

FY 2017 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report

Utah Occupational Safety and Health Division
(UOSH)



Evaluation Period: October 1, 2016 – September 30, 2017

Initial Approval Date: January 10, 1973
State Plan Certification Date: November 19, 1976
Final Approval Date: July 16, 1985

Prepared by:
U. S. Department of Labor
Occupational Safety and Health Administration
Region VIII
Denver, CO



Contents

I.	Executive Summary.....	1
II.	State Plan Background.....	1
	A. Background.....	1
	B. Major New Issues.....	2
III.	Assessment of State Plan Performance.....	2
	A. Data and Methodology.....	2
	B. Review of State Plan Performance.....	3
	1. Program Administration.....	3
	2. Enforcement.....	4
	3. Review Procedures.....	10
	4. Standards and Federal Program Changes (FPCs) Adoption.....	10
	5. Variances.....	14
	6. State and Local Government Worker Program.....	14
	7. Whistleblower Program.....	14
	8. Complaint About State Program Administration (CASPA).....	17
	9. Voluntary Compliance Program.....	17
	10. State and Local Government 23(g) On-Site Consultation Program.....	17
	11. Private Sector 23(g) On-Site Consultation Program.....	18

Appendices

Appendix A – New and Continued Findings and Recommendations.....	A-1
Appendix B – Observations and Federal Monitoring Plans.....	B-1
Appendix C – Status of FY 2016 Findings and Recommendations.....	C-1
Appendix D – FY 2017 State Activity Mandated Measures (SAMM) Report.....	D-1
Appendix E – FY 2017 State OSHA Annual Report (SOAR).....	E-1

I. Executive Summary

The purpose of this report is to assess the State Plan's performance for Fiscal Year (FY) 2017 and its progress in resolving outstanding findings from previous Federal Annual Monitoring Evaluation (FAME) Reports.

Despite several changes with the compliance field staff and in the upper levels of the management team, the Utah Occupational Safety and Health Division (UOSH) performed at a very high level in FY 2017. Two of UOSH's significant accomplishments were the reductions in the fatality rate and the injury and illness rate for those employers under their jurisdiction. The State Plan reported a 33% reduction in their fatality rate and a reduction in their injury and illness rate of approximately 12%. Another significant achievement was UOSH's development of a Local Emphasis Program (LEP) to increase the enforcement presence in state and local government workplaces.

Throughout the evaluation period, the OSHA Regional Office and the new management team of UOSH developed a strong professional relationship. Quarterly meetings have been a beneficial and productive time for the Regional Office and the State Plan to discuss program challenges, improvements, and successes.

The State Plan made progress to address the previous two findings and seven observations from the FY 2016 Follow-up FAME Report. One finding was completed by improving key aspects of health inspection activity; the other finding was completed through the hiring of new staff and the development and implementation of a UOSH Whistleblower Manual. Four observations were closed, and three observations were continued into the FY 2017 FAME Report as UOSH works to resolve these items. With one new finding and two new observations, this Comprehensive FAME Report has a total of one finding and five observations. Appendix A describes the new and continued findings and recommendations. Appendix B describes observations subject to continued monitoring and the related federal monitoring plans. Appendix C describes the status of previous findings with the associated completed corrective actions.

II. State Plan Background

A. Background

UOSH is housed within Utah's Labor Commission. The State Plan designee is Labor Commissioner Jaceson Maughan. Approximately five months into the evaluation period, UOSH program director Christopher Hill was promoted to Deputy Labor Commissioner and General Counsel. In March of 2017, the field operations manager, Cameron Ruppe, was promoted to the position of UOSH program director. The program consists of enforcement, whistleblower, cooperative programs, and private sector and state and local government consultation. The

Voluntary Protection Program (VPP) and Partnerships are administered by the Enforcement Division and funded under the 23(g) grant. State and local government consultation activities are administered by 23(g), but no funding is provided through the grant. Consultation in the private sector is funded through a 21(d) cooperative agreement. UOSH closely mirrors the federal program, with some differences that allow for the accommodation of unique state demands and issues.

Currently, UOSH employs 26 full-time positions in the Compliance Section, which includes 10 safety and nine health compliance officers, as well as one full-time whistleblower investigator. The compliance assistance specialist (CAS) position has been vacant for an extended period of time, and the State Plan is in the process of filling the vacancy. In the meantime, the activities normally covered by a (CAS), including outreach events and opportunities, are addressed on an as-needed basis by the existing staff. Other than the director, management consists of a field operations manager, a compliance program manager, and a safety and health supervisor.

The following table shows the federal award levels, State Plan matching funds, and one-time money from FY 2015 through FY 2017.

Fiscal Year	Federal Award	State Plan Match	100% State Funds	Total Funding	% State Plan Contribution	One-time Money
2017	\$1,528,800	\$1,528,800	\$309,253	\$3,366,853	54%	N/A
2016	\$1,528,800	\$1,528,800	\$237,132	\$3,294,732	54%	N/A
2015	\$1,522,000	\$1,522,000	\$315,533	\$3,359,533	54%	N/A

As stated earlier, UOSH’s greatest successes in FY 2017 were the decrease in the injury and illness rate, the reduction in the fatality rate, and the development of an LEP to address hazards in state and local government workplaces. According to Bureau of Labor Statistics (BLS) data, UOSH reported a 12% decrease in the illness and injury rate and a 33% decrease in the fatality rate in FY 2017. The fatality numbers, as well as the new LEP, are discussed in greater detail later in this report.

B. Major New Issues

None

III. Assessment of State Plan Progress and Performance

A. Data and Methodology

OSHA established a two-year cycle for the comprehensive FAME process. FY 2017 is a comprehensive year, and as such, OSHA was required to conduct an on-site evaluation and case file review. A five-person OSHA team, which included a whistleblower investigator, was assembled to conduct a full on-site case file review. The case file review was conducted at the Utah State Plan Office in Salt Lake City from December 11-15, 2017. A total of 160 safety, health, and whistleblower inspection case files were reviewed. The safety and health inspection

and non-formal complaint files were randomly selected from inspections conducted during the evaluation period. The selected population included:

- Eight (8) fatality case files
- Forty (40) non-formal complaint files
- Seventy-two (72) inspection case files
- Forty (40) whistleblower case files

The analyses and conclusions described in this report are based on information obtained from a variety of monitoring sources, including the:

- State Activity Mandated Measures (SAMM) Report (Appendix D)
- State Information Report
- Mandated Activities Report for Consultation
- 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
- Interviews of UOSH staff
- Case file review

Each SAMM has an agreed-upon further review level (FRL) which can be either a single number or a range of numbers below and above the national average. This range of numbers is also known as the FRL range or the acceptable range. State Plan SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan's FY 2017 SAMM Report and includes the FRL for each measure.

B. Review of State Plan Performance

1. PROGRAM ADMINISTRATION

Throughout FY 2017, training was provided to the UOSH staff via webinars, the OSHA Training Institute (OTI), and online courses. The FY 2017 SOAR (Appendix E) presents a complete listing of all the training completed.

Also during the course of the evaluation period, UOSH performed quarterly reviews of a random sample of safety and health inspection case files. This was conducted as part of their State Internal Evaluation Program (SIEP) in order to ensure quality and efficiency in the case file development process. UOSH also has included the following elements in their SIEP areas of emphasis.

Inspection Scheduling
Accident Referral Investigations

Utah Adjudication Process
Contested Cases

Fatality/Catastrophe Investigations
Complaint Investigations
Case File Documentation
Case File Data Entry
Case File Review and Approval
Citation Processing
Assurance of Abatement
Petition for Abatement Modification
Industrial Hygiene Process
Denial of Entry Warrant

Informal Conferences
Data Entry for Contested Cases
Data Entry for Informal Conferences
Settlement of Cases
Data Entry of Settlement Cases
Data Quality – SAMM Report
Compliance Safety and Health
Officer (CSHO) Training
Review of Compliance Assistance
Files

Other than the CAS position, UOSH was fully staffed as of the end of FY 2017. Hiring a full-time CAS continues to be a priority for UOSH. UOSH is operating at their established benchmarks of 10 safety CSHOs and nine health CSHOs.

2. ENFORCEMENT

a) Complaints

UOSH conducted a total of 232 complaint inspections and 197 non-formal complaint investigations during FY 2017. As a matter of policy, UOSH considers formal complaints to be those complaints that are generated from a complainant who is a current worker or worker representative who has signed a complaint form. Non-formal complaints are from a variety of sources, including current workers, but are not signed by the complainant. A referral addresses an allegation made by a CSHO, a safety and health agency, a whistleblower investigator, media, another government agency, or by an employer reporting a non-fatal accident. UOSH will also conduct a complaint or referral inspection if the complaint alleges that a permanent and disabling injury or illness has occurred and the condition still exists; if the allegation is an imminent danger situation; if the allegation concerns an Emphasis Program; or if the establishment has a history with UOSH that involves egregious, willful, failure-to-abate, or repeated citations in the last three years.

With respect to SAMMs 1, 2, and 3, UOSH performed satisfactorily throughout the evaluation period. The FRLs for SAMMs 1 and 2 are negotiated by OSHA and the State Plan. SAMM 1 measures the average number of work days to initiate a complaint inspection, and the FRL is five days. In FY 2017, the State Plan took an average of 3.48 days to initiate a complaint inspection, which is similar to the average of 3.35 days in FY 2016. UOSH met the FRL in both FY 2016 and FY 2017. Next, SAMM 2 accounts for the average number of work days to initiate a complaint investigation; the FRL is three days. In FY 2017, UOSH took an average of 0.74 days to initiate a complaint investigation, which is an improvement over the already low average of 0.97 days it took in FY 2016. Again, the State Plan met the FRL in the last two fiscal years. Moreover, SAMM 3 measures the percentage of imminent danger complaints and referrals that are responded to within one day. The FRL of 100% is fixed for all State Plans. UOSH met this FRL in both FY 2016 and FY 2017.

Also, SAMM 4 addresses the number of inspections where UOSH was denied entry to conduct an inspection. There were no denials during FY 2016 and FY 2017.

Through the review of non-formal complaint files, it was determined that in 14 of the 40 (35%) non-formal complaint cases, UOSH did not document any initial contact with the employers prior to sending the complaint notices. Therefore, the employers may have received the complaint notices without any explanation of the process from the State Plan. Although documentation is not required, the OSHA FOM, as well as the UOSH FOM, requires that the State Plan contact employers prior to sending complaint notices. The UOSH FOM was not finalized until March 2017, so it is possible that CSHOs had not been implementing all the policies in the FOM from the beginning of FY 2017. It was also determined that six of the 40 (15%) non-formal complaint files which required employer responses lacked sufficient information to justify closing the complaint. The UOSH FOM requires that CSHOs verify that hazards have been abated to close a complaint.

FY 2017-OB-1 (formerly FY 2016-OB-1 and FY 2015-OB-1): Through the review of non-formal complaint files, it was determined that in 14 of the 40 (35%) non-formal complaint cases, UOSH did not document any initial contact with the employers prior to sending the complaint notices. Therefore, the employers may have received the complaint notices without any explanation of the process from the State Plan. It was also determined that six of the 40 (15%) non-formal complaint files which required employer responses lacked sufficient information to justify closing the complaint.

Federal Monitoring Plan: The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2018.

Status: This observation is continued.

FY 2016-OB-5 (formerly FY 2015-OB-6): UOSH does not currently have a written policy for processing complaints and referrals. For several years, UOSH has been working toward completing a FOM, but a final FOM has not been implemented.

Federal Monitoring Plan: The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2017.

Status: UOSH completed its FOM in FY 2017. This observation is closed.

b) Fatalities

As previously mentioned, a significant highlight for UOSH was the reduction in the fatality rate of industries under their jurisdiction. The State Plan's goal for the fatality rate was to achieve a 10% reduction as compared to the most recent BLS data. In FY 2017, they achieved a reduction of approximately 33%, which is an even larger improvement on the 26% reduction observed in FY 2016.

During the evaluation period, UOSH investigated 10 workplace fatalities. Based on the information reviewed during quarterly meetings, the on-site comprehensive audit, and the SAMM data, UOSH largely handled these cases according to their policy and that of OSHA.

There were two fatality cases where the next-of-kin notification letter was not in the case file, but all of the files did include the next-of-kin final letter. SAMM 10 measures the percent of work-related fatalities responded to in one workday. The FRL of 100% is fixed for all State Plans; in FY 2017, UOSH responded to nine of 10 or 90% of work-related fatalities in one workday. There was one outlier with respect to the one-day response time for fatality cases. During a quarterly call, UOSH explained that the inspection was not opened in a timely manner because notification was improperly transferred by another agency. This was outside of the control of the State Plan. In FY 2016, the State Plan met the FRL.

c) Targeting and Programmed Inspection

Since UOSH exceeded their FY 2017 inspection goals, the State Plan also performed well with respect to SAMM 7, which compares the actual number of safety and health inspections conducted to the projected number of inspections conducted. The FRL for safety inspections conducted was +/- 5% of the projected 660 inspections, which equals a range of 627 to 693 inspections. In FY 2017, UOSH conducted 889 safety inspections, compared to 715 safety inspections in FY 2016. The FRL for health inspections conducted was +/- 5% of the projected 97 inspections, which equals a range of 92.15 to 101.85 inspections. In FY 2017, UOSH conducted 107 health inspections, which is eight more inspections than in FY 2016. UOSH had anticipated lower inspection numbers for FY 2017 due to the recent turnover of CSHOs. The inspection goals were increased to reflect the progress of the compliance staff.

Next, SAMM 9 calculates the State Plan's in-compliance rates; i.e., the percent of safety and health inspections without violations. High in-compliance rates may indicate that the State Plan is not targeting worksites that are highly hazardous and prone to having serious violations. The safety FRL for SAMM 9 was +/- 20% of the two-year national average of 29.53%, which equals a range of 23.62% to 35.44%. In FY 2017, the Utah State Plan's percent in-compliance for safety inspections was 36.59%, which was slightly higher than the FRL; the safety in-compliance rate in FY 2016 was 32.81%. In FY 2017, the FRL for health inspections was +/- 20% of the two-year national average of 35.78%, which equals a range of 28.62% to 42.94%. UOSH's percent in-compliance for health inspections increased from the FY 2016 rate of 38.04% to 50.48%, which was considerably higher than the FRL. The elevated health in-compliance rate has been addressed as a finding in recent FAME Reports. In FY 2016, UOSH made a significant improvement in this area. The increase in the health in-compliance rate in FY 2017 was likely due to the aforementioned staffing turnover. Strong improvements were made with respect to health inspections through increased worker training and an emphasis on industrial hygiene sampling. While the in-compliance rate was high, improvements were observed, and the Region believes this aspect of the State Plan is heading in a positive direction. The recent rise in FY 2017 with respect to in-compliance health cases is cause for concern, but it is not at a level where it would compromise the effectiveness of the State Plan.

FY 2016-1 (formerly FY 2015-1 and FY 2014-2): The percentage of health inspections where no violations were found (59.42%) is high as compared to the national average of 33.58%. Not all of the health files included information about the calibration of monitoring equipment (two cases), the results of sampling (two cases), or that the sampling results were shared with the employer (seven cases).

Recommendation: UOSH should provide additional training for compliance officers in the recognition of violations and documentation of violations. Areas of focus should include hazard recognition, sampling strategies, and case file documentation. The completion of the UOSH FOM will also assist in satisfying this finding.

Status: The State Plan did complete the UOSH FOM to assist with corrective action for this finding. Health compliance officers have also received additional training. In addition, during FY 2017, UOSH conducted a large amount of personal sampling for various contaminants and noise, capturing several overexposures. This finding is complete.

Additionally, SAMM 17 measures the State Plan's enforcement presence. This percentage is a ratio of the total number of inspections to the total number of establishments. It should be noted that for this SAMM, total establishments do not include state and local government establishments or establishments in low-hazard private sector industries. UOSH performed quite well for SAMM 17 in both FY 2016 and FY 2017. For FY 2017, the FRL range was from 0.95% to 1.58%. UOSH had an enforcement presence of 1.74% in FY 2017, which is an increase over their FY 2016 enforcement presence of 1.46%. For FY 2016, the FRL range was from 1.10% to 1.83%, so UOSH met the FRL.

The LEPs developed by UOSH - Construction, Amputations, and State and Local Government Workplaces (UOSH refers to this as Public Sector) - have greatly contributed to the State Plan's enforcement presence as these programs have accounted for approximately 42% of their inspection total. The Construction LEP helped to capture 190 inspections, with 295 hazards identified and 2,170 workers affected. The Amputations LEP resulted in 210 inspections, 390 hazards identified, and 6,075 workers affected. Although completed in FY 2017, the Public Sector LEP was implemented in FY 2018 and has resulted in 16 inspections in the first quarter alone; it should be noted that there were 16 inspections completed in state and local government workplaces in all of FY 2017. For more detailed information on UOSH's LEPs, see the SOAR (Appendix E).

d) Citations and Penalties

The Inspection Summary Report showed that UOSH issued a total of 926 violations throughout the course of FY 2017. Of these violations, 803 (87%) were classified as serious, 96 (10%) were classified as other-than-serious, and 26 (3%) were classified as repeat. UOSH did not issue any failure-to-abate or willful violations during the evaluation period.

The audit team discovered several aspects of the case file review process with deficiencies. It was determined that eight of 80 (10%) of the cases reviewed may not have included citations for all apparent violations, 10 of 37 (27%) of the cases reviewed did not provide adequate evidence to support all violations, and eight of 39 (21%) of the cases with violations did not properly justify the probability and severity of the violations.

Again, it is important to note the amount of turnover within UOSH during the evaluation period. Two CSHOs left the program, a new director was announced, and there were changes at the supervisor and manager levels of the organization. All of these changes weighed heavily on the

ability to consistently and adequately review case files. This is an area that the Region believes will quickly improve during FY 2018.

FY 2017-1: In FY 2017, it was determined that UOSH may not have been identifying and addressing all potential apparent violations when closing cases (eight of 80 or 10% of cases), verifying adequate evidence to support violations (10 of 37 or 27% of cases), and justifying the severity and probability of the violations (eight of 39 or 21% of cases).

Recommendation: UOSH should provide additional training to compliance officers and management staff in the recognition and documentation of violations. Management staff should also receive training specific to case file review methods.

Status: This finding is new.

Another area in need of improvement continues to be the average number of violations per inspection that are considered to be serious, willful, repeat, or unclassified (SWRU). SMM 5 calculates the average number of violations per inspection for both SWRU and other-than-serious violations. In FY 2017, the FRL was +/- 20% of 1.83 for SWRU violations, which established a range of 1.46 to 2.20. UOSH was slightly outside the range with an average of 1.39 SWRU violations per inspection, compared to an average of 1.47 in FY 2016. The FRL for other-than-serious violations was +/- 20% of .99, which established an acceptable range of 0.79 to 1.19. The State Plan had an average of 0.16 other-than-serious violations per inspection, much lower than the FRL. In FY 2016, UOSH had an average of 0.34 other-than-serious violations per inspection. Based on the case file review, the Region believes that closer attention to missed violations, inappropriate grouping, and improper classification of violations would positively impact the results of SMM 5.

FY 2017-OB-2 (formerly FY 2016-OB-2 and FY 2015-OB-3): In FY 2017, UOSH was 5% below the FRL for violations considered to be SWRU. UOSH was also 80% below the FRL for violations considered to be other-than-serious. Thirteen of the case files reviewed had inappropriate grouping (five) or contained information that could have resulted in the issuance of a citation (eight).

Federal Monitoring Plan: The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2018.

Status: This observation is continued.

Moreover, penalties were an issue of concern during the evaluation period. SMM 8 calculates the average current serious penalty in the private sector. The FRL was +/- 25% of the two-year national average of \$2,516.80, which equals a range of \$1,887.60 to \$3,146.00. In FY 2017, UOSH had an average current serious penalty of only \$1,286.37. It should be noted that OSHA initially raised its maximum penalties in 2016 and again in 2017 and 2018 (for specific details, see Section 4 of this report – Standards and Federal Program Change Adoption). UOSH has been unable to raise its maximum penalties as required due to challenges within Utah's legislative process; therefore, the State Plan cannot meet the FRL at this time.

e) Abatement

Abatement verification has been a challenge for UOSH in recent years, appearing as an observation on two FAME Reports and a finding on another. However, the State Plan performed exceptionally well when it came to verifying evidence of abatement and assigning appropriate time periods for abatement in FY 2017. The case file review determined that of the 35 cases where abatement was required, 33 (94%) of them obtained adequate abatement. This is an improvement over FY 2015 when the case file review showed that 32 of the 38 (84%) case files with citations had sufficient abatement. It was also determined that 31 (89%) of the case files were assigned proper abatement time periods in FY 2017. In the event that UOSH does not receive adequate abatement, procedures are in place to conduct follow-up inspections if necessary. The Region will no longer monitor this issue.

FY 2016-OB-6 (formerly FY 2015-OB-7 and FY 2014-5): Abatement policies were not consistently followed. It was determined that six of the 38 files with citations had deficiencies with abatement. These deficiencies were mainly related to providing too much time for abatement or not including abatement for conditions that were “corrected during inspection”. However, there have been improvements regarding the receipt of abatement.

Federal Monitoring Plan: The OSHA Regional Office will continue to effectively monitor the State Plan’s performance in this area during quarterly meetings throughout FY 2017.

Status: This observation is closed.

f) Worker and Union Involvement

According to the SAMM Report, UOSH included workers or worker representatives in initial inspections in FY 2017. SAMM 13 calculates the percent of initial inspections with worker walk around representation or worker interview. The FRL of 100% is fixed for all State Plans. UOSH met the FRL in both FY 2016 and FY 2017. However, case file documentation of worker interviews is apparently a continuing issue for the State Plan. The case file review revealed that 16 of 80 (20%) of the inspections did not contain documentation of worker interviews. In some cases, there was information to indicate workers had been contacted during the inspection, but no documentation was provided to verify those workers had been interviewed. It should be noted that in FY 2015, 12 of 68 (17%) case files reviewed lacked documentation of worker interviews.

Next, there were only four inspections at establishments where workers were represented by a union. In each of those cases, UOSH did follow the proper procedures for inclusion of the union. If the union elected not to participate in the inspection process, that information was included in the file.

FY 2017-OB-3 (formerly FY 2016-OB-7 and FY 2015-OB-8): In FY 2017, it was determined that 16 of the 80 (20%) case files lacked documentation that worker interviews were conducted as part of the investigative process.

Federal Monitoring Plan: The OSHA Regional Office will continue to effectively monitor the State Plan’s performance in this area during quarterly meetings throughout FY 2018.

Status: This observation is continued.

3. REVIEW PROCEDURES

a) Informal Conferences

Of the 80 case files reviewed, an informal conference was held on only two occasions. One of these cases lacked adequate documentation to support the deletion of a citation.

UOSH relies heavily upon penalty reduction agreements (PRAs) as part of their case settlement process. The PRA allows an employer to receive up to a 50% penalty reduction as long as the employer provides all abatement and accepts the citation classification(s). If an inspection is initiated as the result of a fatality or catastrophe, the employer is not eligible to receive a PRA. An employer is also not eligible for the PRA if the current citation is due to a willful, repeat, or failure-to-abate violation. Employers who have received a willful, serious, repeat, or failure-to-abate violation in the three years prior to the current inspection date are also exempt from the PRA. The Region encourages the use of the PRA but believes UOSH should revisit the criteria for which employers are eligible. The Region suggests that UOSH consider not offering the PRA to large employers, employers with high injury or illness rates, or those who were inspected as the result of a workplace accident.

The State Plan had a satisfactory penalty retention rate in FY 2017. SAMM 12, which calculates the percent penalty retained, has an FRL of +/- 15% of the two-year national average of 67.44%, which equals a range of 57.32% to 77.56%. UOSH met the FRL with a penalty retention rate of 69.18% in FY 2017. For comparison, UOSH had a penalty retention rate of 76.13% in FY 2016, which was within the FRL range of 65.65% to 80.34%.

b) Formal Review of Citations

Contested cases in Utah are assigned to an administrative law judge (ALJ) for a hearing. Appealed decisions of the ALJ automatically move forward to the Labor Commissioner unless the appeal is required to be heard before the Labor Commission Appeals Board. This board is composed of three members: one employer, one worker, and one other member.

Each board member is selected by the governor and serves a six-year term. No more than two members can be of the same political affiliation. Decisions by the board are majority decisions. Appealed decisions of either the board or the Commissioner are heard in the Utah Court of Appeals.

During the evaluation period, UOSH did not have any cases progress to the formal review stage.

4. STANDARDS AND FEDERAL PROGRAM CHANGE (FPC) ADOPTION

Utah's policy, as described in ADM-007, *Adopting Final Rules and OSHA Directives (January 1, 2003)*, has been that whenever a new standard or final rule is promulgated by OSHA, the state of

Utah incorporates this by reference. UOSH has six months to incorporate these final rules by reference. In order to incorporate a rule, UOSH notifies the Labor Commission General Counsel of the needed rule adoption. The General Counsel staff then initiates the change process. At this point, an open meeting is scheduled, and the rule is presented. The rule is then forwarded to the Utah Administrative Rules Division for publication in the bi-weekly *Utah State Bulletin*, and public comment is requested. Public comments are forwarded to UOSH. Thirty days after the rule is published in the *Utah State Bulletin*, the rule becomes effective. The reference to the *Federal Register*, where the rule was initially published, then appears in the Utah Administrative Code R614-1-4 (Incorporation of Federal Standards).

The following federal standards were adopted by UOSH since the last on-site audit.

Standard Number	Standard Title	Adoption Status
29 CFR Part 1910, 1926	Electric Power Generation	UOSH incorporated identically on 12/28/2015.
29 CFR Part 1926.1200	Confined Spaces in Construction	UOSH incorporated identically on 12/28/15.
29 CFR Part 1926	Cranes and Derricks in Construction	UOSH adopted on 12/28/2015.
29 CFR Part 1904	Occupational Injury and Illness Recording Requirements	UOSH incorporated nearly identically on 12/28/2015.
29 CFR Part 1902, 1904 2016-180	Improve Tracking of Workplace Injuries and Illnesses	UOSH adopted identically, and the standard became effective on 1/1/2017.
29 CFR Part 1910 2017-182	Final Rule on Walking-Working Surfaces and Personal Protective Equipment	UOSH adopted identically, and the standard became effective on 12/27/2017.
29 CFR Part 1910, 1915, 1926	Final Rule for Occupational Exposure to Respirable Crystalline Silica	UOSH anticipates adoption in FY 2018.
29 CFR Part 1902, 1903	Interim Final Rule on Maximum Penalty Increases Standard Number	UOSH has not adopted this standard.
29 CFR Part 1903.2560.2575	Final Rule on the Implementation of the 2017 Annual Adjustment to Civil Penalties for Inflation	UOSH has not adopted this standard.

Walking-Working Surfaces and Personal Protective Equipment Rule

On November 18, 2016, OSHA adopted the Final Rule on Walking -Working Surfaces and Personal Protective Equipment (Fall Protection Systems). State Plans were required to adopt an “at least as effective as” rule within six months of promulgation, or by May 18, 2017. UOSH adopted this rule identically on December 27, 2017.

Maximum Penalty Increase

As mentioned earlier, with the passage of the Bipartisan Budget Bill on November 2, 2015, OSHA raised its maximum penalties effective August of 2016. As required by law, OSHA then increased maximum penalties annually, on January 1, 2017, and January 1, 2018, according to the consumer price index. State Plans were required to adopt both the initial increase and the subsequent annual increases.

Utah does not currently have a sponsor for legislation that would increase the maximum penalty amount. The next legislative session will resume in January of 2019. OSHA will continue to work with UOSH on this issue.

Silica Standard

On March 25, 2016, OSHA published a *Federal Register* Notice on the Final Rule for Occupational Exposure to Respirable Crystalline Silica. OSHA's silica standard consists of two separate standards, one for construction and one for general industry and maritime, to tailor the standards to the circumstances in these sectors. The construction standard went into effect on September 23, 2017. The general industry and maritime standard is still expected to have an enforcement date of June 23, 2018. OSHA rolled out the construction standard with a 30-day compliance assistance initiative and then on October 23, 2017, began enforcing fully under the Interim Enforcement Guidance Memo for the Respirable Crystalline Silica in Construction Standard.

State Plans were required to adopt an "at least as effective as" rule within six months of promulgation, or by September 26, 2016. State Plans were also required to have an effective date by the date of state promulgation or the federal effective date, whichever is later.

Industry members filed litigation challenging OSHA's silica standard. Despite the regulatory requirement that State Plans adopt the standard within six months of promulgation, several State Plans, including UOSH, delayed their promulgation pending the outcome of the litigation. The U.S. Court of Appeals for the District of Columbia rejected all industry challenges to the standard in a ruling issued December 22, 2017. UOSH is now working to complete the promulgation of their silica standard, with hopes of adopting in FY 2018.

Beryllium Standard

On January 9, 2017, OSHA adopted new standards addressing occupational beryllium exposure in 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. However, on June 27, 2017, OSHA published a notice of proposed rulemaking to revoke the ancillary provisions applicable to the construction and shipyard sectors but retain the new permissible exposure limits. OSHA will not enforce the provisions of the January 9, 2017, construction and shipyard standards that it has proposed to revoke while the current rulemaking is underway.

Given the unusual circumstances of this rulemaking, in which substantive changes have been proposed to a standard within six months following its initial promulgation, several State Plans, including UOSH, have delayed promulgation pending completion of the second rulemaking.

Electronic Reporting Rule

On May 12, 2016, OSHA published the Final Rule to Improve Tracking of Workplace Injuries and Illnesses, effective January 1, 2017. The rule required all affected employers to submit 300A log summaries in OSHA’s Injury Tracking Application by the specified due date of July 1, 2017. This deadline was subsequently pushed back to December 15, 2017.

In its Fall 2017 Regulatory Agenda, OSHA announced that it intends to issue a proposal to reconsider, revise, or remove provisions of the Improve Tracking of Workplace Injuries and Illnesses Final Rule, 81 FR 29624 (May 12, 2016).

State Plans were required to adopt an “at least as effective as” rule within six months of promulgation, or by November 14, 2016. UOSH adopted this rule, and it became effective January 1, 2017.

The following FPCs were adopted by UOSH since the last on site audit.

FPC Number	FPC Title	Adoption Status
CPL-02-00-158 2014 705	Inspection Procedures for Respiratory Protection Standard	UOSH adopted on 03/05/2015.
CPL-02-01-056 2014 684	Inspection Procedures for Accessing Communion Towers by Hoist	UOSH adopted on 03/17/2015.
CPL-02-01-057 2015 724	Compliance Directive for Cranes and Derricks in Construction Standard	UOSH adopted on 06/17/2015.
CPL-02-02-078 2015	Enforcement Procedures and Scheduling for Occupational Exposure to Tuberculosis	UOSH adopted on 12/30/2015.
CPL-02-02-079 2015	Inspection Procedures for the Hazard Communication Standard (HCS 2012)	UOSH adopted on 010/9/2016.
CPL-03-00-018 2015 725	REVISION – National Emphasis Program – Primary Metal Industries	UOSH adopted on 06/20/2015.
TED-03-01-004 2015 825	Special Government Employee Policies and Procedures Manual for the Occupational Safety and Health Administration’s	UOSH adopted on 01/29/2016.

	Voluntary Protection Program CSP-03-01-004	
--	---	--

5. VARIANCES

UOSH currently has one permanent variance with the chimney construction company, Alberici Mid-Atlantic, L.L.C., which was granted on August 2, 2008.

6. STATE AND LOCAL GOVERNMENT WORKER PROGRAM

During the evaluation period, UOSH was significantly below the FRL for SAMM 6 – percent of total inspections in state and local government workplaces. Only 1.61% of UOSH’s inspections were conducted in state and local government workplaces, compared to the FRL of +/- 5% of 3.17%, which equals a range of 3.01% to 3.33%. This marks a decrease from the FY 2016 percentage of 2.09%. Also, due to the low percentage of state and local government inspections in FY 2015, the Region made an observation in the FY 2016 Follow-up FAME Report. UOSH was aware of this during the course of FY 2017, and in response, they developed and implemented an Emphasis Program specific to the state and local government employers. Despite this measure being outside the FRL, UOSH fully addressed the issue prior to the end of the evaluation period and, as discussed earlier, has already observed a marked increase in the number of inspections in state and local government workplaces. This observation is closed.

FY 2016-OB-3: According to the FY 2015 SAMM data, UOSH was approximately 49% below their negotiated percentage of inspections conducted in state and local government workplaces.

Federal Monitoring Plan: The OSHA Regional Office will continue to effectively monitor the State Plan’s performance in this area during quarterly meetings throughout FY 2017.

Status: This observation is closed.

7. WHISTLEBLOWER PROGRAM

The FAME audit included a review of the overall whistleblower program, including policy and procedures and investigative files. The audit, which involved a review of administratively closed and investigative case files, included a review of 40 of 121 closed case files from FY 2017.

Given the sample size, the ability to identify trends was limited. Thus, the recommendations were based upon potential trends and significant observations.

The following table is a summary of whistleblower complaints during FY 2017.

Disposition	Totals
Total cases from FY 2017	40
Cases completed in FY 2017	121
Cases completed timely	30%

Overage cases	41%
~ Withdrawn	4
~ Dismissed	65
~ Merit	3
~ Settled	5
~ Settled (other)	0
Administratively closed	44
Investigator on staff	1

Audit Summary

In October 2017, UOSH developed and adopted a new whistleblower manual. Upon completion, UOSH reviewed all potential complaints for appropriate coverage requirements, timeliness of filing, and the presence of a prima facie allegation. New whistleblower complaints were received in three forms: a health and safety complaint, telephonic complaint, or referral from OSHA. New complaints were forwarded to the investigator to conduct a formal interview. UOSH also developed a new form to ensure supervisory oversight and approval during the complaint intake process prior to docketing the complaint.

UOSH appropriately referred federal statute cases to the OSHA Denver Regional Office and had procedures in place to notify complainants of the right to concurrently dual-file Section 11(c) complaints with the Regional Office.

While UOSH's whistleblower program has struggled in recent years, there were improvements in both the case files and investigations in FY 2017. In September 2016, UOSH hired a new full-time whistleblower investigator who has a background in law and an understanding of the rules and regulations related to conducting whistleblower investigations. Responsible for new cases, as well as those initially processed by the previous investigator, the whistleblower investigator contacted OSHA Regional staff to seek guidance, ask questions, and ensure proper referrals of cases. As a result, the Region noticed significant improvements in whistleblower investigations and case files as the files progressed closer to the end of FY 2017. The investigator also included well-written and well-analyzed investigative findings in the final report of the investigation. In addition, the final report of the investigation supported the final determination in the investigation. Lastly, UOSH modified the format of their final order, which provides a clear understanding of the investigative process and explanation of outcome.

Even though the whistleblower program saw noteworthy improvements in FY 2017, two observations were noted as a result of the on-site review. First, UOSH appropriately entered whistleblower data into the Web Integrated Management Information System (WebIMIS) after the information was obtained by the investigator assigned to the case. However, in three cases, the WebIMIS summary sheet did not accurately reflect the outcome of a settled determination. In these three instances, UOSH recorded settled cases as withdrawn in WebIMIS rather than settled.

FY 2017-OB-4: In FY 2017, it was determined that in three of the nine (33%) settled cases which were reviewed, the WebIMIS summary sheet did not accurately reflect the

settlement determination, and in each case, UOSH improperly recorded settled cases as withdrawn in WebIMIS.

Federal Monitoring Plan: The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2018.

Status: This observation is new.

Next, UOSH also shared investigative information between both parties during the course of the investigations. However, UOSH did not appropriately follow the guidance for nonpublic disclosures when sharing information. In five specific instances, UOSH shared information in cases without redacting non-management witness information and other third party privacy information. In accordance with OSHA's policy, the Region believes the State Plan should make redactions consistent with redactions that would be made if the documents were released under FOIA. Providing non-management witness information to opposing parties could risk retaliation for current workers.

FY 2017-OB-5: In FY 2017, it was determined that in five of the 21 (24%) docketed cases, UOSH shared information from case files without redacting non-management witness information and other third party privacy information.

Federal Monitoring Plan: The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2018.

Status: This observation is new.

One last item of note, UOSH did not appropriately identify parties prior to the start of recording calls or interviews. When listening to a recording, it was difficult to determine the names of the parties on the recording and whether the parties being interviewed were management or non-management officials. All interviews should be clearly marked in such a way to prevent unintentional disclosure of the witness statements. OSHA recommends that UOSH record the opening of the interview with an opening statement and appropriately identify recordings in the case file. During an interview with the investigator, the investigator confirmed that recording this information had not been a consistent practice at the start of the evaluation period. UOSH correctly identified this prior to the on-site review and had remedied the issue through internal training.

It should also be noted that UOSH was outside the FRL for each of the measures related to whistleblower functions in FY 2017. This is likely a result of UOSH hiring a new whistleblower investigator a month before the start of FY 2017. The percentage of investigations completed within 90 days (SAMM 14) was 30%, and the FRL of 100% is fixed for all State Plans. This is a 29% decrease from FY 2016. Next, the percentage of complaints that were meritorious (SAMM 15) was 10% while the FRL is +/- 20% of 25%, which is between 20% and 30%. In FY 2016, the State Plan actually met the FRL with 21% since the FRL range was from 19% to 29%. Lastly, in FY 2017, the average number of calendar days to complete an investigation (SAMM 16) was 143 as compared to the FRL of 90, which is fixed for all State Plans. However, in FY 2016, UOSH took an average of 85 calendar days to complete an investigation, which met the FRL of 90 calendar days. The Region believes UOSH has made significant program

improvements that will positively impact data with respect to SAMMs 14, 15, and 16, and this will become apparent over the coming evaluation period.

FY 2016-2 (formerly FY 2015-2 and FY 2014-8): The whistleblower program had instances of programmatic deficiencies related to investigation procedures, processing, and the disposition of whistleblower cases.

Recommendation: As part of their case file procedures, UOSH should implement a policy requiring supervisory review and approval of all settlement agreements and case file closures.

Status: The State Plan hired a full-time whistleblower investigator, developed and implemented a new Whistleblower Manual, and conducted internal training to ensure consistent processing of whistleblower cases. This finding is closed.

8. COMPLAINT ABOUT STATE PROGRAM ADMINISTRATION (CASPA)

There was one CASPA filed against UOSH during the evaluation period. Throughout the process, UOSH met the prescribed deadlines and provided a response that was satisfactory to both the complainant and the Region.

9. VOLUNTARY COMPLIANCE PROGRAM

In years past, UOSH has been diligent about promoting VPP, and FY 2017 was no exception. UOSH supports VPP by informing their own staff and the staff of the state consultation group of the methods used to identify potential future participants. They also provide presentations, use the Labor Commission website, and participate in local conferences and associations to foster interest in VPP. UOSH continues to honor an agreement with OSHA to utilize “Special Government Employees” to support UOSH staff in the completion of VPP audits.

UOSH’s goal for FY 2017 was to have eight establishments in VPP. The State Plan exceeded this goal and now has nine establishments participating in VPP. The individual responsible for VPP was new to the position in FY 2017 but has been with UOSH for several years. Guidance for proper implementation of policies and procedures is can be found in OSHA Directive CSP 03-01-003. No changes were reported with respect to the voluntary compliance programs.

10. STATE AND LOCAL GOVERNMENT 23(g) ON-SITE CONSULTATION PROGRAM

As stated earlier, UOSH refers to its consultation program for the state and local government as the Public Sector Consultation Program. In FY 2017, this program conducted 37 visits statewide. Of the 37 visits conducted, 26 were initial visits, eight were training and education visits, and three were follow-up visits. As a result of the 26 initial visits, 208 serious hazards were identified and abated, and more than 4,000 workers were impacted.

Next, the Public Sector Consultation Program conducted 65 compliance assistance activities in

FY 2017. These activities involved safety- and health-related outreach, promotion, training, and education for over 1,500 workers.

Additionally, the program provided compliance assistance to a number of state agencies, county departments, cities, and special service districts in FY 2017. Several of the visits were made to cities in Salt Lake and Utah counties, with many of the requests coming from those visited in promotion of state and local government consultation previously or from outreach activities that had recently taken place.

UOSH exceeded their projected goal of 25 consultation visits for FY 2017, as well as their projected goal of 60 compliance assistance visits. It is likely UOSH will further increase the number of state and local government consultation visits in the future because of the recently implemented LEP.

11. PRIVATE SECTOR 23(g) ON-SITE CONSULTATION PROGRAM

Private sector on-site consultation is funded under 21(d) and is, therefore, evaluated under that same program.

Appendix A – New and Continued Findings and Recommendations
 FY 2017 UOSH Comprehensive FAME Report

FY 2017-#	Finding	Recommendation	FY 2016-# or FY 2016-OB-#
FY 2017-1	In FY 2017, it was determined that UOSH may be identifying and addressing all potential apparent violations when closing cases (eight of 80 or 10% of cases), verifying adequate evidence to support violations (10 of 37 or 27% of cases), and justifying the severity and probability of the violations (eight of 39 or 21% of cases).	UOSH should provide additional training for compliance officers and management staff in the recognition and documentation of violations. Management staff should also receive training specific to case file review methods.	

Appendix B – Observations Subject to New and Continued Monitoring

FY 2017 UOSH Comprehensive FAME Report

Observation # FY 2017-OB-#	Observation# FY 2016-OB-# or FY 2016-#	Observation	Federal Monitoring Plan	Current Status
FY 2017-OB-1	FY-2016-OB-1 FY-2015-OB-1	Through the review of non-formal complaint files, it was determined that in 14 of the 40 (35%) non-formal complaint cases, UOSH did not document any initial contact with the employers prior to sending the complaint notices. Therefore, the employers may have received the complaint notices without any explanation of the process from the State Plan. It was also determined that six of the 40 (15%) non-formal complaint files which required employer responses lacked sufficient information to justify closing the complaint.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2018.	Continued
FY 2017-OB-2	FY 2016-OB-2 FY 2015-OB-3	In FY 2017, UOSH was 5% below the FRL for violations considered to be serious, willful, repeat, or unclassified. UOSH was also 80% below the FRL for violations considered to be other-than-serious. Thirteen of the case files reviewed had inappropriate grouping (five) or contained information that could have resulted in the issuance of a citation (eight).	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2018.	Continued
FY 2017-OB-3	FY 2016-OB-7 FY 2015-OB-8	In FY 2017, it was determined that 16 of the 80 (20%) case files lacked documentation that worker interviews were conducted as part of the investigative process.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2018.	Continued
FY 2017-OB-4		In FY 2017, it was determined that in three of nine (33%) settled cases which were reviewed, the WebIMIS summary sheet did not accurately reflect the settlement determination, and in each case, UOSH improperly recorded settled cases as withdrawn in WebIMIS.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2018.	New
FY-2017-OB-5		In FY 2017, it was determined that in five of the 21 (24%) docketed cases, UOSH shared information from case files without redacting non-management witness information and other third party privacy information.	The OSHA Regional Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2018.	New
	FY 2016-OB-3	According to the FY 2015 SAMM data, UOSH was approximately 49% below their negotiated percentage of inspections conducted in the state and local government sector.		Closed

Appendix B – Observations Subject to New and Continued Monitoring

FY 2017 UOSH Comprehensive FAME Report

	FY 2016-OB-4	The case file review found that in seven of 68 cases, the employer’s OSHA-300 logs were not kept for various reasons (e.g., employer believed they were exempt, but they were covered by the standard), were incomplete, and/or were not entered into OIS.		Closed
	FY 2016-OB-5 FY-2015-OB-6	UOSH does not currently have a written policy for processing complaints and referrals. For several years, UOSH has been working toward completing a FOM, but a final FOM has not been implemented.		Closed
	FY 2016-OB-6 FY 2015-OB-7 FY 2014-5	Abatement policies were not consistently followed. It was determined that six of the 38 files with citations had deficiencies with abatement. These deficiencies were mainly related to providing too much time for abatement or not including abatement for conditions that were “corrected during inspection”. However, there have been improvements regarding the receipt of abatement.		Closed

Appendix C - Status of FY 2016 Findings and Recommendations

FY 2017 Utah Comprehensive FAME Report

FY 2016-#	Finding	Recommendation	State Plan Corrective Action	Completion Date (if Applicable)	Current Status (and Date if Item is Not Completed)
FY 2016-1	The percentage of health inspections where no violations were found (59.42%) is high as compared to the national average of 33.58%. Not all of the health files included information about the calibration of monitoring equipment (two cases), the results of sampling (two cases), or that the sampling results were shared with the employer (seven cases).	UOSH should provide additional training for compliance officers in the recognition of violations and documentation of violations. Areas of focus should include hazard recognition, sampling strategies, and case file documentation. The completion of the UOSH FOM will also assist in satisfying this finding.	The State Plan did complete the UOSH FOM to assist with corrective action for this finding. Health compliance officers have also received additional training. During FY 2017, UOSH conducted a large amount of personal sampling for various contaminants and noise, capturing several overexposures.	December 12, 2016	Completed
FY 2016-2	The whistleblower program had significant deficiencies involving the receipt, processing, and disposition of whistleblower complaints.	UOSH should ensure that appropriate training and oversight are conducted.	UOSH has hired a full-time whistleblower investigator. UOSH has dedicated resources to improving the receipt and processing of complaints, as well as developing new forms and systems for tracking cases. UOSH also finalized their Whistleblower Manual.	September 30, 2017	Completed

Appendix D - FY 2017 State Activity Mandated Measures (SAMM) Report

FY 2017 Utah Comprehensive FAME Report

U.S. Department of Labor

Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)

State Plan: Utah – UOSH			FY 2017	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	3.48	5	The further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	2.45	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)	0.74	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)	0.03	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)	100%	100%	The further review level is fixed for all State Plans.
4	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.

Appendix D - FY 2017 State Activity Mandated Measures (SAMM) Report

FY 2017 Utah Comprehensive FAME Report

SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
5	Average number of violations per inspection with violations by violation type	SWRU: 1.39	+/- 20% of SWRU: 1.83	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 1.46 to 2.20 for SWRU and from 0.79 to 1.19 for OTS.
		Other: 0.16	+/- 20% of Other: 0.99	
6	Percent of total inspections in state and local government workplaces	1.61%	+/- 5% of 3.17%	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 3.01% to 3.33%.
7	Planned v. actual inspections – safety/health	S: 889	+/- 5% of S: 660	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 627 to 693 for safety and from 92.15 to 101.85 for health.
		H: 107	+/- 5% of H: 97	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,286.37	+/- 25% of \$2,516.80	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from \$1,887.60 to \$3,146.00.
	a. Average current serious penalty in private sector (1-25 workers)	\$851.83	+/- 25% of \$1,706.10	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from \$1,279.58 to \$2,132.63.
	b. Average current serious penalty in private sector (26-100 workers)	\$1,500.33	+/- 25% of \$2,867.94	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from \$2,150.96 to \$3,584.93.
	c. Average current serious penalty in private sector (101-250 workers)	\$1,786.18	+/- 25% of \$3,952.26	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from \$2,964.20 to \$4,940.33.

Appendix D - FY 2017 State Activity Mandated Measures (SAMM) Report

FY 2017 Utah Comprehensive FAME Report

SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
	d. Average current serious penalty in private sector (greater than 250 workers)	\$3,589.58	+/- 25% of \$5,063.48	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from \$3,797.61 to \$6,329.35.
9	Percent in compliance	S: 36.57%	+/- 20% of S: 29.53%	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 23.62% to 35.44% for safety and from 28.62% to 42.94% for health.
		H: 50.48%	+/- 20% of H: 35.78%	
10	Percent of work-related fatalities responded to in one workday	90.00%	100%	The further review level is fixed for all State Plans.
11	Average lapse time	S: 27.07	+/- 20% of S: 45.29	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 36.23 to 54.35 for safety and from 44.82 to 67.24 for health.
		H: 35.20	+/- 20% of H: 56.03	
12	Percent penalty retained	69.18%	+/- 15% of 67.44%	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 57.32% to 77.56%.
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	30%	100%	The further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	10%	+/- 20% of 25%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 20% to 30%.
16	Average number of calendar days to complete an 11(c) investigation	143	90	The further review level is fixed for all State Plans.

Appendix D - FY 2017 State Activity Mandated Measures (SAMM) Report

FY 2017 Utah Comprehensive FAME Report

SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
17	Percent of enforcement presence	1.74%	+/- 25% of 1.26%	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 0.95% to 1.58%.

STATE OF UTAH
STATE OPERATIONS
ANNUAL REPORT
(SOAR)
FY 2017

November 17, 2017



UTAH LABOR COMMISSION

UTAH OCCUPATIONAL SAFETY AND HEALTH DIVISION
(UOSH)

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

Table of Contents

Title	Page
Introduction	2
UOSH Compliance Performance Summary	2
Compliance Activity	3
Compliance Outreach	5
Workplace Safety Week	5
Public Sector Consultation Activities	6
Public Sector Consultation Activity Table	6
Safety and Health Recognition Program (SHARP)	7
Public Sector SHARP Participants Table	7
Voluntary Protection Program (VPP) & Current Status of Program	8
VPP Participants Table	8
Local Emphasis Programs (LEP)	9
Construction Industry	9
Amputations	11
Public Sector	13
Federal Guidance Adopted	13
Staff Training Activity	14
Staff Training Cost Saving	15
State Internal Evaluation Program (SIEP)	15
Occupational Medicine Residency with University of Utah	16
General Organizational Information	16
UOSH Staff Changes	16
Compensation Level and Recruitment Challenges	16
Annual Performance Goals and Results	17
Annual Performance Goal USG 1 Results Table	18
Annual Performance Goal USG 2 Results Table	19
Annual Performance Goal USG 3 Results Table	20

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

Introduction

Helping to ensure a safe and healthy workplace for every worker in the State of Utah is a joint effort by both the UOSH Compliance program (Compliance) and the UOSH Consultation and Education Services program (Consultation).

This introduction is common for both the State Operations Annual Report (SOAR) and the Consultation Annual Project Report (CAPR) because the Utah State Plan is a joint Compliance/Consultation effort to provide a safe and healthy workplace for every worker in the State of Utah through either the enforcement of the UOSH standards by Compliance and/or the assistance to employers through Consultation.

UOSH has developed a 5-year Strategic Performance Plan that will be in effect from FY 2015 through FY 2019. This five-year Strategic Performance Plan was developed on the basis that occupational safety and health in Utah is an integrated process with Compliance and Consultation working together to accomplish a common goal.

Utah operates a state plan occupational safety and health program under Section 18 of the federal Occupational Safety and Health Act of 1970 (the Act). Funding for this program is provided in accordance with Section 23 of the Act. Establishment and enforcement of state occupational safety and health standards form the core of this program. Utah provides a Consultation program in accordance with 29 CFR 1908 and the Consultation Policies and Procedures Manual (CSP 02-00-003). This program is designed to operate within the requirements established in Section 21 of the Act.

This report is a performance report of UOSH Compliance activities accomplished for the fulfillment of requirements included in the Strategic Plan (FY 2015 - 2019) and identified in the FY 2017 23(g) Grant Application.

UOSH Compliance Performance Summary

The UOSH program mirrors the federal program as closely as possible while still recognizing the autonomy and unique characteristics of the state.

During FY 2017, UOSH Compliance performed a total of 1,201 Compliance Interventions. The total UOSH interventions include 996 inspections, 37 visits, and 168 compliance assistance (CA) in the public and private sectors. This is an increase of 16% from FY 2016. These interventions removed approximately 114,035 employees from 1,143 identified and corrected hazards.

UOSH, in line with its strategic and performance plans, emphasized the prevention of fatalities and the reduction of the Utah fatality rate for industries under UOSH's jurisdiction. UOSH also made a concerted effort to reduce the Utah Annual Recordable Case Rate in Construction and General Industry. UOSH promoted a safety and health culture through participation in Compliance interventions, presentations and the Voluntary Protection Program (VPP).

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

Compliance Activity

1. Emphasis Initiatives - Inspections	# of
Public Sector – Inspections	16
Construction LEP	190
Amputation LEP	210
2. Fatality Cases Reported to UOSH	# of
Reported to UOSH	37
Inspections accomplished	10
Investigations accomplished	27
3. Serious Injury Cases Reported to UOSH	# of
Reported to UOSH	510
Inspections accomplished	211
Investigations accomplished	267
Non-UOSH Cases	32
4. Safety and Health Complaints	# of
Safety and Health complaints received	553
Inspections accomplished	232
Investigations (Phone/Fax) accomplished	144
Referred to other agencies	20
5. General Industry	# of
Total General Industry	534
Inspections accomplished	513
CA accomplished	21
6. Construction	# of
Total Construction	549
Inspections accomplished	467
CA accomplished	82

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

7. Public Sector	# of
Total Public Sector	118
Inspections accomplished	16
Public Sector Consultation Visits	37
Public Sector Compliance Assistance	65
8. Whistleblower Complaints	# of
Whistleblower complaints received	100
Total Investigations completed in FY2017	68
Investigations opened in FY2017 and not completed	20
Merit Determinations in FY2017	3
Non-Merit Determinations in FY2017	65
Cases settled	7
Administratively closed	39
9. VPP applications activities	# of
Total Participants	9
Applications received	1
Presentations accomplished	2
Pre-audits accomplished	1
Recertification audits accomplished	0
10. Compliance Outreach	# affected
Associated General Contractors (AGC) of Utah Conferences	50
AGC Safety Awards Presentation	100
The Utah Petroleum Association - Service, Transmission, Exploration & Production Safety (STEPS) meetings	70
Utah Roofing Contractors Association Board of Directors	20
Utah Safety Council Annual Meeting and Awards Luncheon	500
Utah Safety Council Presentation	100
Mexican Consulate Labor Rights Week	100
Integrated Employer Solutions	50
National Safety Stand Down Week	1,500
Total Outreach Activities Accomplished	2,490

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

Compliance Outreach

UOSH continually provides outreach to employers on construction standards. Management staff is working with members of the construction industry and construction trade associations to keep them informed of changing UOSH requirements. Many opportunities to share the safety message were made available this year.

Presentations were conducted at:

- Associated General Contractors (AGC) of Utah Conference:
 - Confined Spaces in Construction; Silica; Electronic Reporting; Penalty Increases
- AGC Safety Awards Presentation
- Utah Petroleum Association - Service, Transmission, Exploration & Production
- Utah Roofing Contractors Association Board of Directors
- Utah Safety Council Annual Meeting and Awards Luncheon
- Utah Safety Council Conference
 - Small Business; Public Sector
- Integrated Employer Solutions
- Mexican Consulate Labor Rights Week
- National Safety Stand Down Week

UOSH actively participated in the National Safety Stand-Down from May 8 - 12, 2017, to help prevent falls in the construction industry and attended a Safety Stand-Down event sponsored by an employer. Compliance Safety and Health Officers (CSHOs) and Industrial Hygienists (IHs) promoted workplace safety and provided information about fall protection and the Stand-Down during any and all CA activities, investigations and contact they had with the public and with stakeholders. The message of safety and awareness was delivered to an approximately 1,500 employers, employees and the public, along with information about free resources they can use to improve their safety programs. These activities will continue in FY 2018 as opportunities arise.

The UOSH Advisory Council continued to promote and improve occupational health and safety conditions for employers and employees in Utah. The UOSH Advisory Council functions by providing information, advice and assistance regarding issues, programs and activities related to occupational safety and health in Utah.

Utah Workplace Safety Week

Senator Karen Mayne of the Utah State Senate sponsored Senate Bill 106 in the 2014 Legislative Session for annual recognition of Utah Workplace Safety Week during the third week of June. Together with Utah employers, the Utah Labor Commission and UOSH participated in several events held during the third week of June, 2017. In FY 2017, the Utah Workplace Safety Week was recognized from June 19 - June 23.

On June 19th the Labor Commissioner, Deputy Commissioner, and UOSH Director attended

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

a press conference held at the “big iron” training facility of the Utah Operating Engineers.

On June 20th CSHOs represented UOSH at the Safety Summit sponsored by the Worker’s Compensation Fund. In addition, the Director spoke on UOSH statistics and encouraged employers to work safely, especially in those areas where most injuries occur.

On June 23rd the Deputy Commissioner and former Director of UOSH attended the Airport Redevelopment and Travel Safety Event. This is a huge project employing many employees in the State of Utah and safety has been at the forefront of all stages.

This year is the 100th anniversary of the Worker’s Compensation Fund, and the Utah Labor Commission. On June 30th the Director, Commissioner, and Deputy Commissioner attended the unveiling of a statue commemorating Utah’s history of workplace safety at the WCF building in Sandy, Utah.

Public Sector Consultation Activities

The Public Sector Consultation Program conducted 37 visits statewide. Of the 37 visits conducted, 26 were initial visits, 8 were training and education visits and 3 were follow-up visits.

As a result of the 26 initial visits conducted, 208 serious hazards were identified and abated, removing over 4,000 employees from hazards.

The Public Sector Consultation Program conducted 65 CA activities which involved outreach, promotion, presentations, training and education with both safety and health related aspects. Affecting over 1,500 employees.

Many cities were visited in Salt Lake and Utah counties as an ongoing outreach effort to promote Public Sector Consultation.

A number of state agencies, county departments, cities and special service districts were provided assistance this year. Many of these requests came from those visited in promotion of Public Sector Consultation previously or from the outreach activities from the current and prior years.

Public Sector Consultation Activity Table

Visits	Type
26	Initial visits
8	Training & Education Visits
3	Follow-up
37	Total Public Sector Consultation

Public Sector Compliance Assistance	
65	Outreach, Promotions and Training & Education

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

Safety and Health Achievement Recognition Program (SHARP)

During FY 2017, there were no changes to the public sector Safety and Health Achievement Recognition Program (SHARP) entities. There are currently eight Public Sector SHARP entities.

Public Sector SHARP Participants Table

No	Company Name	Since	Latest Recertification	Expiration	Employees
1	Lehi City FD #81	4/9/2012	5/14/2015	5/14/2018	47
2	Lehi City FD #82	4/9/2012	5/14/2015	5/14/2018	40
3	Sandy City FD #31	9/3/2013	9/22/2015	9/22/2018	50
4	Sandy City FD #32	9/3/2013	9/22/2015	9/22/2018	45
5	Sandy City FD #33	9/3/2013	9/22/2015	9/22/2018	45
6	Sandy City FD #34	9/3/2013	9/22/2015	9/22/2018	45
7	Sandy City FD #35	9/3/2013	9/22/2015	9/22/2018	45
8	North Davis Sewer	4/11/2016	n/a	4/11/2018	95

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

Voluntary Protection Participants & Current Status

UOSH continues to promote VPP through presentations with the assistance of existing VPP members and employees. UOSH will increase awareness in the Compliance and Consultation staff to assist in identifying potential candidates. Other means available to promote VPP in Utah are the Labor Commission website, the Labor Commission newsletter, participation at conferences, such as the Voluntary Protection Programs Participants' Association National and Regional Conferences, the Annual Safety and Industrial Hygiene Conference, and through other professional associations. UOSH has continued the agreement with federal OSHA to utilize the use of Federal "Special Government Employees" (SGEs) to assist the Compliance staff in VPP audits.

Current VPP sites are listed in the next table.

Voluntary Protection Participants Table

Voluntary Protection Participants						
	Company Name	Since	Status	Latest Recertification	Expiration	Employees
1	GE Medical	04/14/2003	Star	7/15/2013	08/18/2018	587
2	Morton Salt	06/29/2004	Star	12/22/2016	12/21/2021	135
3	Frito Lay	07/20/2004	Star	1/12/2013	04/25//2018	275
4	Pacific States Cast Iron Pipe Co.	10/21/2009	Star	07/21/17	07/21/2021	220
5	Firestone Building Products	10/20/2009	Star	04/25/2013	4/23/2018	34
6	Conoco Philips	01/06/2010	Star	12/10/2012	12/13/2017	12
7	Nucor Building Systems-Utah, LLC	05/13/2015	Star	05/15/2016	05/14/2018	270
8	Raytheon Oakley Systems, LLC	08/27/2015	Star	08/27/2016	08/28/2018	90
9	Smithfield Foods	12/01/2016	Star	n/a	12/01/2019	270

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

Local Emphasis Programs

Construction Industry

UOSH has focused on construction worksites by developing and implementing a Local Emphasis Program (LEP) for Construction Industry, Directive number 2014-001, which became effective August 1, 2014. The Directive was established to help reduce the incidents of injury, illness and fatality among workers in the construction industry by focusing on the “Big 4” construction hazards: falls from elevations, caught-in or between, struck-by and electrocution. UOSH will continue to work in cooperation with the construction industry to help achieve effective safety and health management systems.

LEP effectiveness: The Construction LEP has been in effect over 3 years as of September 30, 2017. Some of the data UOSH used to evaluate the effectiveness of the Construction LEP were the number of inspections and compliance assistance activities conducted by UOSH, the number and types of violations cited as a result of the LEP, the number of employees removed from hazards and the number of injuries sustained within the construction industry as compared to the previous fiscal year. By evaluating the information gathered, the effectiveness of the program can be determined as a result of compliance activity at construction sites throughout Utah as covered by the LEP.

Number of Construction LEP inspections and violations: Using LEP inspection criteria, data was gathered for Construction inspections conducted from October 1, 2016 through September 30, 2017. There were 190 inspections conducted (affecting 813 employees) during this time period with 295 hazards identified and eliminated, which is approximately 1.6 violations per inspection. There were 23 repeat violations, 262 serious violations and 10 other-than-serious violations. Twelve (12) violations were contested from 5 inspections.

The data gathered from the OSHA Information System (OIS) indicate of the 295 violations, the most frequently cited standards were related to fall protection (Subpart M of 29 CFR) (145 violations) and scaffolds (86 violations).

The following are the top five (5) standards most frequently cited by UOSH as a result of the Construction LEP inspections:

1. Fall Protection (145 violations)
2. Scaffolds (86 violations)
3. Ladders (21 violations)
4. Electrical (18 violations)
5. Recordkeeping (7 violations)

Other standards cited as a result of the Construction LEP inspections include personal protective equipment, excavations, unprotected rebar, industrial trucks, hazard communication and machine guarding.

The standards most frequently cited by UOSH as a result of the Construction LEP inspections (fall protection, scaffold, ladders, electrical) show that the focus of this LEP is in-

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

line with the “Big 4” hazards observed at the worksites.

The total number of inspections conducted by UOSH during this period was 997, meaning the Construction LEP inspections (190) accounted for 19% of the inspections conducted. The total number of violations cited by UOSH during this time was 1,458, meaning the violations cited as a result of the Construction LEP (295) accounted for 20% of the violations.

CSHOs conducted 80 Compliance Assistance (CA) activities under the Construction LEP affecting 1,357 employees in Utah.

The total number of employers reached under the Construction LEP was 270, under which 2,170 employees were affected by UOSH’s Compliance and outreach efforts.

The total number of workplace injuries was gathered using the Utah Labor Commission Industrial Accidents Division’s (Industrial Accidents) database and it was found there was a decrease in the number of injuries in the construction sector. From October 1, 2015 through September 30, 2016, there were a total of 3,736 injuries reported to the Industrial Accidents as compared to 3,356 injuries from October 1, 2016 through September 30, 2017. The average number of employees within this sector for FY16 and FY17 (FY17 data available for first two quarters) was 90,375 and 91,789, respectively. This shows that although the number of employees has increased in the construction sector, there was a decline in work-related accidents resulting in injuries.

The number of accidents in the construction sector reported to UOSH during FY16 and FY17 was 104 and 118, respectively. The increase in number of accidents reported to UOSH could be due to an increase in the general population, an increase in construction activities within the State of Utah and/or employers being more aware of UOSH’s reporting requirements. The number of accidents resulting in injury/illness reported to UOSH is understandably less than the numbers shown in the Industrial Accident’s database due to the different reporting requirements of UOSH; however, some of the difference may be due to the under-reporting by employers to UOSH.

Results gathered from Construction LEP inspections conducted during FY17, as well as accident data from the Industrial Accident’s database, were compared to the results from the analysis conducted for FY16. See the table below for a comparison of some of the data.

Construction LEP Analysis - FY16 and FY17

Construction Industry (LEP)	FY16	FY17	Diff.
Inspections Conducted	181	190	9
Hazards Identified	397	295	(102)
Violations per Inspection	2.2	1.6	(0.6)
Compliance Activities	134	80	(54)
Employees Affected	2,766	2,170	(596)

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

Construction Industry (Total)	FY16	FY17	Diff.
Injuries Reported to Industrial Accidents	3,736	3,356	(380)
Avg Number of Employees in Construction NAICS	90,375	91,789	1,414
Injury and Illness Rate (BLS)	4.1	3.7	(0.4)

The above information shows that the Construction LEP had a positive impact on the construction industry, mainly by the decrease in the number of injuries to employees in this sector.

UOSH will continue to provide education and compliance assistance to employers, as well as enforce regulations where hazards are observed, to ensure employers and contractors in the construction industry are aware of the hazards and take appropriate steps to eliminate employee exposure to those hazards.

With the continuance of the Construction LEP and targeting the “Big 4” hazards, UOSH believes the incidents of injury, illness & fatality among workers in construction will be further reduced.

Amputations LEP

UOSH’s inspection history and employers’ accident reporting trends indicate that employee exposures to unguarded or inadequately guarded machinery and equipment, together with associated hazardous energy exposures during servicing and maintenance activities, occur in many workplaces. Based on this information, UOSH recognized the need to develop an LEP, implemented on November 1, 2014, designed to identify and reduce workplace hazards due to machinery and equipment which are causing or are likely to cause amputations in general industry.

LEP effectiveness: The Amputation LEP has been in effect for 3 years as of October 31, 2017. Some of the data that UOSH used to evaluate the effectiveness of the Amputation LEP were the number of inspections and compliance assistance activities conducted by UOSH, the number and types of violations cited as a result of the LEP, the number of employees removed from the hazards, the number of injuries classified as amputations where machines are present that could likely cause such injury as compared to the previous federal fiscal year, and the amount of penalties as a result of the LEP inspections. By evaluating the information gathered, the effectiveness of the program can be determined as a result of compliance activity throughout the State of Utah that is covered by the LEP.

Number of Amputation LEP inspections and violations: Using LEP inspection criteria, data was gathered for the Amputation LEP inspections conducted from October 1, 2016 through September 30, 2017. During this time, Compliance Safety and Health Officers

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

(CSHOs) conducted 210 inspections under the Amputation LEP (affecting 6075 employees) with 390 hazards identified and eliminated, averaging approximately 1.9 violations per inspection. There were 382 serious violations and 8 other-than-serious violations cited. The number of “no inspections” conducted due to the employer no longer being in business or moving to a different location was 62. In order to save on resources, UOSH will continue to conduct research, to determine if establishments are still in business, prior to sending a CSHO to the site to open an LEP inspection.

The data gathered from the OSHA Information System (OIS) indicate that of the 390 violations, the most frequently cited standards were those related to machine guarding (250 violations) and lockout/tagout (64 violations).

The following are the top five (5) standards most frequently cited by UOSH as a result of the Amputation LEP inspections:

1. Machine/Equipment guarding (250 violations)
2. Lockout/Tagout (64 violations)
3. Electrical (33 violations)
4. Powered industrial trucks (12 violations)
5. Personal Protective Equipment (11 violations)

Other standards cited as a result of the Amputation LEP inspections include not reporting an injury within 8 hours of occurrence, permit-required confined spaces, exit routes, walking-working surfaces, portable tools and recordkeeping.

The standards most frequently cited by UOSH as a result of the Amputation LEP inspections (machine guarding and lockout/tagout) show that the focus of this LEP is in-line with the hazards observed at the worksites.

The total number of inspections conducted by UOSH during FY17 was 997 with the Amputation LEP inspections (210) accounting for 21% of the inspections conducted. The total number of violations cited by UOSH during this time was 1,458 with the violations cited as a result of the Amputation LEP (390) accounting for 27% of the violations.

One (1) Compliance Assistance activity was conducted under the Amputation LEP affecting 50 employees in Utah.

The total number of employers reached under the Amputation LEP was 211, under which 6,125 employees were affected by UOSH’s Compliance and outreach efforts. The number of injuries classified as amputations in the manufacturing sector (the main focus of the Amputation LEP) for FY16 (8) and FY17 (17) was gathered using the Industrial Accident’s database. The number of accidents resulting in amputations in the manufacturing sector reported to UOSH during the same time frame were 19 in FY16 and 22 in FY17. The difference in the number of accidents resulting in amputations reported to UOSH and those shown by Industrial Accidents may be due to how injuries are coded in the Industrial Accident’s database and/or how the injury was originally reported to UOSH by the employer.

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

Although the data shows the number of work-related amputations in the manufacturing sector reported to UOSH increased from 19 in FY16 to 22 in FY17, the incidence rate of such injuries (0.02) has not changed due to the increased number of employees in manufacturing. The average number of employees within this sector for FY16 and FY17 (FY17 data available for first two quarters) was 125,324 and 127,448, respectively.

Results gathered from LEP inspections conducted during FY17 were compared to the results from the analysis conducted for FY16. Analysis between the two fiscal years shows that the number of Amputation LEP inspections conducted, the number of hazards identified and the number of employees affected by the inspections increased in FY17. The increase in inspection activities under this LEP has led to the identification and elimination of more hazards from the workplace thereby helping to create a safer working environment. See the table below for a comparison of some of the data gathered from FY16 and FY17.

Amputation LEP Analysis - FY16 and FY17

Amputation LEP Inspections	FY16	FY17	Diff.
Inspections Conducted	118	210	92
Hazards Identified	297	390	93
Violations per Inspection	2.5	1.9	(0.6)
Employees Affected	4,386	6,075	1,689
Amputation Injuries (Manufacturing) reported	19	22	3
Average Number of Employees (Manufacturing)	125,324	127,448	2,124

The above information shows that the Amputation LEP has a positive impact on places of employment where amputation hazards exist.

UOSH will continue to provide education and compliance assistance to employers, as well as enforce regulations where hazards are observed, to ensure employers who have equipment and/or machinery that are known to cause serious injury, including amputations, are aware of the hazards and take appropriate steps to eliminate employee exposure to those hazards.

With the continuance of the Amputation LEP, UOSH believes the incidents of amputations and fatalities will be reduced where machines are present that would likely cause such occurrences.

Public Sector LEP

UOSH is also in the process of developing a Public Sector LEP, which will be implemented in November 2017 to increase our presence in an underserved environment.

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

Federal Guidance Adopted

29 CFR 1910-2017-182	Final Rule Walking-Working Surfaces & Personal Protective Equipment	UOSH is planning to adopt identical in FY 2018
----------------------	---	--

Staff Training Activity

The following training was provided to CSHOs and Consultants during FY 2017:

OSHA Webinar

- 0001 – Cranes and Rigging Safety for Construction
- 0002 – The Control of Hazardous Energy
- 0003 – Excavator Quick Couplers
- 0117 – New Walking-Working Surfaces and PPE (Fall Protection) Rule
- 0123 – Lockout/Tagout Minor Servicing Alternatives

OTI Training

- 1230 – Accident Investigation
- 1250 – Introduction to Health Standard for Industrial Hygienists
- 1410 – Inspection Techniques and Legal Aspects
- 1420 – Whistleblower Investigation Fundamentals
- 3090 – Electrical Standards
- 3280 – Industrial Hygiene Chemistry

Rocky Mountain Center for Occupational & Environmental Health OSHA Training Facility

- Asbestos Contractor/Supervisor Training
- Asbestos Contractor/Supervisor Refresher
- Annual Conference on Safety and Industrial Hygiene (assorted workshop and classes)

Utah Safety Council

- Electrical Safety: OSHA Compliance
- Fundamentals of Industrial Hygiene

Other Training

- 10 Hour Outreach Course General Industry
- 10 Hour Outreach Course Construction

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

OSHAcademy

Employees continue on-line courses through the OSHAcademy. Each course was a minimum of 2 hours of training.

Staff Training Cost Saving

Although training is a significant expense for the agency, UOSH recognizes the importance of providing training to UOSH staff. Proper training contributes to the CSHOs' ability to represent UOSH with a high degree of professional expertise in the field of occupational safety and health. UOSH has implemented efforts to obtain training courses onsite and has utilized training centers within Utah to further educate CSHOs to help expand their knowledge of safety and health.

CSHOs have also traveled out-of-state to attend training courses provided by the Federal OSHA Training Institute (OTI) Education Centers. Compliance Supervisors have attended training at the OTI to obtain tools and information that will assist with helping CSHOs succeed at ensuring employees are provided a workplace free from recognized hazards.

UOSH's Whistleblower Investigator participated in whistleblower investigation training held at the OTI and a CSHO traveled out-of-state to participate in a VPP audit with Federal OSHA to assist the VPP team and as a training opportunity. In addition to these out-of-state training opportunities, training has been provided to staff at the local level through in-house training, webinars, OSHAcademy courses and courses taken locally.

UOSH utilizes the expertise of its own most experienced CSHOs to provide training to new staff members, in addition to local courses offered by the University of Utah and the Utah Safety Council. The Utah Labor Commission also provides regular training sessions in other general areas important to the achievement of our mission.

State Internal Evaluation Program (SIEP)

UOSH's State Internal Evaluation Program (SIEP) included an internal evaluation of its internal operations. This is a critical component of the monitoring system and provides that mandates are met, remembering that states have the flexibility to design and implement programs that will fit each individual state's needs and personnel resources.

Areas of Emphasis SIEP program

Inspection Scheduling	Utah Adjudication Process
Accident Referral Investigations	Contested Cases
Fatality/Catastrophe Investigations	Informal Conference
Complaint Investigations	Data Entry for Contested Cases
Case File Documentation	Data Entry for Informal Conference
Case File Data Entry	Settlement of Cases
Case File Review and Approval	Data Entry of Settlement Cases
Citation Processing	Data Quality – SAMM Report
Assurance of Abatement	CSHO Training

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

Petition for Abatement Modification
Denial of Entry Warrant

Industrial Hygiene Process
Review of CA files

During FY 2017, UOSH performed quarterly reviews of a random sample of Compliance safety and health cases to ensure the quality and efficiency of the process.

Occupational Medicine Residency Program with University of Utah

During FY 2017, five physicians from the Occupational Medicine Program of the University of Utah Department of Family and Preventive Medicine Division of Public Health served residency training with UOSH staff.

UOSH provides this training as part of a cooperative effort with the University of Utah. This training allows the residents to gain exposure to the administrative and regulatory aspects of UOSH with respect to health and safety in the workplace. Also, it increases their knowledge and familiarity regarding worker's compensation and employment law in the State of Utah.

General Organizational Information

UOSH Staff Changes

During FY 2017, Christopher Hill, the former Division Director moved to another position within the Labor Commission and was replaced by Cameron Ruppe on March 6, 2017. The Compliance Manager position and one of the Compliance Supervisor positions were re-organized into the Compliance Program Manager, filled by Holly Lawrence and the Field Operations Manager filled by new hire Jason Sokoloff, who replaced Cameron Ruppe in that position. In addition, there were two CSHOs who left the compliance section and were replaced during the year.

Compensation Level and Recruitment Challenges

Limited compensation levels for personnel continue to be a tremendous challenge to UOSH for the type of professional level, technical knowledge, education, experience and expertise needed to perform complex occupational safety and health inspections. This continues to be a critical challenge for UOSH, limiting the ability to recruit candidates with the expertise and talent needed to accomplish UOSH's mission. This is evident by the difficulty in recruiting individuals with experience and expertise in engineering, chemistry and industrial hygiene.

Infrequent and limited pay increases, due to unstable/limited funding, result in trained and experienced employees leaving state jobs and going to the private sector for better pay and benefits after the state has invested an estimated \$50,000.00 in training for those individuals. Based on current economic forecasts, UOSH does not expect this situation to improve in the near future.

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

Annual Performance Goals and Results

UOSH's performance plan includes a goal directed towards the reduction of fatalities, injuries, and illnesses. The change in the State's injury/illness/fatality rates will be included in UOSH's assessment of the achievement of the national goal(s).

As a performance measure, UOSH has had a decrease in the fatality rate for industries that are under UOSH's jurisdiction with a rate of 0.73, a 30% rate reduction from the State of Utah Fatality rate average for 2013-2015 baseline of 1.1. UOSH's fatality rate is below the 2015 national BLS rates of the all-worker fatal injury rate of 3.4.

The Utah fatality rate for FY17 is based on the 10 fatalities for the year and an employee total of 1,376,680 under UOSH jurisdiction. The employee total is from the Utah Department of Workforce Services.

CA and outreach conducted by UOSH has contributed to the reduction of the Utah total recordable injury and illness case rate from 3.6, which is the average of the 2012 - 2014 BLS data for Utah, to the currently published 2016 rate of 3.0.

UOSH works to promote a safety and health culture through participation with Consultation, VPP, SHARP and other CA. UOSH has continued its commitment to VPP with a designated CSHO for the administration of VPP. This CSHO was sent to the Region VIII VPPPA Conference, as well as participating in a Federal OSHA VPP site visit in another state. In addition, this CSHO attended the VPPPA National Conference.

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

Annual Performance Goal USG 2 Results Table

Annual Performance Goal USG2 – Reduce Injuries and Illnesses (Mandatory)					
Goal	Achieve an effective impact in the reduction of injuries and illnesses, in industries that are under UOSH jurisdiction, measured by the most current average of BLS total recordable cases rate (TRC).				
Outcome	Reduce the rate of workplace injuries and illnesses lower than the baseline.				
Annual Performance	Annual reduction in total workplace injuries and illnesses rate for all industries.				
	<i>USG2 Strategy</i>	<i>Industry</i>	<i>Baseline</i>	<i>2017 Goal</i>	<i>Result *</i>
	<i>Change in Utah Total Annual Recordable Case Rate (Baseline BLS 3 year average TRC rate FY 2012-2014)</i>	<i>All Combined</i>	<i>3.4</i>	<i><3.4</i>	<i>3.0</i>
* BLS current published rate for 2016 for Utah.					
Strategy	<ol style="list-style-type: none"> 1. Focus UOSH inspections, compliance assistance and outreach activities on industry sectors with the highest injury incident rates related to the leading causes of injuries and illnesses in Utah. 2. Review YTD injuries and illnesses reported to UOSH to identify specific areas of emphasis for the development and implementation of Local Emphasis Programs. 3. Adopt National Emphasis Programs, as appropriate, for high risk industries. 				
Outcome Indicator(s)	<ol style="list-style-type: none"> 1. Reduction in total annual recordable case rates in industries under UOSH jurisdiction. 2. Number of compliance inspections in general industry and construction. 3. Number of compliance assistance conducted in general industry and construction. 4. Number of 23(g) public sector consultation interventions conducted in general industry and construction. 5. Number of outreach activities. 				

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

Results (2017)	Compliance	Inspections	CA	Total
	General Industry	513	21	534
	Construction	467	82	549
	Public Sector	16	0	16
	Total	996	103	1,099
	Public Sector	Visits	CA	Total
	Total	37	65	102
	Total UOSH	Inspections/Visits	CA	Total
		1,034	168	1,201
	Baseline	Baseline is BLS 3 year average TRC rate FY 2012-2014		

Appendix E - FY 2017 State OSHA Annual Report (SOAR)

Annual Performance Goal USG 3 Results Table

Annual Performance Goal USG3 – Safety and Health Culture (Non-mandatory)				
Goal	Increase participation in Recognition Programs and CA to promote workplace safety and health.			
Outcome	Increase the number of consultation visits, compliance assistance and recognition program applicants and participants. Conduct presentations to promote Recognition program applications.			
Annual Activity	Interventions	Baseline	2017 Goal	2017 Results
	Public Sector Consultation Visits	21	25	16
	Compliance Assistance, Public Sector	50	60	65
	Compliance Assistance, Private Sector	95	99	103
	VPP Applications	1	2	1
	VPP Participants	6	8	9
	Public Sector - SHARP Applications	1	1	0
	Public Sector - SHARP Participants	5	6	8
	Partnerships	1	1	0
	Strategy	Promote Public Sector-Consultation Services to increase the number of requests. Promote VPP and partnerships to increase the number of applications and participants. Promote Compliance Assistance.		
Outcome Indicator(s)	Number of 23(g) Public Sector-Consultation visits Number of Compliance Assistance Number of VPP participants. Number of VPP new applications			
Data Source(s)	OIS for visit and Compliance Assistance (CA) data. State data for VPP.			
Baseline	Baselines are determined by previous performance, staffing, resources, focus and emphasis			