

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

Utah Occupational Safety and Health Division  
(UOSH)



**Evaluation Period: October 1, 2017 – September 30, 2018**

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## **I. Executive Summary**

The primary purpose of this report is to assess the Utah State Plan's progress in resolving the outstanding finding from the FY 2017 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report.

The Utah Occupational Safety and Health Division (UOSH) again experienced significant turnover at the compliance safety and health officer (CSHO) level. Over the course of FY 2018, five CSHOs (approximately 26%) left UOSH due to retirement, promotion, or jobs in the private sector. The whistleblower program also experienced some turnover at the end of FY 2018, but a new investigator is now in place. Despite the losses in staffing, overall, UOSH performed at a very high level as compared to the State Activity Mandated Measures (SAMMs). Some areas where the State Plan performed particularly well included response time to initiate complaint inspections, response time to initiate complaint investigations, the percentage of total inspections in state and local government workplaces, the number of inspections performed, and lapse time for both safety- and health- related inspections.

The State Plan made progress in addressing the previous finding and observations from the FY 2017 Comprehensive FAME Report. Since the comprehensive audit, UOSH bolstered their internal training for compliance staff to help enhance their case file development. Their training efforts covered topics, such as hazard recognition, multi-employer issues, proper citation methods, and citation probability and severity.

This Follow-Up FAME Report has one continued finding. Although OSHA closed one observation from the previous FAME Report, there are still four continued observations related to case file documentation and complaints. Due to the lack of an on-site case file review during the follow-up FAME cycle, OSHA was unable to close the finding and observations that require the review of case files to verify that the issues have been resolved.

## **II. State Plan Background**

### **A. Background**

UOSH is housed within Utah's Labor Commission. The State Plan designee is Labor Commissioner Jaceson Maughan. The State Plan consists of the enforcement, whistleblower, and cooperative programs, as well as private sector and state and local government consultation. The Voluntary Protection Program and Partnerships are administered by the Enforcement Program and funded under the 23(g) grant. State and local government consultation activities are also 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 25 full-time positions in the Compliance Section, which includes 10 safety and nine health compliance officers, one full-time whistleblower investigator, and a compliance assistance specialist. 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 2016 through FY 2018.

Fiscal Year	Federal Award	State Plan Match	100% State Funds	Total Funding	% State Plan Contribution	One-time Money
2018	\$1,528,800	\$1,528,800	\$78,202	\$3,135,802	51%	N/A
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

During FY 2017, UOSH only conducted 1.6% of their inspections in state and local government workplaces. As a result, UOSH developed a Local Emphasis Program (LEP) specifically designed to increase their enforcement presence in state and local government. Through the implementation of the LEP, UOSH substantially improved upon this performance metric and increased their enforcement presence in FY 2018 to approximately 7.6% of their inspection total.

Another significant success for UOSH was their transition to an electronic case file system. Ultimately, this decision assisted the State Plan in reducing the amount of storage space needed for files, increased the overall organization of their office environment, and most importantly, increased the efficiency of the compliance staff.

## New Issues

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, UOSH has six months to incorporate the standard or final rule 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 program changes have yet to be adopted by the State Plan:

### Maximum Penalty Increase

In accordance with the Bipartisan Budget Bill passed on November 2, 2015, OSHA published a rule on July 1, 2016, raising its maximum penalties. As required by law, OSHA then increased maximum penalties annually, on January 1, 2017, January 1, 2018, and January 23, 2019, according to the consumer price index (CPI). State Plans were required to adopt both the initial increase and subsequent annual increases within the corresponding six-month timeframe set by regulation.

December 2018 marked two full years since the first deadline passed for adoption, and UOSH has not yet completed the legislative changes to increase maximum penalties. Therefore, if the State Plan does not take significant steps to adopt during FY 2019, this issue may be a finding in the FY 2019 Comprehensive FAME Report.

### Beryllium Standard

On January 9, 2017, OSHA issued a final rule to prevent chronic beryllium disease and lung cancer in workers by limiting their exposure to beryllium. The rule contained standards for general industry, construction, and shipyards. State Plans were required to adopt an “at least as effective” rule within six months of promulgation, or by July 9, 2017.

On June 27, 2017, OSHA published a notice of proposed rulemaking (NPRM) to revoke the ancillary provisions of the standards applicable to the construction and shipyard sectors while retaining the new permissible exposure limit of 0.2  $\mu\text{g}/\text{m}^3$  and the short-term exposure limit of 2.0  $\mu\text{g}/\text{m}^3$ . The NPRM for the construction and shipyard beryllium standards is still pending.

In May 2018, OSHA issued a direct final rule adopting a number of clarifying amendments to address the application of the beryllium general industry standard to materials containing trace amounts (< 0.1%) of beryllium. Subsequently, in December 2018, OSHA published an NPRM modifying the beryllium general industry standard to clarify certain provisions and to help improve compliance. This NPRM is still pending.

Given the unusual circumstances of this rulemaking, in which substantive changes have been proposed to a rule within six months following its initial promulgation, the Utah State Plan has delayed promulgation pending completion of all rulemaking on this rule. UOSH has stated they intend to adopt the beryllium standard identically in FY 2019.

## **III. Assessment of State Plan Progress and Performance**

### **A. Data and Methodology**

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

- FY 2018 SAMM Report (Appendix D)
- FY 2018 State OSHA Annual Report (Appendix E)
- FY 2018 State Plan Annual Performance Plan
- FY 2018 State Plan Grant Application
- FY 2018 quarterly monitoring meetings between OSHA and the State Plan

## **B. Findings and Observations**

The State Plan made progress in addressing the previous finding and five observations from the FY 2017 Comprehensive FAME Report. In fact, OSHA closed one of the observations. However, this Follow-up FAME Report contains one finding and four observations, all continued from FY 2017. As stated earlier, due to the lack of an on-site case file review during the follow-up FAME cycle, OSHA was unable to close the finding and two observations that require the review of case files to verify that the respective issues have been resolved. These two observations have appeared in three consecutive FAME Reports. According to the State Plan Policies and Procedures Manual, observations have a three-year life span, after which the Regional Office must either close the observations or convert them to findings. However, because these two observations focus on issues that are only apparent when reviewing case files, OSHA will make an exception and allow these observations to continue for one additional year. Next year, these issues will be evaluated during the on-site case file review. Appendix A describes the continued finding and recommendation. Appendix B describes observations subject to continued monitoring and the related federal monitoring plans. Appendix C describes the status of the previous finding with the associated completed corrective action.

### **FINDINGS (STATUS OF PREVIOUS AND NEW ITEMS)**

#### Continued FY 2017 Finding

**Finding FY 2018-01 (previously FY 2017-01):** In FY 2017, it was determined that UOSH may not 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).

**Status:** During the course of FY 2018, the State Plan provided training for their field and management staff. The training topics included hazard recognition, multi-employer issues, proper citation methods, and citation probability and severity. However, a case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME and remains open, awaiting verification.

### **OBSERVATIONS**

#### Closed FY 2017 Observation

**Observation FY 2017-OB-02 (previously FY 2016-OB-02 and FY 2015-OB-03):** In FY 2017, UOSH was 5% below the further review level (FRL), or the acceptable range, 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).

**Status:** The Regional Office believes UOSH has adequately addressed this observation through internal training and process improvement. Also, the SAMM 5 data for FY 2018 shows that UOSH is now within the FRL for the percentage of citations classified as serious, willful, repeat, or unclassified. The percentage of citations being classified as “Other” has increased by approximately 10%. This observation is closed.

#### Continued FY 2017 Observations

**Observation FY 2018-OB-01 (previously FY 2017-OB-01, FY 2016-OB-01, and FY 2015-OB-01):** 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.

**Status:** The Regional Office believes the State Plan has adequately addressed this observation through internal training and process improvement throughout FY 2018. However, a case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year’s on-site case file review during the FY 2019 Comprehensive FAME and will be continued.

**Observation FY 2018-OB-02 (previously FY 2017-OB-03, FY 2016-OB-07, and FY 2015-OB-08):** 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.

**Status:** The Regional Office believes UOSH has adequately addressed this observation through internal training and process improvement throughout FY 2018. However, a case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year’s on-site case file review during the FY 2019 Comprehensive FAME and will be continued.

**Observation FY 2018-OB-03 (previously FY 2017-OB-04):** 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.

**Status:** While there has been some improvement with regard to the SAMMs related to the whistleblower program, a case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year’s on-site case file review during the FY 2019 Comprehensive FAME and will be continued.

**Observation FY 2018-OB-04 (previously FY 2017-OB-05):** 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.

**Status:** Again, while there has been some improvement with regard to the SAMMs related to the whistleblower program, a case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME and will be continued.

### **C. State Activity Mandated Measures (SAMM) Highlights**

Each SAMM has an agreed upon FRL, which can be either a single number or a range of numbers above and below the national average. State Plan SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan's FY 2018 SAMM Report and includes the FRL for each measure. The State Plan was outside the FRL on the following SAMMs:

#### **SAMM 7 – Planned vs. actual inspections – safety/health**

Discussion of State Plan data and FRL: In FY 2018, the FRL range for the number of safety inspections conducted was from 817 to 903, and the State Plan was within the FRL range with 828 safety-related inspections. The FRL range for the number of health inspections conducted was from 85.50 to 94.50; UOSH was outside the FRL range with 147 health-related inspections during FY 2018. In FY 2017, UOSH conducted 889 safety inspections (FRL range 627 to 693) and 107 health inspections (FRL range 92.15 to 101.85). UOSH was able to meet or exceed the FRL for safety and health inspections in both FY 2017 and FY 2018.

Explanation: The State Plan continues to perform at a very high level with respect to SAMM 7. Despite some turnover during the evaluation period, UOSH managed to stay within the FRL for safety inspections and greatly exceeded the FRL for health inspections. Effective targeting of the State Plan's Emphasis Programs (Construction, Amputations, and Public Sector) has aided in their ability to consistently meet or exceed their inspection goals.

#### **SAMM 8 – Average current serious penalty in private sector**

Discussion of State Plan data and FRL: For FY 2018, the FRL range for the average current serious penalty in the private sector (1 – 250+ workers) was from \$1,952.49 to \$3,254.15. The State Plan was substantially below the FRL at \$1,315.40. For FY 2017, the FRL range for this measure was from \$1,887.60 to \$3,146.00. Again, the State Plan was below the FRL at \$1,286.37.

Explanation: As stated earlier, UOSH has been unable to raise its maximum penalties as required due to challenges associated with Utah's legislative process; therefore, the State Plan has remained outside the FRL.



### **SAMM 9 – Percent in compliance**

Discussion of State Plan data and FRL: For FY 2018, the FRL range for the percentage of safety cases that were in compliance was from 23.92% to 35.88%, and UOSH’s safety in-compliance rate was within the acceptable range at 33.99%. The FRL range for in-compliance health cases was from 28.88% to 43.32%, and UOSH’s health in-compliance rate was just outside the acceptable range at 47.10%. In FY 2017, UOSH had a safety in-compliance rate of 36.57% (FRL range of 23.62% to 35.44%) and a health in-compliance rate of 50.48% (FRL range of 28.62% to 42.94%).

Explanation: The State Plan was slightly higher than the FRL for the health in-compliance rate in FY 2018; however, this is not unreasonable considering the high volume of health inspections that were conducted during the evaluation period. No additional action is necessary.

### **SAMM 10 – Percent of work-related fatalities responded to in one workday**

Discussion of State Plan data and FRL: The FRL for the percentage of fatalities that are responded to within one workday is fixed at 100% for all State Plans. The State Plan responded to 93.75% of their investigated fatalities within one workday in FY 2018. As a comparison, UOSH responded to 90% of their investigated fatalities within one workday in FY 2017.

Explanation: In FY 2018, there was a single fatality where the State Plan was not notified of the incident due to confusion about which state agency would have jurisdiction over the case. Once UOSH was informed of the incident, the State Plan responded in accordance with its procedures. No further action is necessary.

### **SAMM 11 – Average lapse time**

Discussion of State Plan data and FRL: The FRL range for the average lapse time of a safety inspection was from 36.96 to 55.44 days. With respect to health cases, the FRL range was from 45.25 to 67.87 days. In FY 2018, the lapse times for safety and health cases were very low at 22.25 days and 29.53 days, respectively. Similarly, in FY 2017 the lapse time for safety cases was 27.07 days while the lapse time for health cases was 35.20 days.

Explanation: As evidenced by the last two years, UOSH places a premium on maintaining low lapse times. With the implementation of the electronic case file system, this trend is expected to continue.

### **SAMM 14 – Percent of 11(c) investigations completed within 90 days**

Discussion of State Plan data and FRL: The FRL for SAMM 14 is fixed at 100% for all State Plans, and UOSH completed 31% of their whistleblower investigations within 90 days in FY 2018. Similarly, UOSH completed 30% of their whistleblower investigations within 90 days during FY 2017.

Explanation: While this metric has remained at approximately the same level for the past two years, there have been improvements in the overall processing of 11(c) investigations. These improvements, along with the addition of a new whistleblower investigator, will help to improve performance with this metric. In addition, UOSH is close to the national average of 35%.

### **SAMM 16 – Average number of calendar days to complete an 11(c) investigation**

Discussion of State Plan data and FRL: The FRL for SAMM 16 is fixed at 90 days for all State Plans. UOSH averaged 116 days to complete an 11(c) investigation in FY 2018, which was an improvement over the previous year when the State Plan averaged 143 days to complete an 11(c) investigation.

Explanation: The stability of the whistleblower program over the evaluation period aided in the improvement of this measure. Despite recent changes with the whistleblower investigator position, UOSH is working to continue improvements with this measure. In addition, UOSH is better than the national average of 277 days.

### **SAMM 17 – Percent of enforcement presence**

Discussion of State Plan data and FRL: The FRL range for the percent of enforcement presence was from 0.93% to 1.55%. This measure is based on the ratio of total inspections to the total number of establishments, not including state and local government or low-hazard private sector industries. In FY 2018, UOSH achieved an enforcement presence of 1.66%. In FY 2017, this measure was also outside the FRL at 1.74%.

Explanation: In consecutive years, this measure has indicated that UOSH is targeting and utilizing their resources appropriately to address issues in high-hazard industries. This is a positive outcome.

## Appendix A – New and Continued Findings and Recommendations

### FY 2018 UOSH Follow-up FAME Report

FY 2018-#	Finding	Recommendation	FY 2017-# or FY 2017-OB-#
FY 2018-01	In FY 2017, it was determined that UOSH may not 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. Corrective action completed; awaiting verification.	FY 2017-01

## Appendix B – Observations and Federal Monitoring Plans

### FY 2018 UOSH Follow-up FAME Report

Observation # FY 2018-OB-#	Observation# FY 2017-OB-# or FY 2017-#	Observation	Federal Monitoring Plan	Current Status
FY 2018-OB-01	FY 2017-OB-01 FY 2016-OB-01 FY 2015-OB-01	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 2019.	Continued
FY 2018-OB-02	FY 2017-OB-03 FY 2016-OB-07 FY 2015-OB-08	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 2019.	Continued
FY 2018-OB-03	FY 2017-OB-04	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 2019.	Continued
FY-2018-OB-04	FY-2017-OB-05	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 2019.	Continued
	FY 2017-OB-02	In FY 2017, UOSH was 5% below the FRL for		Closed

## Appendix B – Observations and Federal Monitoring Plans

FY 2018 UOSH Follow-up FAME Report

	FY 2016-OB-02 FY 2015-OB-03	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).		
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## Appendix C – Status of FY 2017 Findings and Recommendations

### FY 2018 UOSH Follow-Up FAME Report

FY 2017-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2017-1	In FY 2017, it was determined that UOSH may not 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.	Training attended by both management and staff employees included: identifying and addressing all potential apparent violations, verifying adequate evidence to support violations, and justifying the severity and probability of violations. These items were reviewed during the SIEP process throughout FY 2018.	Not Applicable	Awaiting Verification February 12, 2019

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

FY 2018 UOSH Follow-up FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Utah – UOSH			FY 2018	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
<b>1a</b>	Average number of work days to initiate complaint inspections (state formula)	4.15	5	The further review level is negotiated by OSHA and the State Plan.
<b>1b</b>	Average number of work days to initiate complaint inspections (federal formula)	2.46	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>2a</b>	Average number of work days to initiate complaint investigations (state formula)	0.92	3	The further review level is negotiated by OSHA and the State Plan.
<b>2b</b>	Average number of work days to initiate complaint investigations (federal formula)	0.09	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>3</b>	Percent of complaints and referrals responded to within one workday (imminent danger)	100%	100%	The further review level is fixed for all State Plans.
<b>4</b>	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
<b>5</b>	Average number of violations per inspection	SWRU: 1.52	+/- 20% of SWRU: 1.82	The further review level is based on a three-year national average. The range of acceptable data not requiring further

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

### FY 2018 UOSH Follow-up FAME Report

	with violations by violation type	Other: 0.23	+/- 20% of Other: 0.98	review is from 1.46 to 2.18 for SWRU and from 0.78 to 1.18 for OTS.
<b>6</b>	Percent of total inspections in state and local government workplaces	7.59%	+/- 5% of 7.79%	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 7.40% to 8.18%.
<b>7</b>	Planned v. actual inspections – safety/health	S: 828	+/- 5% of S: 860	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 817 to 903 for safety and from 85.50 to 94.50 for health.
		H: 147	+/- 5% of H: 90	
<b>8</b>	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,315.40	+/- 25% of \$2,603.32	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,952.49 to \$3,254.15.
	<b>a.</b> Average current serious penalty in private sector (1-25 workers)	\$893.98	+/- 25% of \$1,765.19	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,323.89 to \$2,206.49.
	<b>b.</b> Average current serious penalty in private sector (26-100 workers)	\$1,528.31	+/- 25% of \$3,005.17	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,253.88 to \$3,756.46.
	<b>c.</b> Average current serious penalty in private sector (101-250 workers)	\$2,459.30	+/- 25% of \$4,203.40	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,152.55 to \$5,254.25.
	<b>d.</b> Average current serious penalty in private sector (greater than 250 workers)	\$3,192.01	+/- 25% of \$5,272.40	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,954.30 to \$6,590.50.
<b>9</b>	Percent in compliance	S: 33.99%	+/- 20% of S: 29.90%	The further review level is based on a three-year national average. The range of acceptable data not requiring further



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

### FY 2018 UOSH Follow-up FAME Report

		H: 47.10%	+/- 20% of H: 36.10%	review is from 23.92% to 35.88% for safety and from 28.88% to 43.32% for health.
<b>10</b>	Percent of work-related fatalities responded to in one workday	93.75%	100%	The further review level is fixed for all State Plans.
<b>11</b>	Average lapse time	S: 22.25	+/- 20% of S: 46.20	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 36.96 to 55.44 for safety and from 45.25 to 67.87 for health.
		H: 29.53	+/- 20% of H: 56.56	
<b>12</b>	Percent penalty retained	71.06%	+/- 15% of 66.81%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 56.79% to 76.83%.
<b>13</b>	Percent of initial inspections with worker walk around representation or worker interview	100%	100%	The further review level is fixed for all State Plans.
<b>14</b>	Percent of 11(c) investigations completed within 90 days	31%	100%	The further review level is fixed for all State Plans.
<b>15</b>	Percent of 11(c) complaints that are meritorious	20%	+/- 20% of 24%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 19.20% to 28.80%.
<b>16</b>	Average number of calendar days to complete an 11(c) investigation	116	90	The further review level is fixed for all State Plans.
<b>17</b>	Percent of enforcement presence	1.66%	+/- 25% of 1.24%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.93% to 1.55%.

**STATE OF UTAH**

**STATE OPERATIONS**

**ANNUAL REPORT**

**(SOAR)**

**FY 2018**

01/07/19



**UTAH LABOR COMMISSION**

**UTAH OCCUPATIONAL SAFETY AND HEALTH DIVISION**  
**(UOSH)**

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## **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 2018 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 2018, UOSH Compliance performed a total of 1,265 Compliance Interventions. The total UOSH interventions include 975 inspections, 77 visits, and 213 compliance assistance (CA) in the public and private sectors. This is an increase of 5.2% from FY 2017. These interventions removed approximately 116,581 employees from 1,943 identified and corrected hazards and violations.

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).

## Compliance Activity

<b>1. Compliance Activities</b>	<b># of</b>
Compliance Activities	<b>1,265</b>
Inspections	975
Visits (Public Sector)	77
Compliance Assistance (CA)	213
<b>2. Emphasis Initiatives - Inspections</b>	<b># of</b>
Construction LEP	192
Amputation LEP	201
Public Sector LEP	52
<b>3. Fatality Cases Reported to UOSH</b>	<b># of</b>
Reported to UOSH	<b>32</b>
Inspections accomplished	17
Investigations accomplished	16
<b>4. Serious Injury Cases Reported to UOSH</b>	<b># of</b>
Reported to UOSH	<b>486</b>
Inspections accomplished	186
Investigations accomplished	277
Non-UOSH Cases	23
<b>5. Safety and Health Complaints</b>	<b># of</b>
Safety and Health complaints received	555
Inspections accomplished	217
Investigations (Phone/Fax) accomplished	108
Referred to other agencies	16
<b>6. General Industry Activities</b>	<b># of</b>
Total General Industry	<b>507</b>
Inspections accomplished	468
CA accomplished	39
<b>7. Construction Activities</b>	<b># of</b>

Total Construction	<b>536</b>
Inspections accomplished	433
CA accomplished	103
<b>8. Public Sector Activities</b>	
	<b># of</b>
Total Public Sector	<b>222</b>
Inspections accomplished	74
Public Sector Consultation Visits	77
Public Sector Compliance Assistance	71
<b>9. Whistleblower Complaints</b>	
	<b># of</b>
Whistleblower complaints received	98
Total Investigations completed in FY2017	75
Investigations opened in FY2017 and not completed	23
Merit Determinations in FY2017	0
Non-Merit Determinations in FY2017	25
Cases settled	10
Administratively closed	50
<b>10. VPP Applications Activities</b>	
	<b># of</b>
Total Participants	10
Applications received	2
Presentations accomplished	1
Pre-audits accomplished	1
Recertification audits accomplished	0
<b>11. Compliance Outreach Presentations</b>	
	<b># affected</b>
Associated Builders & Contractors (ABC) Safety Awards	200
Associated General Contractors (AGC) of Utah Conferences	320
Bridgerland Career Days	3,000
Family Safety Fair	500
Intermountain Medical Center Employer Conference	150
Mexican Consulate Labor Rights Week	100
National Safety Stand Down at The Airport	1,000
University of Utah Industrial Hygiene Conference	300
Utah Manufacturers Association Conference	200

Utah Petroleum Association (STEPS)	100
Utah Safety Council Annual Meeting and Awards Luncheon	600
Utah State Risk Management Symposium	1,000
<b>Total Outreach Activities Accomplished</b>	<b>7,470</b>

## **Compliance Outreach Presentations**

UOSH continually provides outreach to employers on construction and general industry standards. Management staff is working with members of the construction industry, general industry, construction trade associations and manufacturing 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 Builders & Contractors (ABC) Safety Awards
- Associated General Contractors (AGC) of Utah Conference
- AGC Lunch & Learn Presentation
- Bridgerland Career Days
- Family Safety Fair
- Intermountain Medical Center Employer Conference
- Mexican Consulate Labor Rights Week
- National Safety Stand Down to Prevent Falls in Construction at the SLC Airport
- University of Utah Industrial Hygiene Conference
- Utah Manufacturer’s Association Conference
- Utah Service, Transmission, Exploration & Production (STEPS)
- Utah Safety Council Annual Meeting and Awards Luncheon
- Utah State Risk Management Symposium

UOSH actively participated in the National Safety Stand-Down to prevent falls in construction from May 7-11, 2018 including a Safety Stand-Down event sponsored by the Salt Lake City International Airport Redevelopment Project. The UOSH director addressed an audience of approximately 1,300 employees in both English and Spanish to share information about how to prevent falls in construction. 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.

The Local Emphasis Program (LEP) for the public sector was featured in the Utah Fire and Rescue Academy’s *Straight Tip Magazine*, and recognized by the Governor’s Office of Management and Budget as part of the SUCCESS Plus initiative. This has been seen by

thousands of public sector employees and emergency services personnel, and has raised awareness on hazards found in public sector workplaces.

As a part of the Utah Workplace Safety Week in the 3<sup>rd</sup> week of June, the Commissioner, Deputy Commissioner, and Labor Commission PIO attended the 62<sup>nd</sup> annual Utah AFL-CIO conference to emphasize the importance of workplace safety. They attended alongside Senator Karen Mayne who was the sponsor of the bill recognizing the Utah Workplace Safety Week. In FY 2018, the Utah Workplace Safety Week was recognized from June 18 - June 22.

## **Public Sector Consultation Activities**

The Public Sector Consultation Program conducted 77 visits statewide. Of the 77 visits conducted, 69 were initial visits, 7 were training and education visits and 1 was a follow-up visit.

As a result of the 77 visits conducted, 825 serious hazards were identified and abated, removing over 21,800 employees from serious hazards.

The Public Sector Consultation Program conducted 59 CA activities which involved outreach, promotion, presentations, training and education with both safety and health related aspects. Affecting over 29,000 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 promotions of Public Sector Consultation previously or from the outreach activities from the current and prior years.

## **Public Sector Consultation Activity Table**

<b>Visits</b>	<b>Type</b>
69	Initial visits
7	Training & Education Visits
1	Follow-up
<b>77</b>	<b>Total Public Sector Consultation</b>

<b>Public Sector Compliance Assistance</b>	
<b>59</b>	Outreach, Promotions and Training & Education



## **Safety and Health Achievement Recognition Program (SHARP)**

Public Sector Consultation continues to promote the Safety and Health Achievement Recognition Program (SHARP). An integral part of each Consultation visit is an evaluation of the employer for SHARP potential. If the employer is eligible for SHARP information is presented at the closing conference. Consultation has an informational brochure which includes information on SHARP.

During FY 2018, there was one new company added and three companies renewed as SHARP entities. There are currently nine Public Sector SHARP entities.

### **Public Sector SHARP Participants Table**

<b>Company Name</b>	<b>Initial SHARP Date</b>	<b>Status</b>	<b>Latest Recertification</b>	<b>Expiration</b>	<b>Employees</b>
Lehi City FD #81	4/9/2012	Renewed	07/06/2018	07/06/2021	90
Lehi City FD #82	4/9/2012	Renewed	07/06/2018	07/06/2021	90
Lehi City FD #83	07/06/2018	New	07/06/2018	07/06/2020	90
North Davis Sewer	4/11/2016	Renewed	07/10/2018	07/10/2021	42
Sandy City FD #31	9/3/2013	Current	9/22/2015	9/22/2018	76
Sandy City FD #32	9/3/2013	Current	9/22/2015	9/22/2018	76
Sandy City FD #33	9/3/2013	Current	9/22/2015	9/22/2018	76
Sandy City FD #34	9/3/2013	Current	9/22/2015	9/22/2018	76
Sandy City FD #35	9/3/2013	Current	9/22/2015	9/22/2018	76

## **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, 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.

Currently, there are 10 companies participating in the VPP program, one was added in the last year, with six of those being audited for recertification.

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	04/26/2013	04/25//2018	275
4	Pacific States Cast Iron Pipe Co.	10/21/2009	Star	07/21/2017	07/20/2021	220
5	Firestone Building Products	10/20/2009	Star	04/25/2013	4/23/2018	34
6	Phillips 66 NSL Terminal	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	Forcepoint	08/27/2015	Star	08/27/2016	08/28/2018	90
9	Smithfield Foods	12/01/2016	Star	n/a	11/30/2019	270
10	Energy Solutions	05/16/2018	Star	n/a	05/15/2021	112

## 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 4 years as of September 30, 2018. Some of the data UOSH used to evaluate the effectiveness of the Construction LEP were the number of inspections and compliance assistance activities conducted, 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 in the construction industry compared to previous fiscal years. 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, 2017 through September 30, 2018. There were 195 inspections conducted (affecting 899 employees) during the time period with 458 violations identified and eliminated, which is approximately 2.3 violations per inspection. There were 23 repeat violations, 418 serious violations and 17 other-than-serious violations. Ten (10) violations were contested from 3 inspections.

The data gathered from the OSHA Information System (OIS) indicate that of the 458 violations, the most frequently cited standards were related to fall protection (Subpart M of 29 CFR1926) (174 violations) and scaffolds (171 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 (174 violations)
2. Scaffolds (171 violations)
3. Ladders (34 violations)
4. Electrical (23 violations)
5. Evacuations (18 violations)

The standards most frequently cited by UOSH from the Construction LEP inspections (fall protection, scaffold, ladders, electrical) show that the focus of this LEP is in-line with the “Big 4” hazards observed at the worksites.

The total number of inspections conducted by UOSH during this period was 975, meaning the Construction LEP inspections (195) accounted for 20% of the inspections. The total number of violations cited by UOSH during this time was 1,910, meaning the violations cited as a result of the Construction LEP (458) accounted for 24% of the violations.

CSHOs conducted 46 Compliance Assistance (CA) activities under the Construction LEP affecting 1,368 employees in Utah.

The total number of workplace injuries was gathered using the Utah Labor Commission Industrial Accidents Division’s (Industrial Accidents) database. For FY16, there were a total of 3,736 injuries reported to Industrial Accidents as compared to 3,356 injuries for FY17. The amount of injuries decreased again in FY18 with a total of 1,988 reported. At the same time the average number of employees within this sector for FY16 and FY17 was 90,375 and 91,789, respectively with FY18 increasing again to 100,413. 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, with FY18 total decreasing to 94. 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 FY18, as well as accident data from the Industrial Accident’s database, were compared to the results from the analysis conducted in previous years. See the table below for a comparison of some of the data.

**Construction LEP Analysis - FY16, FY17 & FY18**

<b>Construction Industry (LEP)</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>
Inspections Conducted	182	192	195
Hazards Identified	453	409	458
Violations per Inspection	2.4	2.1	2.3
Compliance Activities	134	80	103
Employees Affected	2,766	2,170	2,267

<b>Construction Industry (Total)</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>
Injuries Reported to Industrial Accidents	3,736	3,356	1,988
Accidents reports to UOSH	104	118	94
Avg Number of Employees in Construction NAICS	92,756	98,686	100,413
Injury & Illness Rate (BLS) (Latest Posted Results)	4.0	3.3	3.3

The above information shows that the Construction LEP has 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 since November 1, 2014. 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 years. 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 this LEP.

**Number of Amputation LEP inspections and violations:** Using LEP inspection criteria, data was gathered for the Amputation LEP inspections conducted from October 1, 2017 through September 30, 2018. During this time, Compliance Safety and Health Officers (CSHOs) conducted 201 inspections under the Amputation LEP (affecting 8676 employees) with 505 hazards identified and eliminated, averaging approximately 2.5 violations per inspection. There were 491 serious violations, 6 repeat violations and 8 other-than-serious violations cited.

The data gathered from the OSHA Information System (OIS) indicate that of the 505 violations, the most frequently cited standards were those related to machine guarding (319 violations) and lockout/tagout (72 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 (319 violations)
2. Lockout/Tagout (72 violations)
3. Electrical (47 violations)
4. Personal Protective Equipment (15 violations)
5. Reporting (13 violations)

The standards most frequently cited by UOSH as a result of the Amputation LEP inspections 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 975 with the Amputation LEP inspections (201) accounting for 21% of the inspections conducted. The total number of violations cited by UOSH during this time was 1,910 with the violations cited as a result of the Amputation LEP (505) accounting for 26% of the violations.

Although the data shows the number of work-related amputations in the manufacturing sector reported to UOSH has stayed about the same, FY16 had 19, FY17 had 22 and FY18 had 21, the average number of employees within this sector has had significant increases, from 125,324 in FY16 to 127,448 in FY 17 to 131,218 in FY18. This shows that although the number of amputations has been consistent, the rate per employee has decreased.

Results gathered from LEP inspections conducted during FY18 were compared to the results from the analysis conducted in previous years. The amount of inspection activities under this LEP has led to the identification and elimination of hazards from the workplace thereby helping to create a safer working environment. See the table below for a comparison of some of the data.

### Amputation LEP Analysis - FY16, FY17 & FY18

<b>Amputation LEP Inspections</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>
Inspections Conducted	118	212	201
Hazards Identified	311	524	505
Violations per Inspection	2.6	2.5	2.5
Employees Affected	4,351	5,878	8,676
Amputation Injuries (Manufacturing) reported	19	22	21
Average Number of Employees (Manufacturing)	125,324	129,231	131,218

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 has implemented a Public Sector Emphasis Program (LEP) that focuses on public sector employers which are comprised of counties, cities, school districts, colleges, technical schools, fire departments, police departments, correctional facilities, special service districts and Utah state agencies, Directive number 2017-001, which became effective November 20, 2017. The Directive was established to enforce initiatives to remove workplace hazards and reduce the incidents of injury, illness and fatality among workers in the public sector by focusing on worksites where serious hazards with a substantial probability that death or serious injury could result and to increase awareness of UOSH throughout the state.

Although public sector employees account for more than 15% of the workforce in Utah, a much smaller percentage of occupational safety and health inspections have been conducted by UOSH at public sector worksites.

**LEP effectiveness:** The Public Sector LEP has been in effect for less than 1 year as of September 30, 2018. Some of the data UOSH used to evaluate the effectiveness of this LEP will be the number of inspections and compliance assistance activities conducted, the number of violations cited as a result of the LEP, the number of employees removed from hazards and the number of reported accidents compared to previous fiscal years. By evaluating the

information gathered, the effectiveness of the program can be determined as a result of compliance activity at public sector sites throughout Utah as covered by the LEP.

**Number of Public Sector LEP inspections and violations:** Using LEP inspection criteria, data was gathered for Public Sector inspections conducted from October 1, 2017 through September 30, 2018. The LEP accounted for 56 inspections conducted (affecting 9,729 employees), with 230 violations identified and eliminated, which is approximately 4.1 violations per inspection. There were 213 serious violations and 17 other-than-serious violations.

The total number of inspections conducted by UOSH during this period was 975, meaning the Public Sector LEP inspections (56) accounted for 5.7% of the inspections. The total number of violations cited by UOSH during this time was 1,910, meaning the violations cited as a result of the Public Sector LEP (230) accounted for 12% of the violations.

CSHOs conducted 2 Compliance Assistance (CA) activities under the Public Sector LEP affecting 215 employees in Utah. Making the total Public Sector CAs of 12 for FY18.

Implementing the Public Sector LEP has significantly increased the total number of Public Sector inspections. In FY16, UOSH conducted 17 public sector inspections, in FY17 the total was 16, however, in FY18 with the addition of the Public Sector LEP, inspection totals were 74 or 7.6% of all inspections. This LEP gives UOSH a much needed presence in an under-served sector of the State that represents about 15% of the workforce.

The number of accidents in the public sector reported to UOSH during FY16 and FY17 was 41 and 42, respectively, with FY18 total decreasing to 28.

**Public Sector Inspections Analysis - FY16, FY17 & FY18**

<b>Public Sector Industry</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>
Inspections Conducted	17	16	74
Hazards Identified	61	41	261
Violations per Inspection	3.5	2.6	3.5
Compliance Assistance Activities	0	3	12
Accidents reported to UOSH	41	42	28
Avg Number of Employees in Public Sector NAICS	203,302	208,268	212,729

The above information shows that the Public Sector LEP has had a positive impact on the industry, mainly by the increase in hazards identified and eliminated.

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

With the continuance of the Public Sector LEP, UOSH believes the incidents of injury, illness & fatality among workers in the public sector will be further reduced.

## **Staff Training Activity**

The following training was provided to CSHOs and Consultants during FY 2018:

### **OSHA Webinar**

0135-Evaluating Flammable Liquids and Gases

0140-Silica Directive Guidance

0132-Noise and Engineering controls

### **OTI Training**

1310 - Investigative Interviews

3300 - Safety and Health in Chemical Processing Industries

1410 - Inspection Techniques and Legal Aspects

3280 - Industrial Hygiene Chemistry

1530 - State Plan Monitoring

1412 - Advanced Legal Aspects for OSHA Managers

### **Rocky Mountain Center for Occupational & Environmental Health 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

### **OSHAcademy**

Employees continue on-line courses through the OSHAcademy. Each course was a minimum of 2 hours of training. The OSHAcademy provides online courses and programs to provide knowledge level safety and health 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
Petition for Abatement Modification	Industrial Hygiene Process

During FY 2018, 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 2018, four 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 2018, there were five CSHOs who left the compliance section, either by retirement, taking different positions within UOSH or leaving UOSH for other employment opportunities. Four of those positions were filled throughout the year, leaving one CSHO position currently vacant. In addition, the Compliance Assistance Specialist position, which had been vacant from previous fiscal year, was filled in March.

#### **Program Changes**

During FY 2018, UOSH enforcement has implemented a new paperless process for case files. This has enable enforcement to process cases more efficiently. With additional technology that will soon be implemented, this change will also enable officers to be productive while on the road, not having to travel back to the main office. This allows UOSH enforcement to be better equipped to respond to issues without the constraints of infrastructure. This change has been positive for the tax payers of Utah, driving efficiency within enforcement.

#### **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.

## **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 an increase in the fatality rate for industries that are under UOSH's jurisdiction with a rate of 1.16, a 10% rate increase from the State of Utah Fatality rate average for 2013-2015 baseline of 1.05. This is the first time that the rate has increased in four years; in 2014 the rate was 1.15; 2015 it was 1.04; 2016 it was 0.80 and 2017 it was 0.73. UOSH's fatality rate is below the average of the national BLS rate (2013-2015) of the all-worker fatal injury rate of 3.0.

The Utah fatality rate for FY18 is based on the 17 fatalities for the year and an employee total of 1,455,817 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 3.4, which is the average of the 2013 - 2015 BLS data for Utah, to the currently published 2017 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.

**Annual Goal Tables on next 3 pages**



<b>Data Source(s)</b>	Fatality rates from Utah employment under UOSH jurisdiction and BLS data, FY 2013 - 2015.
<b>Baseline</b>	Rate of 1.05 from the average of FY2013 - 2015 UOSH data.

## Annual Performance Goal USG 2 Results Table

<b>Annual Performance Goal USG2 – Reduce Injuries and Illnesses (Mandatory)</b>					
<b>Goal</b>	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).				
<b>Outcome</b>	Reduce the rate of workplace injuries and illnesses.				
<b>Annual Performance</b>	Annual reduction in total workplace injuries and illnesses rate for all industries.				
	<i><b>USG2 Strategy</b></i>	<i><b>Industry</b></i>	<i><b>Baseline</b></i>	<i><b>2018 Goal</b></i>	<i><b>Result *</b></i>
	<i>Change in Utah Total Annual Recordable Case Rate (Baseline BLS 3 year average TRC rate FY 2013-2015)*BLS current published rate for 2017 for UT</i>	<i>All Combined</i>	<i>3.40</i>	<i>&lt;3.4</i>	<i>3.0</i>
<b>Strategy</b>	<ol style="list-style-type: none"> <li>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.</li> <li>2. Review YTD injuries and illnesses reported to UOSH to identify specific areas of emphasis for the development and implementation of Local Emphasis Programs.</li> <li>3. Adopt Emphasis Programs, as appropriate, for high risk industries.</li> </ol>				
<b>Outcome Indicator(s)</b>	<ol style="list-style-type: none"> <li>1. Reduction in total annual recordable case rates in industries under UOSH jurisdiction.</li> <li>2. Number of compliance inspections in general industry and construction.</li> <li>3. Number of compliance assistance conducted in general industry and construction.</li> <li>4. Number of 23(g) public sector consultation interventions conducted in general industry and construction.</li> <li>5. Number of outreach activities.</li> </ol>				
<b>Results (2018)</b>	<b>Compliance</b>	<b>Inspections</b>	<b>CA</b>	<b>Total</b>	
	General Industry	468	39	507	
	Construction	433	103	536	
	Public Sector	74	12	86	
	<b>Total</b>	<b>975</b>	<b>154</b>	<b>1,129</b>	
	<b>Public Sector</b>	<b>Visits</b>	<b>CA</b>	<b>Total</b>	
	<b>Total</b>	<b>77</b>	<b>59</b>	<b>136</b>	
	<b>Total UOSH</b>	<b>Inspections/Visits</b>	<b>CA</b>	<b>Total</b>	
		<b>1,052</b>	<b>213</b>	<b>1,265</b>	
<b>Baseline</b>	Baseline rates from the average of 2013 - 2015 BLS data				

## Annual Performance Goal USG 3 Results Table

Annual Performance Goal USG3 – Safety and Health Culture (Non-mandatory)				
<b>Goal</b>	Increase participation in Recognition Programs and Compliance Assistance, as well as more Visits to encourage and promote workplace safety and health.			
<b>Outcome</b>	Increase the number of consultation visits, compliance assistance and recognition program applicants and participants. Conduct presentations to promote Recognition program applications.			
<b>Annual Activity</b>	<b>Interventions</b>	<b>Baseline</b>	<b>2018 Goal</b>	<b>2018 Results</b>
	Public Sector Consultation Visits	25	30	77
	Compliance Assistance, Private Sector	110	114	142
	Compliance Assistance, Public Sector	30	35	64
	VPP Applications	1	2	2
	VPP Participants	6	8	10
	Public Sector SHARP Applications	1	1	1
	Public Sector SHARP Participants	6	8	9
<b>Strategy</b>	<ol style="list-style-type: none"> <li>1. Promote Public Sector-Consultation Services to increase the number of requests.</li> <li>2. Promote VPP and partnerships to increase the number of applications and participants.</li> <li>3. Promote Compliance Assistance.</li> <li>4. Promote Public Sector SHARP</li> </ol>			
<b>Outcome Indicator(s)</b>	<ol style="list-style-type: none"> <li>1. Number of 23(g) Public Sector-Consultation visits</li> <li>2. Number of Compliance Assistance</li> <li>3. Number of VPP participants.</li> <li>4. Number of VPP new applications</li> <li>5. Number of SHARP participants</li> </ol>			
<b>Data Source(s)</b>	OIS for visit and Compliance Assistance (CA) data. State data for VPP.			
<b>Baseline</b>	Baselines are determined by previous performance (FY13-FY15 average), staffing, resources, focus and emphasis.			