably, fatalities, so that all of Arizona’s workers can return home safely to their families. To support this vision, workplace environments must reflect an earnest, joint commitment to workplace safety and health by both employers and employees, with the necessary training, resources and support systems committed to making this happen.

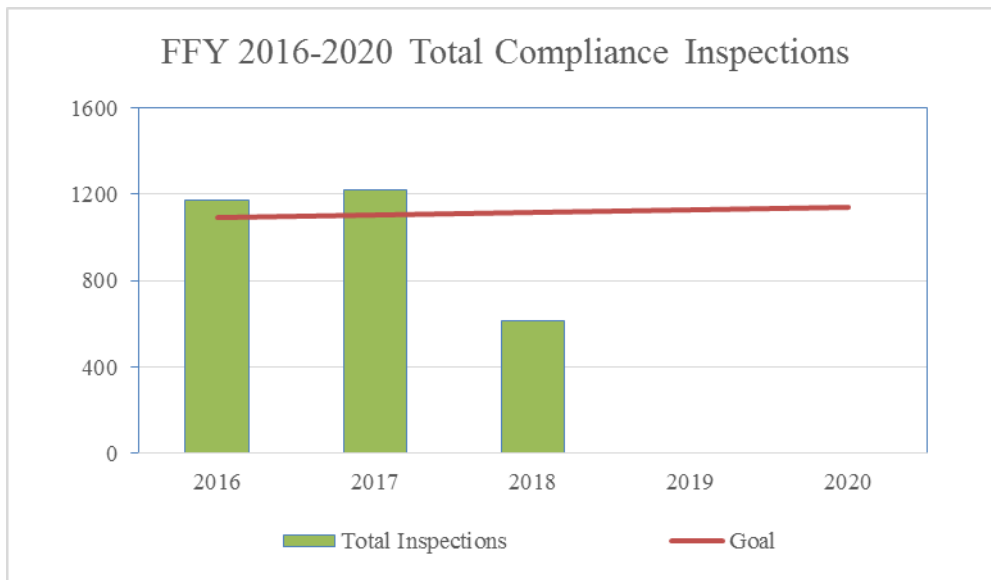
To accomplish this, our ADOSH team is outcome-oriented, using data proactively in recognizing and employing strategies that combine accountability measures to occupational safety and health concerns. Some of the measurements already recognized include enforcement inspection programs, outreach education and training activities, and accident analysis and data collection systems. Conventional enforcement methods are accompanied by educational programs and targeted outreach that raise voluntary compliance. The ADOSH

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23g grant-related functions consist of the following activities: Compliance inspections, discrimination investigations, training classes, adoption of standards and plan changes, and activities combined with the Voluntary Protection Program (VPP), Alliance Programs, and Cooperative Partnerships including Public Entity Partnership Programs (PEPP).

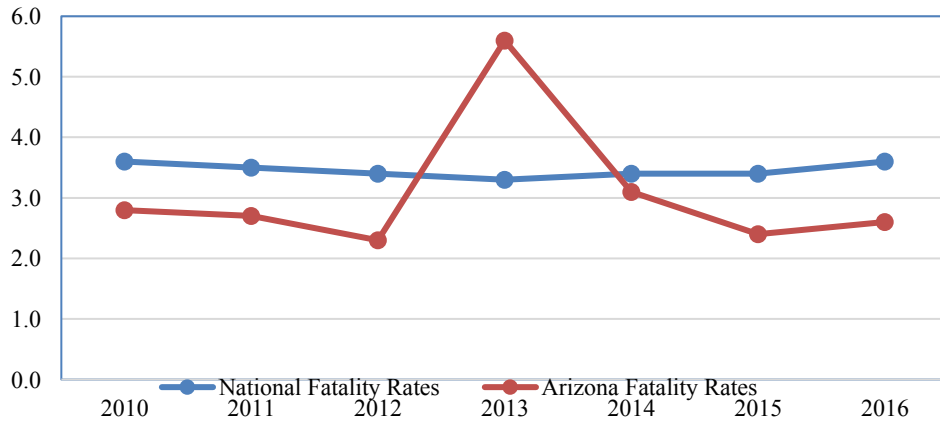
ADOSH conducted 613 inspections during FFY 2018, a 48 percent decrease (606 inspections) from 1,218 inspections conducted in FFY 2017. ADOSH did not exceed its FFY 2018 inspection goal of 1,105 inspections. This decrease represents staffing and frontline supervisor positions vacated in FFY 2018. At this time ADOSH is 313 inspections below the 5-Year Strategic Plan goal.



ADOSH conducted 16 fatality accident inspections (*Source: OIS -Arizona Fatal and Catastrophes log report*), a 15 percent increase from the 12 fatality/accident inspections conducted in FFY 2017. Arizona fatality rates were increased in 2016 to 2.6 per 100,000 workers, up from 2.4 per 100,000 workers in 2015*. This amounts to an eight percent increase overall within the state. For 2016, there were 77 workplace fatalities in Arizona of which 33 were attributed to transportation incidents, 13 Exposure to harmful substances or environments, 12 Violence and other injuries by persons or animals, 11 Falls, slips, trips, and eight Contact with objects and equipment.

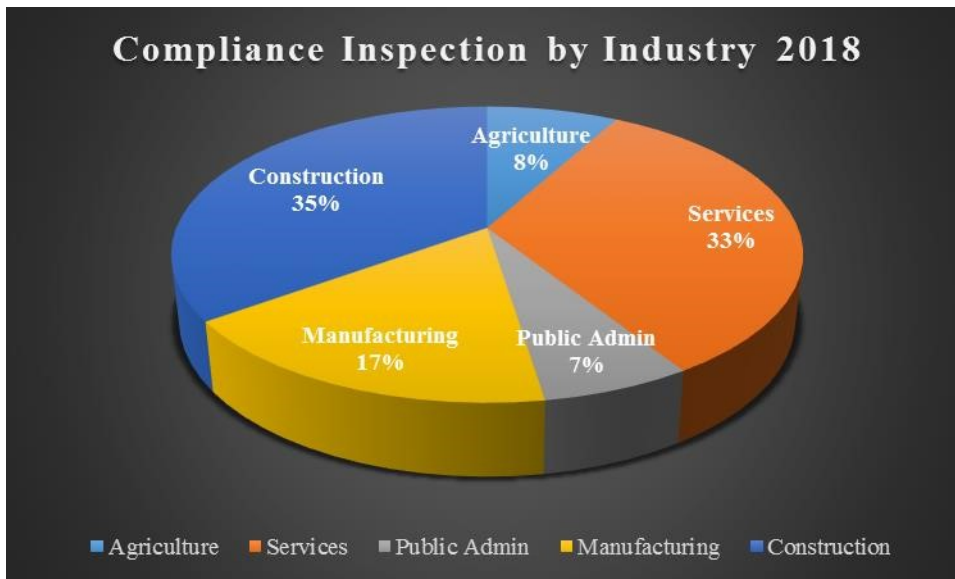
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All Industries - Fatality Rates



*Source: <https://www.bls.gov/iif/oshstate.htm>

During FFY 2018, ADOSH conducted inspections in five industries. They were construction, agriculture, services, public entities, and manufacturing. Most of the inspections were completed in the Construction and Services industries. Together the two accounted for 68% of the inspections and the most citations out of the five industries. Last year 43% of the total compliance inspections were directed towards construction, but this year’s results still made the industry the most visited.



Whistleblower Investigations

ADOSH has jurisdiction to investigate circumstances in which an employee believes he or she has suffered adverse action due to engaging in activity protected by §23-425 Employee

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discharge or discrimination statute (usually filing a complaint regarding workplace safety with ADOSH or with the employer).

There were 285 intakes taken by ADOSH Discrimination Investigators and approximately 211 were assigned for investigation. This was an increase of 52% over the 102 discrimination investigations conducted in FFY 2017.

	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Yearly Totals
Discrimination Complaints Received	37	63	67	44	211

Note: Data from ADOSH Discrimination Tracking Log

Voluntary Protection Program & Construction Voluntary Protection Program

The ADOSH Voluntary Protection Program (VPP) works with private and public employers to promote safety and health management systems in the workplace. ADOSH believes those employers who deploy advanced safety and health management systems continuously improve their programs and proactively look for hazards that reduce the likelihood of injury to an employee. In FFY 2018 ADOSH added three more VPP Star sites for a total of 47. With the addition of the three employers, there are now more than 35,000 employees who work in a place that continuously evolves and adds best practices for safety where necessary.

Brasfield and Gorrie was added in the third quarter of the year. Working on a existing VPP Star site, Raytheon Missile Systems Airport site, the Brasfield and Gorrie team improved their safety and health management system through mentorship with Raytheon. The team also improved the quality of safety and health programs associated with each trade contractor on-site. Brasfield and Gorrie is the sixth construction company in Arizona to accomplish the VPP Star designation.

Nucor Steel Kingman LLC had an audit conducted in the last quarter of the federal fiscal year. The plant employed over 60 employees and all were involved with management for a safer workplace. The company has been mentoring with a sister plant, Verco Decking, in Phoenix for more than a year. At the start of 2018, the company provided a detailed application for review. Together with ADOSH staff and SGEs, the audit was successful.

Salt River Project Agua Fria Plant completed their application in the fourth quarter of the year. Management and employees have been working on their application for more than three years. Much of their application success was due to mentorship and internal committees aimed at producing the documents for review. The site safety committee also reached-out to other VPP Star sites like Palo Verde Nuclear Generating Station for benchmark sessions.

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For more than 10 years now, ADOSH has been participating in the Voluntary Protection Program Participants Association (VPPPA) Region IX conferences. The conferences allow for ADOSH to interact with current and future VPP Star sites and determine what is needed to improve our service. The Board in Region IX has always been highly supportive of ADOSH and the efforts to promote the VPP program. Together the VPPPA Region IX conference and ADOSH have produced 29 Special Government Employees (SGEs). These SGEs offer an opportunity for them to learn from ADOSH and help evaluate a site for safety and health management systems.

ADOSH Program Overview

The Arizona Occupational Safety and Health Act of 1972 established the ADOSH program. The program specifies that employers and employees are provided assistance through a combination of enforcement, consultation, education and training, and various other support services. The ADOSH program, through a state-plan agreement with federal OSHA, covers nearly all Arizona employers and employees with the exception of federal employees, mining, smelters, batch plants and employers on tribal lands within the state.

The ADOSH program is organized with a clear separation between enforcement and non-enforcement responsibilities. Specific organizational units and their responsibilities are as follows:

- Administration: Responsible for the overall administration and direction of the ADOSH program and for Division policy decisions and operations.
- Safety and Health Compliance: Responsible for safety and health enforcement activities within all industries and for enforcement of activities protected under the Act as they relate to employee discrimination.
- Consultation, Education and Training: Responsible for all safety and health education and training services including onsite consultation visits, seminars and other training events, voluntary protection programs and the preparation and distribution of written materials, including ADOSH's quarterly newsletter, the ADOSH Advocate.
- Boiler & Elevator Safety: These sections are not included in either grant, but are nonetheless important parts of ADOSH. They are responsible for ensuring the safety of elevators and boilers throughout the state.
- Research and Statistics: Responsible for conducting the annual Census of Fatal Occupational Injuries as well as the annual occupational injury and illness survey. Operates under a grant with the Bureau of Labor Statistics and is not included within the scope of the OSHA grants.

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ADOSH Strategic Goals

ADOSH's strategic goals are consistent with those of federal OSHA and are as follows:

1. Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.
2. Strengthen public confidence through continued excellence in the development and delivery of ADOSH services.

Performance Goals

ADOSH has established nine performance goals or areas of emphasis, which focuses resources on crucial areas to achieve ADOSH's mission and address our two strategic goals.

Strategic Tools

ADOSH uses a variety of strategic tools to accomplish its mission and achieve its performance goals and results. These and other tools continue to be used in implementing its strategic plan results and meeting stated Division objectives. Among the tools are the following:

- Enforcement: ADOSH continues to have a strong enforcement program in all industries.
- Standards adoption: ADOSH adopts federal standards where appropriate and required. In addition, ADOSH may use its Advisory Committee to develop state-specific standards when necessary.
- Data analysis: ADOSH uses available safety and health data to determine where resources should be directed.
- Consultation, education and training: ADOSH's CET program is a valuable resource for both employers and employees. ADOSH uses the expertise of its consultants and trainers to provide a strong program of employer assistance.
- Web page and Public Information: ADOSH continues working on new landing pages for external customers to use. We continue to anticipate these new landing pages will be valuable for employers and employees to further their own safety and health efforts. In the meantime, the current ADOSH pages, along with the adjoining pages of the Industrial Commission of Arizona (ICA), has been updated with additional and important information for the public. The Division has been working with the ICA to inform external stakeholders on upcoming training, outreach events, and standard adoption.

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Using the 5-year Strategic Plan

In responding to the many challenges faced by the Arizona Division of Occupational Safety & Health, new approaches to workplace safety and health must be discovered. ADOSH has developed a new OSHA approved 5-Year Strategic Plan that began for FFY 2016 helping guide and focus limited resources to protect and promote worker health and safety in Arizona. The Division is using a balanced combination of enforcement and cooperative outreach approaches to accomplish its mission and work toward meeting the goals in the strategic plan. ADOSH reviews its plan periodically and makes modifications in goals and strategies as needed.

Summary of Performance Plan 5-Year Strategic Goals

This section of the report details the Division's progress in the third year toward accomplishing our 5-year strategic goals. These goals were negotiated with Federal OSHA and approved during the several strategic planning and grant funding phases. The outcomes in key areas are discussed and analysis of the data used in measuring them is presented. There is a description of the strategies used to accomplish the goals. The approach in accomplishing these goals requires coordinated objective performance results from both our compliance and consultation sections. A more detailed examination of the results for each goal is provided below.

Strategic Goal 1

Strategic Goal No. 1: Improve workplace safety and health for all workers as evidenced by fewer hazards, reduced exposures, fewer injuries, illnesses and fatalities.

Goal 1.1 Workplace Safety & Health Hazards 2018 Performance Goal: •Reduce the injury and illness rate by approximately 1% from the present average of 4.3 to 4.1 in the construction industry.

FFY 2016-2020 Five-Year Performance Goal: Reduce the injury and illness rate by approximately 5% from the present average of 4.3 to 4.1 in the construction industry. (At the end of 2020, the latest BLS data will be for 2018).

Strategy: ADOSH will conduct the following strategic activities to meet this goal:

- Conduct compliance inspections in the construction industry and identify and correct recognized hazards.
- Identify and correct apparent violations.

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NAICS 23 Construction Inspections					
	2016	2017	2018	2019	2020
Goal	580	580	580	580	580
Actual	486	527	214		

NAICS 23 Construction Violations					
	2016	2017	2018	2019	2020
Goal	795	795	795	795	795
Actual	900	720	239		

FFY 2018 Performance Goal 1.1 Results

NAICS 23 Construction Injury Incident Rates*					
	2016	2017	2018	2019	2020
Goal	4.3	4.2	4.2	4.1	4.1
Actual	3.9	3.2	3.3		

**2015 BLS Construction injury rates*

NAICS 23 Construction DART Rates					
	2016	2017	2018	2019	2020
Goal	2.9	2.8	2.8	2.8	2.8
Actual	2.3	1.8	1.8		

In FFY 2018, the ADOSH Assistant Director in charge of Cooperative Programs continued to add partners to three established partnership programs. These programs will allow ADOSH to visit more employers in the construction industry and remove employees from hazards. The American Subcontractors Association Membership (A.A.M.P.P.) started with eight contractors and there are now 10 employers in the program working on safety and health management systems.

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A second partnership was created with the Home Builders of Central Arizona (HBACA). This program started with 19 Home Builders, but now there are 21. The HBACA Partnership allows ADOSH to work with Home Builders and their trade contractors in the field to identify hazards and provide ways to improve the workplace safety. ADOSH will offer on-site consultation visits as well as Compliance Assistance where needed.

The third partnership program offered is the Construction Partnership. This partnership focuses on strategies similar to the A.A.M.P.P. and the HBACA partnerships. Goals are developed and tracked through completion with an assigned Consultant or Compliance Assistance Specialist. In FFY 2018 ADOSH maintained seven of these partnerships. Collectively there are more than 610 employees removed from serious hazards. Each employer had an opportunity to improve upon their current safety and health management system or influence trade contractors on their sites to be safer through best practices used in the construction industry.

As reported during last year's SOAR, ADOSH developed an Alliance with Roofing subcontractors in an effort to communicate about hazards in the field. Last year we started off with 15 active members and today we have 22 all together. All meetings have taken place in Phoenix and the group has worked on fall protection issues as well as the new Silica standard. ADOSH is trying to expand our Alliance in other areas of the state to include Tucson and Flagstaff. Stakeholders have been reached and meetings will be posted for all to attend.



Desert Coating Solutions joined the RRAP Partnership program and Cullum Homes joined the HBACA Partnership program in 2018

Conclusion: ADOSH completed fewer construction inspections in FFY 2018. There were several reasons behind our reduced numbers. Change in leadership and the loss of seven experienced CSHOs allowed for a reduced amount of construction inspections. If the seven had not vacated their position, ADOSH expected an additional 280 inspections added to our total. The amount of violations were also decreased, but for the same reason, loss of personnel during the year.

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To prevent the loss of CSHOs in the future, the Industrial Commission of Arizona and ADOSH have been working on ways to retain our staff for more than five years. By offering a competitive salary, outstanding benefits, and ways each employee can develop professionally, we feel that our vacant positions will attract the highest quality employee for the longterm. In fact, we are looking at ways to attract new CSHOs by marketing our program at career fairs held on military bases and on local University campuses.

Regardless of the amount of inspection and the number of violations issues, the Construction industry Injury Illness Rate is below the target amount. The is the same for the Days Away Restricted Time which is below the target amount we agreed to reduce the injuries on Construction sites. Using our consultants and compliance assistance specialist to actively visit with employers and encourage them to join a partnership may be a good reason why the data is below the target amounts.

Goal 1.2, Fatalities 2018 Performance Goal: Reduce the fatality rate by approximately 1% through scheduled inspections and visits at workplaces in targeted industries of construction, public sector and agriculture.

FFY 2016-2020 Five-Year Performance Goal: Reduce the fatality rate by approximately 5% through programed and non-programed inspections to workplaces in targeted industries of construction, public sector and agriculture.

Strategy: ADOSH will conduct the following activities during FFY 2018:

- Develop an inspection targeting plan for specified industries: Construction NAICS 23, Public Sector NAICS 92, and Agriculture NAICS 11.

NAICS 23 Construction Inspections					
	2016	2017	2018	2019	2020
Goal	580	580	580	580	580
Actual	486	527	214		

NAICS 92 Public Sector Inspections					
	2016	2017	2018	2019	2020
Goal	50	50	50	50	50
Actual	175	111	40		

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NAICS 11 Agriculture Inspections					
	2016	2017	2018	2019	2020
Goal	75	75	75	75	75
Actual	44	56	49		

FFY 2018 Performance Goal 1.2 Results:

Targeted Industry Fatality Rates (2018 BLS Fatality Rate, Arizona)

	2016	2017	2018	2019	2020
Construction	5.3	5.3	5.2	5.2	5.1
Actual	6.3	7.4	7.4		

	2016	2017	2018	2019	2020
Public Administration	6.1	6.1	6.0	6.0	5.9
92 Actual	0.0	4.2	0.0		

	2016	2017	2018	2019	2020
Agriculture, Forestry, Fishing	13.3	13.1	13.0	12.9	12.7
Actual	0.0	0.0	0.0		

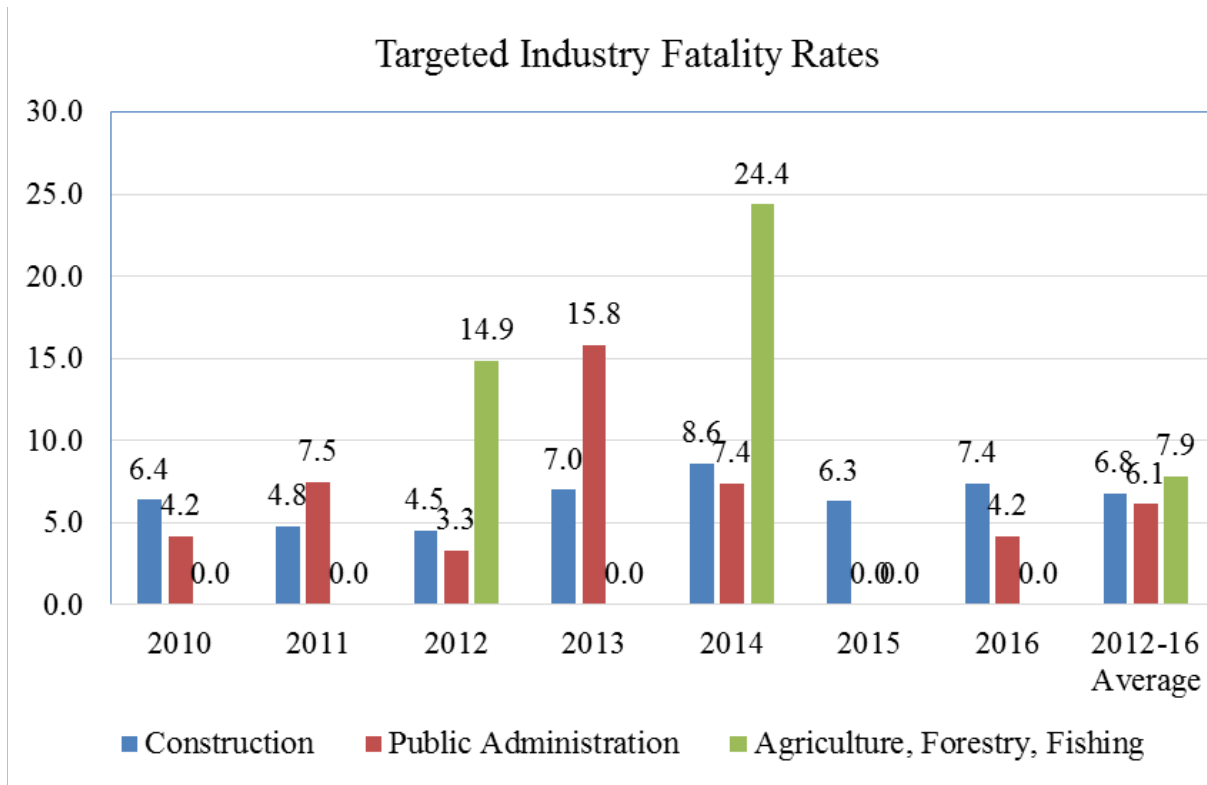
The goal was not accomplished in the construction industry, although the rate was the same which was 14 percent below the CY 2014 fatality rate of 8.6 fatalities per 100,000 workers. Public Administration and Agriculture goals were met with the fatality rate of zero. With an increased presence in the construction industry through compliance, compliance assistance, and consultation, ADOSH believes we will achieve the 5-year goal of 5% reduction in fatality rates over its CY 2010 – 2014 5-year average.

Conclusion: Arizona will continue to focus our efforts on the three highest industries where fatalities occurred over a 5-year period. Although the goal of reducing fatal occupational injuries and illnesses in the construction industry was not met for this year, the fatal injury

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average was significantly lower than the 2014 fatality rate of 8.6. The reduction goals for public administration and agriculture were not met.



Goal 1.3 Rate Strategic Partnership Programs 2018 Performance Goal: Through ADOSH Rate Reduction Awareness Program (RRAP) and Public Entity Partnership Program (PEPP) programs, work with 2 new private employers and 1 new public employers respectively; assisting those employers in reducing their Total Case Incident Rates (TCIR) by at least 15%.

FFY 2016-2020 Five-Year Performance Goal: Through ADOSH Rate Reduction Awareness Program (RRAP) and Public Entity Partnership Program (PEPP) programs, work with 10 new private employers and 2 new public employers respectively; assisting those employers in reducing their Total Case Incident Rates (TCIR) by at least 15% at the conclusion of the agreement.

Strategy: ADOSH will conduct the following activities during 2018:

- Identify additional participants from private sector employers to participate in two-year RRAP.
- Identify additional participants from public sector employers to participate in three-year PEPP.

	2016	2017	2018	2019	2020
--	------	------	------	------	------

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RRAP	Projected	2	2	2	2	2
	Actual	2	2	2		

		2016	2017	2018	2019	2020
PEPP	Projected	2	0	1	0	0
	Actual	4	4	2		

FFY 2018 Performance Goal Results - Rate Reduction Awareness Program (RRAP).

		2016	2017	2018	2019	2020
RRAP DART Rate	Projected	15%	15%	15%	15%	15%
	Actual	0%	31%	19%		

The Rate Reduction Awareness Program (RRAP) was developed for small employers who have total recordable case rate that is above the current Bureau of Labor Statistics posting. A combination of visits and training that includes milestones are developed and strategized between a willing employer and ADOSH. All compliance assistance specialists and consultants have been instructed to actively assess employers they visit through a scheduled visit for RRAP participation. The Consultation Section holds quarterly meetings where consultants are solicited for good candidates for the program as well as discussing emerging issues with current RRAP program participants. Compliance Assistance Specialist section also holds quarterly meetings to discuss their role when working with the RRAP participants.

There are three RRAP program participants. ALC Holding, LLC dba Alliance Lumber L.L.C. in Glendale, Arizona was evaluated for SHARP status in early Spring and with a successful on-site Consultation visit were approved as a SHARP site. The Assistant Director and CET Supervisors continue to have informal meetings with all potential participants so as to review the program with the employer representatives. These meetings allow for further communication between the candidates and the Cooperative Program management team before agreements are signed.

The following is a list of the program participants:

- **ALC Holding, LLC dba Alliance**
 - The company fulfilled the first year of their new three year agreement. Here is what has been accomplished for FFY 2018.
 - One visit has been completed.
 - One training class has been performed.

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- Six serious and eight non-serious hazards have been identified.
- The total DART was reduced by 44% at the close of the prior partnership agreement. Since this is a new agreement the DART rate remains the same. It will be monitored over the next three years.
- **Desert Coating Solutions**
 - The company has been in the program for seven months and the data is too early to show a reduction in overall rats.
 - Two visits have been completed.

Our goal of adding two employers per year to the RRAP program was met this year. Both Desert Coating Solutions and Alliance Lumber Show Low signed new agreements will be working with either the Compliance Assistance or Consultation Department to determine ways to reduce injuries and illnesses in their respective workplaces.

Conclusion: Two ALC Holding companies vacated their partnership agreements for either the SHARP or VPP program. Both companies achieved a 22% reduction from the time when they signed their agreements. The goal was met.

FFY 2018 Performance Goal Results – Public Entity Partnership Program (PEPP)

		2016	2017	2018	2019	2020
PEPP DART Rate	Projected	15%	15%	15%	15%	15%
	Actual	0%	18%	22%		

The Public Entity Partnership Program (PEPP) was developed for public entity employers who have departments with injury/illness rates above the current Bureau of Labor Statistics posting. Like the RRAP, a combination of visits and training that includes goals and outcomes are developed between the public entity representatives and the ADOSH Department. All consultants and public assistance specialist have been instructed to actively assess employers they visit through a scheduled visit for PEPP participation. The Consultation Department holds quarterly meetings where consultants are solicited for good candidates for the program as well as discussing emerging issues with current PEPP program participants.

Currently there are nine PEPP program participants. All participants sign and agree to a three year program agreement. The Assistant Director and CET Supervisor have an informal meeting with all potential participants so as to review the program with the employer representatives. This meeting allows for further questions and answers between the candidates and the consultation management team before the agreement is signed.

The following is a list of program participants:

- **City of Yuma**

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- 7 Safety and 7 IH visits
- 38 Hazards were found as a result of the visits
- Overall Rate Reduction 11%

- **Graham County**
 - 3 Safety and 3 IH visits were completed
 - 20 Hazards were found as a result of the visits
 - Overall Rate Reduction 22%
- **Town of Quartzsite**
 - 5 Safety and 5 IH visits were completed
 - 19 Hazards were found as a result of the visits
 - Overall Rate Reduction 8%
- **City of Douglas**
 - 4 Safety visits were completed
 - 33 Hazards were found as a result of the visits
 - Overall Rate Reduction 11%
- **Navajo County**
 - 5 Safety visits were completed
 - 10 Hazards were found as a result of the visits
 - Overall Rate Reduction 17%
- **City of Goodyear**
 - 4 Safety and 4 IH visits
 - 18 Hazards were found as a result of the visits
 - Overall Rate Reduction 15%
- **City of Phoenix – Water Services Department**
 - 11 Safety and 3 IH visits and one training event
 - 18 Hazards were found as a result of the visits
 - Overall Rate Reduction 23%

The following list of PEPP partners entered the program within FFY 2018. Therefore there was not enough data to provide for this report.

- **City of Surprise**
- **City of Nogales**

Our goal of adding one employer per year to the PEPP program was achieved. City of Surprise and City of Nogales were added in early 2018. A total of 30 visits were accomplished by a Compliance Assistance Specialist or Consultation consultant in FFY 2018. Over 150 hazards were identified and abated by the PEPP participants. The number of hazards found during the year was much lower than last year, although the reason for the reduction was the focus on the employer's programs and policies for safety. The number of employees at risk to the hazards discovered by the consultants was over 4,441 employees.

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At this time there were seven participants with more than one year in the program. Six of the seven employers reduced their DART rates by double digits. The two additional cities did not have enough time in the program for an evaluation of their rates to occur.

Conclusion: At the close of FFY 2018, the four PEPP participants saw positive reduction in overall DART rates. An average DART rate of 15% reduction was achieved by all sites participating in the program. This goal was met.

Goal 1.4 Cooperative Agreements 2018 Performance Goal: Through ADOSH’s recognition and exemplary programs, recognize two new workplaces each in the Voluntary Protection Program (VPP).

FFY 2016-2020 Five-Year Performance Goal: Increase the number of new participants in VPP by 10.

Strategy: ADOSH will conduct the following activities during FFY 2018.

- Regular speaking at seminars to promote the purpose of VPP.
- Regular updates in the ADOSH Advocate on recent VPP activities.

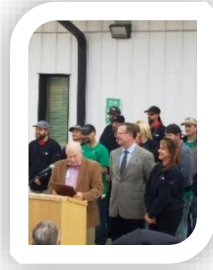
FFY 2018 Performance Goal Results for VPP and C-VPP participation.

New Companies	2016	2017	2018	2019	2020
Projected	2	2	2	2	2
Actual	3	3	3		

Existing Companies	2016	2017	2018	2019	2020
Projected	37	26	28	30	32
Actual	40	43	47		

The ADOSH Voluntary Protection Program (VPP) continues to assist ADOSH and employers in the State of Arizona with progressive safety and health management system implementation. Management and employee involvement remains high at all sites visited during re-certification audits. During FFY 2018, ADOSH conducted nine re-certifications. ADOSH partnered with these VPP employers once again to flood messages of safety and health awareness to their employees and contractors who do business on VPP sites. Heat Stress, Fall Protection, Silica and other messages were provided to the site’s leadership for dispersion. All sites continue to lead other employers in the State by implementing best practices and proactive safety and health programs which go above and beyond the OSHA standards.

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VPP Star recertification with Mesquite Solar 1 and MI Windows and Doors celebrate their initial Star

ADOSH and the current VPP Star sites share many successes in safety and health. Once again this year the VPP sites contributed to the number of employers who participated in this year's Federal and State OSHA National Stand Down for Fall Protection event. Most sites observed a day or two with stand down events filled with messages for proper fall protection equipment, ladder safety awareness, or scaffold safety awareness. ADOSH stickers were provided to all sites participating as well as a letter of support from the ADOSH Director and Assistant Director in charge of Cooperative Agreements. All photos taken from the sites were published in the fourth quarter ADOSH Advocate.

In FFY 2018, ADOSH added five new sites to the VPP Star program. Brasfield and Gorrie, Nucor Steel Kingman LLC, Salt River Project Agua Fria Plant, Kitchell Contractors Inc., of Arizona jobsite in Phoenix, and a Granite Construction jobsite in Tucson. All site visits maintained a safety and health management system required by the Arizona VPP manual as well as any sub-elements.

Brasfield and Gorrie was added in the third quarter of the year. Working on an existing VPP Star site, Raytheon Missile Systems Airport site, the Brasfield and Gorrie team improved their safety and health management system through mentorship with Raytheon. The team also improved the quality of safety and health programs associated with each trade contractor on-site. Brasfield and Gorrie is the six construction company in Arizona to accomplish the VPP Star designation.

Nucor Steel Kingman LLC had an audit conducted in the last quarter of the federal fiscal year. The plant employed over 60 employees and all were involved with management for a safer workplace. The company has been mentoring with a sister plant, Verco Decking, in Phoenix for more than a year. At the start of 2018, the company provided a detailed application for review. Together with ADOSH staff and SGEs, the audit was successful.

Salt River Project Agua Fria Plant completed their application in the fourth quarter of the year. Management and employees have been working on their application for more than three years. Much of their application success was due to mentorship and internal committees aimed

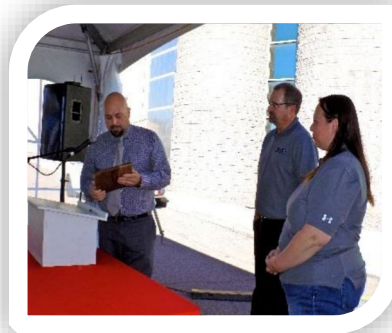
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at producing the documents for review. The site safety committee also reached-out to other VPP Star sites like Palo Verde Nuclear Generating Station for benchmark sessions.

Kitchell Contractors Inc., of Arizona and Granite Construction jobsites worked with their trade partners to create a safer work environment through best practices. Both Kitchell and Granite use near-miss events and first-aid cases to implement proactive measures for safety. One measure implemented was the proper use of PPE once a worker entered the jobsite.

Special Government Employees (SGEs) have been involved with 90% of all ADOSH VPP Teams. The SGEs represent current VPP Star sites and have a background in the VPP program as well as knowledge of the OSHA standards. A few SGEs used this year were specialized in other areas that dealt with Environmental issues. Regardless the program allows ADOSH to lean out dedicated Consultation or Compliance Assistance and focus them on other priority work duties.



VPP Star celebration ceremony in Kingman, Arizona for Nucor Steel

Conclusion: Adding four new sites to the VPP program, ADOSH exceeded the goal of adding two new VPP Star sites a year. In addition to the four new sites, three other employers submitted their applications for review in the fourth quarter of the year. Much of the growth in the VPP comes from a combination of marketing, mentoring, outreach training, and active involvement with associations to educate employers on the benefits of the program

Strategic Goal 2

Strategic Goal No. 2: Strengthen public confidence through continued excellence in the development and delivery of ADOSH services.

Goal 2.1 Response to fatalities and catastrophes 2018 Performance Goal: Initiate 95% percent of fatalities and catastrophes inspections within one working day of notification.

FFY 2016-2020 Five-Year Performance Goal: Initiate 95% percent of fatalities and catastrophes inspections within one working day of notification.

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Strategy: ADOSH will conduct the following activities during 2018.

- Assess all incoming fatality and catastrophe notifications and determine initiation of inspection.

FFY 2018 Performance Goal Results: For FFY 2018 ADOSH performed 95% of fatalities and catastrophe inspections were begun within 1 working day.

		2016	2017	2018	2019	2020
95% of fatalities and catastrophe inspection begun within 1 working day	Projected	95%	95%	95%	95%	95%
	Actual	90%	100%	100%		

Conclusion: A total of 16 fatalities were reported to ADOSH, but after preliminary investigation only 12 were work related and based on natural causes. All 12 ADOSH fatality investigations were begun within one day of notification representing a FFY 2018 performance of 100%. ADOSH reviewed with compliance supervisors and developed improved process to ensure each fatality and/or catastrophe inspections are initiated within one work day of notification. ADOSH met this goal.

Goal 2.2 Response to referrals alleging serious hazards 2018 Performance Goal: Average number of days to initiate inspections is conducted within seven working days and average number of days to initiate investigation is conducted within three days of notification.

FFY 2016-2020 Five Year Performance Goal: Average number of days to initiate inspections is conducted within seven working days and average number of days to initiate investigation is conducted within 3 days of notification.

Strategy: Evaluate incoming complaints and make decision to initiate complaint inspections. Evaluate incoming complaints and make decision to initiate complaint investigations

FFY 2018 Performance Goal Results for initiating inspections within seven working days and investigations within three working days.

		2016	2017	2018	2019	2020
Avg # days to initiate complaint inspections	Projected	7	7	7	7	7
	Actual	4.91	3.98	6.08		

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		2016	2017	2018	2019	2020
Avg # days to initiate complaint investigations	Projected	3	3	3	3	3
	Actual	2.27	3.91	1.31		

Conclusion: For FFY 2018, the average response time to initiate complaint inspections was 6.08 days, a 19% increase from 4.91 days in CY 2016. Regardless of the increase, the days to initiate a complaint inspection was within our overall goal. The average time to initiate complaint inquiries (phone/fax) was 1.31 days, which was significantly lower than the 3-day goal by 42%. The reason for the continued improvement in the two categories was based on supervisors who were in their position for at least a year or more. Routine supervisor meetings and weekly Arizona Management System Tier Board meetings have helped to illuminate the need to have the categories at or below the goal limit. ADOSH met this goal.

Goal 2.3 Webinar training 2018 Performance Goal: In addition to other training classes and outreach services, deliver 5 per year webinars or other online or broadcast training events focused on small employers.

FFY 2016-2020 Five-Year Performance Goal: In addition to other training classes and outreach services, deliver 25 (5 per year) webinars or other online or broadcast training events focused on small employers.

Strategy: Develop strategy on emerging issues beneficial to Webinar training. Develop Webinar schedule and communicate to partnerships, alliances and general public. Conduct 5 Webinars annually.

FFY 2018 Performance Goal Results providing Webinar training.

		2016	2017	2018	2019	2020
Webinars	Projected	5	5	5	5	5
	Actual	29	23	17		

		2016	2017	2018	2019	2020
Number of attendees in Webinar classes	Projected Train	50	50	50	50	50
	Actual Trained	374	509	488		

		2016	2017	2018	2019	2020
70% of attendees demonstrate increased knowledge	Projected Train	70%	70%	70%	70%	70%
	Actual Trained	37%	89%	94%		

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Conclusion: ADOSH continues to offer various webinar training for our external and internal customers. This year we completed 12 more webinars than the goal amount. The number of attendees in each webinar class we well over 400 and the class average for increased knowledge was 94%. Overall topics included but was not limited to; fall protection awareness, lockout/tagout, OSHA Recording. OSHA Training Requirements, and How to Prepare for an OSHA Inspection. ADOSH met this goal.

Goal 2.4 Staff Development 2018 Performance Goal: Eighty percent of safety and health staff will receive professional development annually through a variety of methods.

FFY 2016-2020 Five-Year Performance Goal: Eighty percent of safety and health staff will receive professional development annually through a variety of methods.

Strategy: Eighty percent of safety and health staff will receive professional development annually through a variety of methods.

FFY 2018 Performance Goal Results for staff professional development.

		2016	2017	2018	2019	2020
% of compliance staff receiving professional development	Projected	80%	80%	80%	80%	80%
	Actual	90%	92%	95%		

Conclusion: ADOSH staff participated in a variety of professional development during FFY 2018. The classes attended consisted of local OSHA Training Institute Education Centers training, third party safety or health consultant training, or by visiting the Federal OSHA Training Institute in Arlington Heights, IL. ADOSH is committed to staff professional development and will work with supervisors to identify needs by each employee and work to find a class that will offer what is needed. ADOSH met this goal.

ADOSH has made excellent progress in its first-year metric for this goal in providing 92% of staff with appropriate and necessary professional development and training. This was accomplished through a mixture of training at a local OSHA Training Institute (OTI) and by sending CSHOs back to Federal OTI in Arlington Heights, IL. Additional opportunities for professional development are being implemented with local union, VPP & Alliance partners in the hopes of expanding professional development and training opportunities in FFY 2018. ADOSH met this goal.

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Progress toward Strategic Plan Accomplishments

The Division is progressing toward accomplishing its Strategic Plan measures and has met several components of its annual performance goals in agreement with Federal OSHA. Additionally, ADOSH is actively reviewing all of its results with OSHA and expects to adjust and recalibrate outcomes where necessary and appropriate to improve long range performance strategies that increase worker safety throughout the state.

The Division has undergone extensive change in the last year and still produced positive inspection results in terms of both quality and quantity. Furthermore, the Division continues to enjoy broadbased community support and has made significant contributions to the health, welfare and prosperity of Arizona employees and employers.

Mandated Activities

The following provides objective data detailing ADOSH safety and health compliance results for the FFY 2018. The Division is organized with three safety compliance sections – two operating in Phoenix and one in Tucson. The Division also has two health compliance sections in Phoenix and Tucson, respectively.

ALL SAFETY COMPLIANCE SECTIONS

All Compliance		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	FFY 2018
Total Inspections	Health	42	44	47	60	193
	Safety	144	113	72	91	420
	Total	186	157	119	151	613

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Unprogrammed Inspections

All Compliance		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	FFY 2018
Accident	Health	1	0	0	0	0
	Safety	0	1	0	0	0
	Total	1	1	0	0	0
Complaint	Health	32	38	33	0	46
	Safety	60	43	22	33	30
	Total	92	81	55	33	76
Fatality/Catastrophe	Health	2	1	1	0	1
	Safety	1	3	5	1	5
	Total	3	4	6	1	6
Referral	Health	5	1	2	0	3
	Safety	35	30	11	12	13
	Total	40	31	13	12	16

Referral - Employer Reported	Health	1	2	2	0	1
	Safety	13	7	6	0	4
	Total	14	9	8	0	5
Follow-Up	Health	0	0	0	0	0
	Safety	0	0	0	0	0
	Total	0	0	0	0	0
Unprogrammed Other	Health	0	0	0	0	0
	Safety	0	2	0	0	1
	Total	0	2	0	0	1
Unprogrammed Related	Health	1	1	7	0	3
	Safety	18	16	25	3	33
	Total	19	17	32	3	36
All Unprogrammed Inspections	Health	42	43	45	0	54
	Safety	127	102	69	49	86
	Total	169	145	114	49	140

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Programmed Inspections

All Compliance		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	FFY 2018
Programmed Related	Health	0	0	0	0	0
	Safety	1	0	0	1	0
	Total	1	0	0	1	0
Program Planned	Health	0	1	3	0	8
	Safety	17	14	3	12	4
	Total	17	15	6	12	12
All Programmed Inspections	Health	0	1	3	0	8
	Safety	18	14	3	13	4
	Total	18	15	6	13	12

Inspection by Ownership

All Compliance		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	FFY 2018
Local Government	Health	2	7	2	0	3
	Safety	0	0	2	14	0
	Total	2	7	4	14	3
Private Sector	Health	40	37	45	0	59
	Safety	145	116	70	47	89
	Total	185	153	115	47	148

State Government	Health	0	0	1	0	0
	Safety	0	1	0	1	1
	Total	0	1	1	1	1
All Inspections by Ownership	Health	42	44	48	0	62
	Safety	145	117	72	62	90
	Total	187	161	120	62	152
Programmed Public	Health	0	0	0	0	0
	Safety	0	0	0	10	0
	Total	0	0	0	10	0
Programmed Private	Health	0	1	3	0	8
	Safety	18	14	3	3	3
	Total	18	15	6	3	11

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Construction/Manufacturing/Other Inspections (NAICS Inspected)

All Compliance		1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	FFY 2018
Construction Inspections	Health	4	1	5	0	8
	Safety	52	46	47	14	51
	Total	56	47	52	14	59
Construction Programmed Inspections	Health	0	0	0	0	1
	Safety	1	2	1	0	2
	Total	1	2	1	0	3
Construction Unprogrammed Inspections	Health	4	1	5	0	7
	Safety	31	44	46	14	49
	Total	51	45	51	14	56
Manufacturing Inspections	Health	7	7	14	0	22
	Safety	24	14	6	13	13
	Total	31	21	20	13	35
Manufacturing Programmed Inspections	Health	0	1	2	0	6
	Safety	0	0	0	2	0
	Total	0	1	2	2	6
Manufacturing Unprogrammed Inspections	Health	7	6	12	0	16
	Safety	24	14	6	11	13
	Total	31	20	18	11	29
Other NAICS Inspections	Health	31	36	29	0	32
	Safety	69	57	19	35	26
	Total	100	93	48	35	58
Other NAICS Programmed Inspections	Health	0	0	1	0	1
	Safety	17	12	2	11	2
	Total	17	12	3	11	3
Other NAICS Unprogrammed Inspections	Health	31	36	28	0	31
	Safety	52	44	17	24	24
	Total	83	80	45	24	55

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Note: There are numerical differences when running reports between the State Activity Mandated Measures (SMM) and the OSHA Information System (OIS) Inspection Summary report

Outreach Training: In the first quarter of the year ADOSH has the two long-term trainers retire. The section within the Division strategized on ways to offer our external and internal customers the same service we intended to offer when we developed the annual training calendar. After a few weeks of meetings, the team decided to divide the training up so that multiple personnel could accomplish the set training dates. The Assistant Director in charge of Cooperative Programs and the Consultation Program completed 25% of the classes while a combination of Compliance Assistance Specialist and Consultants helped to maintain the classes.

During the middle of the second quarter we quickly advertised, interviewed, and hired two capable candidates to assume the roles of trainers. One prevailing candidate was a current employee who was a CSHO. The other was a returning employee who was also a CSHO for ADOSH before he left to another state for an opportunity. The two worked quickly to soak up remaining classes that needed to be accomplished for the quarter. Through their efforts we have reached higher numbers in our training outreach program than we had before. We also are marketing our services to many other employers as well as organizations than before.

A key partner working with ADOSH to increase our attendance for Spanish speaking employees and businesses is the Tucson Hispanic Chamber of Commerce. The Tucson Trainer attends routine meetings and provide an update on ADOSH activities. From his work with the chamber, he has had requests to provide training, in Spanish, to more than five employers in the greater Tucson area.



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Overall Training Statistics	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Yearly Totals
Training Courses/Speeches Presented	50	83	89	101	323
Employer Participants Trained	475	563	715	745	2498
Employee Participants Trained	525	677	843	920	2965
Hours of Training Conducted	260	210	90	133	693
Average Management Per Class	8.6	4.31	13.03	12.5	9.61
Average Employees Per Class	2.94	4.13	7.51	10.65	6.31
Average Class Length (hours)	4	3	3	3	3.25

STANDARDS/PLAN CHANGES

The Arizona Division of Occupational Safety & Health took the action indicated regarding the following state plan changes during the year:

First Quarter:

- NA

Second Quarter:

- NA

Third Quarter:

- N/A

Fourth Quarter:

- Adopted 29 CFR 1910.1053 and 29 CFR 1926.1153, Respirable Crystalline Silica
- Adopted 29 CFR 1910 and 29 CFR 1926, Eye and Face Protection updated
- Adopted 29 CFR 1904, Improve Tracking of Workplace Injuries and Illnesses