

FY 2019 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report

Arizona Division of Occupational Safety and
Health (ADOSH)



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I. Executive Summary

The purpose of this report is to assess the Arizona Occupational Safety and Health (ADOSH) program for Fiscal Year (FY) 2019. The criteria used to measure performance included those mandated by the Occupational Safety and Health Administration (OSHA), progress toward resolving FY 2018 Federal Annual Monitoring Evaluation (FAME) findings, and achievement of the annual performance plan and five-year strategic goals.

Outreach and working cooperatively with the regulated community continued to be a focal point. A considerable amount of resources were dedicated to reaching out to a wide variety of industries and stakeholders. The program's goal was to provide information about safety and health standards to prevent workplaces hazards. Staffing shortages continued to pose a significant problem and had a noticeable impact on the enforcement presence and the ability to provide a balanced approach to achieving safety and health in the workplace. The loss of experienced compliance officers coupled with high staff turnover negatively impacted meeting many of the annual performance plan goals. Arizona subsequently returned significant grant funds to the federal government.

Key enforcement metrics declined further in FY 2019 when compared to FY 2018. Less than half of the inspection goal was achieved, and nearly half of the safety inspections conducted were in-compliance. For inspections where citations were issued, penalty amounts were significantly lower than the national average, and the lapse time between the opening conference of an inspection to issuing citations grew considerably. While activities in cooperative programs were positive compliments to the overall enforcement program, the continued downward trend of enforcement activities did not provide a balanced approach to ensuring workers were protected from hazards in the workplace.

The FY 2018 Follow-up FAME identified ten findings and three observations. Although corrective actions were implemented, five findings and one observation remained open, while one observation was converted to a finding. This year's FAME identified four new findings and two new observations resulting in a total of ten findings and three observations. Appendix A describes the new and continued findings and recommendations. Appendix B describes observations subject to continued monitoring and the related federal monitoring plan. Appendix C describes the status of previous findings with associated completed corrective action.

II. State Plan Background

A. Background

The State of Arizona operates an occupational safety and health program administrated by ADOSH under the Industrial Commission of Arizona (ICA). James Ashley served as the Director of the ICA and State Plan Designee. Jessie Atencio was the Director for the ADOSH program with Phil Murphy as Assistant Director over the enforcement program. Steven Morgan, Assistant Director for the consultation program, was hired on January 28, 2019.

Organizational units under ADOSH include Administration, Safety and Health Compliance,

Consultation, Boiler Safety, Elevator Safety, and Research and Statistics. The Boiler Safety, Elevator Safety, and Research and Statistics units were not funded by the OSHA 23(g) grant. There were two offices, one in Phoenix and another in Tucson.

The 23(g) grant provided funding for full-time staff comprised of a director, two managers, four first line safety and health supervisors, 14 safety compliance officers, seven health compliance officers, one whistleblower protection supervisor, two whistleblower protection investigators, four clerical staff, and two trainers. Three compliance assistance positions were added: one supervisor, a safety specialist, and an industrial hygienist. Consultation services for state and local government employers were provided by six consultants at 15% of their time and by one consultant at 10% of their time. The remainder of their time was spent in the private sector consultation program funded under the 21(d) cooperative agreement.

ADOSH covers all private sector employers and workplaces except federal workers, mining operations, smelters, batch plants, and tribal lands. ADOSH has jurisdiction over all state and local government entities. When taking enforcement action against local or state government, ADOSH applies the same penalty structure used for private industry. Any inspection with proposed penalties in excess of \$2,500, and all fatality investigations and citations related to worker injuries, were presented before the Commissioners of the ICA, for approval prior to issuance.

The initial base award to fund the Arizona program was \$2,286,400 in federal funds. The state matched this for a total grant amount of \$4,572,800. However, Arizona deobligated \$450,000 of federal funds, and reduced their state contribution by \$450,000 bringing the total final award to \$3,672,800. Over the last five years, Arizona has deobligated funds totaling \$1,550,000 and in two of the last five years, lapsed funds totaling \$306,755. A letter notifying Arizona that subsequent deobligations or lapses would result in a permanent reduction of the federal grant award, was sent to the State Designee on March 6, 2020.

B. New Issues

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 according to the Consumer Price Index (CPI). Arizona has not yet taken action to complete the legislative changes to adopt these changes to the penalties.

OSHA and the ICA worked together to resolve an outstanding Complaint About State Program Activity (CASPA) regarding ICA's oversight of proposed penalties and classification of violations. Additionally, a significant CASPA was filed that raised concerns about how ADOSH complainants could maintain their anonymity when they file an appeal. CASPAs are explained in greater detail in Section III.8.

On February 1, 2019, Mr. James Ashley sent correspondence to the OSHA Directorate of Cooperative and State Program, Mr. Douglas Kalinowski, requesting OSHA update the Federal Register to remove the reconsideration of the 18(e) status which granted "final approval" for the Arizona State Plan. Acting Assistant Secretary of Labor for Occupational Safety and Health,

Loren Sweatt signed a Reconsideration of Final Approval of State Plan; Withdrawal” on July 16, 2019 which was published as a Notice in the Federal Register on July 26, 2019 in response to Mr. Ashley’s concern.

III. Assessment of State Plan Progress and Performance

A. Data and Methodology

OSHA established a two-year cycle for the FAME process. This FY 2019 FAME report is comprehensive, where OSHA conducted an on-site program evaluation of the enforcement program with a case file review. A four-person OSHA team, including a whistleblower protection investigator, visited the Arizona State Plan office in Phoenix from November 12 through November 15, 2019. A total of 91 safety and health inspection files were randomly selected from closed inspections conducted during the evaluation period (October 1, 2018 through September 30, 2019). The selected population included:

- Ten (10) closed fatality case files
- Sixteen (16) programmed
- Thirty-eight (38) complaints
- Thirteen (13) referrals
- Thirteen (13) related to an unprogrammed inspection

A total of 24 whistleblower protection investigations were completed and 106 complaints were administratively closed. A random selection of the completed and administratively closed retaliation files were chosen for review. The percentage that each category comprised of the total completed cases was determined and applied to the sample size. A total of 45 case files were selected as follows:

- Three (3) withdrawn
- Five (5) dismissed
- Zero (0) settled
- Two (2) settled other
- Thirty-five (35) administratively closed

The analysis and conclusions described in this report were based on information obtained from the following sources:

- State Activity Mandated Measures Report (SAMM, dated 11/12/19)
- State Information Report (SIR, dated 11/12/19)
- OSHA Information System (OIS)
- Mandated Activities Report for Consultation (MARC, dated 11/12/2019)
- State OSHA Annual Report (SOAR)
- Bureau of Labor Statistics (BLS) data
- FY 2019 State Plan 23(g) Grant Application
- Arizona Field Operations Manual (AZ FOM, dated 10/1/2015)
- CASPA investigation results

- Quarterly monitoring meetings minutes
- Web Integrated Management Information System (Web IMIS)
- Arizona Revised Statutes
- Arizona Monthly Financial Reports

Each SAMM has an agreed-upon Further Review Level (FRL), which can be either a single number or a range of numbers above and below the national average. The 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 2019 State Activity Mandated Measures Report and includes the FRL for each measure.

B. Review of State Plan Performance

This section is an assessment of ADOSH’s progress in meeting mandated activities and program elements. The assessment of ADOSH’s progress in achieving their annual performance plan goals was addressed in their FY19 State OSHA Annual Report (SOAR) in Appendix E.

1. PROGRAM ADMINISTRATION

a) Training

Training was administered in-house, through blended courses at the OSHA Training Institute (OTI) and OTI Education Centers, and through external safety and health training facilities.

In accordance with the approved procedure #2011-02 ADOSH – New Compliance Safety and Health Officers (CSHO) Training, all new compliance officers were expected to participate in a six-month training program before conducting inspections independently. Before a compliance officer was released to conduct independent inspections, a supervisor conducted a thorough, accompanied, on-the-job evaluation. The supervisor documented and evaluated inspection entry procedures, opening conferences, reviewed documentation of worker interviews, hazard identification, photographic evidence, and use of test/measuring equipment. The evaluations also addressed the closing conference and recommendations to the employer. Supervisors were required to conduct at least one documented on-the-job evaluation annually of senior CSHOs to ensure the quality and consistency of their work was maintained.

Due to the high and rapid compliance officer turnover rate, the three-week Compliance Officer School was temporarily replaced with individual training. Each new CSHO was given a packet that required the signatures of supervisors or senior staff to ensure objectives were completed. New compliance staff were given training in the OSHA Information System (OIS), the AZ FOM, focus-four hazards, and Webinars. New compliance staff were also given six months of one-on-one training with experienced staff members, and weekly and monthly progress meetings. Toward the end of the FY 2019, ADOSH reverted to holding its standard three-week training courses.

The Mandatory Training Program for OSHA Whistleblower Investigators, with an adoption due date of April 2016, has not yet been adopted. Over the past year, compliance officers and whistleblower protection investigators attended the OTI courses #1410 Inspection Techniques and Legal Aspects, #1420 Basic Whistleblower Investigations, #1610 Interviewing Techniques for Whistleblower Investigators, and #2710 Legal Concepts for Whistleblower Investigators. The Whistleblower Protection Supervisor also provided training using prior retaliation cases and outcomes for instruction examples.

b) OSHA Information System (OIS) and Web Integrated Management Information System (WebIMIS)

All enforcement and whistleblower investigation data continued to be captured in OIS and WebIMIS. At the end of the year, 31 enforcement case files were open where all work had been completed except for the final closure of these cases in OIS. Historically, cases were closed in OIS by administrative staff. A turnover of administrative staff caused a substantial backlog in OIS cases, which should have been closed. Although not a finding, ADOSH should ensure that all cases are closed in OIS as soon as possible.

All data related to whistleblower investigations is entered into WebIMIS. Of the 45 cases closed in WebIMIS, only one had an inaccurate data entry. Management reports were used to ensure the Whistleblower Protection Program was properly managed.

c) State Internal Evaluation Program Report (SIEP)

In lieu of a State Internal Evaluation Program Report there were several mechanisms used to oversee quality related issues. A documented process was maintained for administrative procedures to oversee internal controls and integrate improvements. Supervisors' meetings were held at least bi-weekly to discuss internal and external issues regarding the AZ FOM, inspection procedures, case file documentation, upcoming OSHA standards and rollout procedures, compliance directives, and results of performance plan goals.

The compliance section conducted two weekly Arizona Management System Tier Board planning meetings. These meetings highlighted the goals and accomplishments of the staff as well as any issues causing performance issues. Quarterly meetings were also held to disseminate information regarding the AZ FOM, current and pending OSHA standards, internal policies and procedures, grant funding, projects, the SOAR, and trends related to the inspection process.

Finally, the results of the OSHA on-site evaluations and FAMEs were shared with all staff and supervisors, including the Corrective Action Plans developed in response to the findings.

- d) Staffing
Filling vacancies and replacing experienced staff has been difficult. Throughout the year, there was an average of three vacant positions. At the close of FY 2019, there remained three vacant safety positions and one vacant health position. Also, at the end of the year, there were only two compliance officers with over five years of experience. The remaining staff were two compliance officers with two years of experience, one compliance officer with about a year of experience, and 11 newly hired compliance officers. It should be noted that new staff require at least six months training to gain minimum proficiency to conduct inspections. Performance-based pay increases were implemented and internal events were held to help improve retention.
- e) Grant Management
In FY 2018, \$300,000 in federal funds were deobligated, and \$184,547 lapsed. While deobligated funds can be redistributed for other states to use, lapsed funds cannot be redistributed and must be returned to the federal government's general treasury. In FY 2019, \$450,000 of federal funds were deobligated. As a result, OSHA commenced greater oversight of ADOSH's grant spending in FY 2019 and initiated monthly financial meetings. This level of financial oversight has continued into FY 2020.

2. ENFORCEMENT

A total of 525 enforcement inspections were conducted, which was significantly lower than the projected goal of 1,295 inspections. The total number of inspections conducted has dropped over 50% in the last two years and no significant cases were issued. This is discussed in further detail below.

- a) Complaints
A total of 318 complaints/referrals were filed that resulted in inspections. The average number of work days to initiate on-site inspections was 5.83 days (SAMM 1A) which was under the negotiated goal of 7 days. The average number of work days to initiate a complaint investigation was 0.44 days. This was below the negotiated goal of three days and indicated that Arizona workers who file a formal complaint have their concerns addressed timely (SAMM 2a). There were no imminent danger complaints or referrals for this period (SAMM 3) and no denials of entry (SAMM 4).

There were 38 complaint inspections reviewed during the on-site evaluation. Of these, 13.2% (5/38) of the inspections did not have evidence in the case file that a letter with the results of the inspection was provided to the complainant. This information was shared during discussions with the State Plan.

- b) Fatalities
During the evaluation period, 86.67% (13/15) of the fatalities reported were responded to within one work day per SAMM 10 of Appendix D. The FRL is to

respond within one day for 100% of the fatalities reported. One fatality occurred on a Friday evening after work hours and was not addressed until the next business day (Monday). The other fatality occurred several days after the incident. The dates entered in OIS made it appear that ADOSH did not respond timely when they did. Neither a finding nor an observation is warranted at this time.

The AZ FOM requires every effort be made to contact the next of kin via telephone to explain findings, address any questions, and give the family an opportunity to provide input. During the on-site review, 10 closed case files were reviewed and 20% (2/10) of the fatality case files did not contain evidence that the victim's next of kin was contacted before citations were issued.

Finding FY 2019-01: In 20% (2 of 10) of the fatality inspections reviewed, the case files did not contain evidence that the family of the victims were contacted.

Recommendation FY 2019-01: ADOSH should ensure every effort is made to contact the victim's next-of-kin and maintain documentation in the case file.

The review of ten fatality case files revealed that all pertinent facts relating to hazardous conditions were addressed during the inspection and adequately documented. As a result of the corrective actions taken and evidenced in the case files, **Finding FY 2018-01** has been completed.

c) Targeting and Programmed Inspection

ADOSH initiated and maintained targeted programs for Residential Construction, Falls in Construction, Field Sanitation, Government Agencies, Highway Construction Zones, Rate Reduction Awareness Programs, and Public Entity Partnership Programs (PEPP).

SAMM 17 measures the number of inspections conducted in comparison to the number of establishments. The enforcement presence in Arizona was 0.48% of safety and health inspections per establishment, which was significantly below the FRL range of 0.92% to 1.54%. This measure indicates that an appropriate enforcement presence was not provided to ensure all tools were utilized to maximize safety and health compliance by employers.

A total of 1,205 enforcement inspections were conducted in FY 2017. In FY 2018, inspections declined to 613. In FY 2019, inspections further declined to 525 which was only 40% of the inspection goal (SAMM 7). ADOSH conducted 391 safety inspections, lower than the FRL range of 864.50 to 955.50, and they conducted 134 health inspections, lower than the FRL range of 365.75 to 404.25.

The performance goals for programmed inspections in construction and agriculture were not met. The annual performance plan projection was 525 construction and 75 agriculture inspections. Due to high and rapid staff turnover, this was later amended to 500 construction and 50 agriculture inspections. However, only 239

construction and 18 agriculture inspections were completed. The overall inspection shortfall is addressed under Finding FY 2019-02.

In addition, only nine inspections were conducted for state and local government agencies during this review period, significantly lower than the performance goal of 75 inspections. Although the five-year strategic goal of 250 inspections was accomplished by the end of FY 2018, it is important that a balanced enforcement program is maintained each year.

Finding FY 2019-02 (FY 2018-08): A total of 525 inspections (40%) of the goal of 1,295 inspections were conducted (SAMM 7).

Recommendation FY 2019-02 (FY 2018-08): ADOSH should ensure action is taken to meet goals for inspections.

As a result of the shortfall in meeting the projected number of construction inspections, the number of construction *violations* projected to be identified (800) was not achieved. There were only 216 construction violations identified. As a result, **Finding FY 2018-09** remains open.

Finding FY 2019-03 (FY 2018-09): ADOSH issued 216 construction violations out of its annual performance plan goal of 800.

Recommendation FY 2019-03 (FY 2018-09): ADOSH should determine the cause of the low number of construction violations and implement a corrective action.

The average number of violations across all industries, particularly serious violations, is an important indicator of the effectiveness at finding hazards and then removing employees from these hazards. The average number of serious, willful, repeat, or unclassified (SWRU) violations per inspection with violations has remained low for several years (Table 1). Although it increased in FY 2019 to 1.27 SWRU violations, this was still below the acceptable FRL range of 1.43 -2.15 (SAMM 5).

Table 1
Average Number of Violations per Inspection with Violations (SAMM 5)

	FY 2016	FY 2017	FY2018	FY 2019	SAMM 5 FRL
S/W/R/U	1.29	1.13	1.16	1.27	1.43 – 2.15
Other (Non Serious)	1.27	1.13	1.06	1.09	0.78 – 1.16

Finding FY 2019-04 (FY 2018-02): The average number of serious, willful, repeat or unclassified (SWRU) violations per inspection was 1.27 and below the FRL range of 1.43 to 2.15 (SAMM 5).

Recommendation FY 2019-04 (FY 2018-02): ADOSH should determine the cause of the low rate of inspections with serious, willful, repeat, unclassified violations and implement a corrective action.

The average number of other than serious violations per inspection was 1.09, which was within the FRL range of 0.78 to 1.16 (SAMM 5).

d) Citations and Penalties

A total of 391 safety inspections were conducted, with an in-compliance rate of 49.28% (SAMM 9) that was substantially higher than the FRL. The FRL for percent in-compliance for safety inspections ranged from 24.24% to 36.36%. The safety in-compliance rate in FY 2018 was 40.65% and increased to 49.28% in FY 2019. This Observation has been elevated to a finding.

Finding FY 2019-05 (FY 2018-OB-03): ADOSH's safety in-compliance rate was 49.28% which was above the FRL range of 24.24% to 36.36% (SAMM 9).

Recommendation FY 2019-05 (FY 2018-OB-03): ADOSH should determine the cause of the high safety in-compliance rate and implement a corrective action.

A total of 134 health inspections were conducted with a 35.71% in-compliance rate. Although this is within the FRL of 28.90% to 43.35%, over a third of the health inspections were not identifying hazards.

ADOSH management implemented a more rigorous review of violations cited to ensure compliance staff adequately documented the required information to support violations. No willful violations were issued in FY 2019. Grouped and repeat violations were in accordance with the policies and procedures in the AZ FOM.

The average lapse times for issuance of citations remained high for the last two years and are more than twice as long as they were in FY 2017, when they were 44.70 days for safety inspections and 33.97 days for health inspections. In FY 2019, the lapse times were 97.62 days for safety inspections and 87.15 days for health inspections (SAMM 11). The FRL for safety inspections ranged from 38.08 to 57.13 days, and for health inspections, ranged from 45.78 to 68.68 days. Therefore, Finding FY 2018-10 was carried over to FY 2019.

Finding FY 2019-06 (FY 2018-10): The average lapse time of 97.62 days for safety inspections was above the FRL range of 38.08 to 57.13 and the average lapse time for health inspections of 87.15 days was above the FRL range of 45.78 to 68.68 days (SAMM 11).

Recommendation FY 2019-06 (FY 2018-10): Management should monitor lapse time and take action to reduce it.

An internal guidance document titled "ADOSH Probability Factors Worksheet", was created for compliance officers to estimate the probability of an injury/illness occurring. The Probability Factors Worksheet only considered three of the seven

factors required by the AZ FOM. As a result, this determination impacted the penalty amounts assessed. The on-site review noted citations where workers suffered injuries, including amputations and death, which were documented as lesser probability. The on-site examination of the casefiles showed no evidence that other factors were used. There were 68 serious violations issued, only four were documented as greater probability.

Finding FY 2019-07: The Probability Factors Worksheet does not follow the AZ FOM.

Recommendation FY 2019-07: ADOSH should ensure the requirements listed in the AZ FOM are used to determine probability.

Penalties act as a deterrent to non-compliance with OSHA regulations. Low penalties may de-incentivize employers who are reluctant to protect workers. Table 2 shows the average current penalty per serious violation based on the number of workers controlled by an establishment (SAMM 8).

Table 2
Average Current Serious Penalty in Private Sector (SAMM 8)

Number of workers	ADOSH FY 2019	Three Year National Average	FRL
1-250+	\$939.18	\$2,871.96	\$2,153.97 to \$3,589.95
1-25	\$722.62	\$1,915.86	\$1,436.89 to \$2,394.82
26-100	\$980.99	\$3,390.30	\$2,542.73 to \$4,237.88
101-250	\$1,702.07	\$4,803.09	\$3,602.31 to \$6,003.86
Greater than 250	\$1,410.91	\$5,938.59	\$4,453.94 to \$7,423.23

The requirement to adopt increased civil penalties for citations according to the CPI has been discussed during quarterly meetings. Arizona has not yet taken action to complete the legislative changes to increase maximum penalties. This was also highlighted in New Issues, Section II.B.

e) Abatement

The on-site case file review revealed a lack of understanding about the abatement classification “Corrected During Inspection.” During the case file review, 20 violations were coded as “Corrected During Inspection.” However, in 13 of these, the dates of abatement were after the compliance officer left the site but before citations were issued. The AZ FOM requires that abatement must be witnessed on-site by the CSHO to be classified as “Corrected During Inspection.”

Observation FY 2019-OB-01: In 65% (13 of 20) of the violations, abatement was marked as “Corrected During Inspection;” however, the CSHO did not observe the abatement during the on-site inspection.

Federal Monitoring Plan FY 2019-OB-01: OSHA will monitor and discuss at quarterly meetings ADOSH’s progress to ensure staff are appropriately trained on

abatement classification requirements in the AZ FOM.

In cases where abatement was required, employers provided adequate documentation of timely abatement.

f) Worker Union and Involvement

The percentage of initial inspections with worker walk around representation was 100% (SAMM 13). Most employee interviews were recorded and saved to a compact disk. The case file review indicated that employees were informed of their right to obtain a copy of their interview statements. Where organized labor was present, they were consistently invited to attend opening and closing conferences.

3. REVIEW PROCEDURES

a) Informal Conferences

During informal conferences, supervisors may reduce penalties for settlement. However, reductions greater than 50% or violation classification changes require the approval of the Assistant Director. The average penalty retention rate was 85.57% of the original penalty, better than the FRL range of 56.42% to 76.33% (SAMM 12). Supervisors used a standard, locally developed form to justify penalty reductions, reclassifications, and deletions. Specifically, in all ten case files with informal conferences, there were explanations about penalty reductions. Continued improvement from the last on-site review was noted for informal conference documentation. As a result, **Observation FY2018-OB-01** is closed.

Any proposed citations with penalties in excess of \$2,500, and any fatality investigation, must be presented before the Commissioners of the ICA. Employers, complainants, and/or labor representatives are provided with notices prior to ICA meetings. Agendas were publically posted in advance, and interested parties had the opportunity to speak about the proposed violations or answer questions from the ICA if they desired. The ICA accepted the proposed penalties or requests for modification during the meetings.

b) Formal Review of Citations

The Arizona Office of Administrative Hearings (OAHs) adjudicates ADOSH's contested cases. Where litigants have continued concerns following a decision by the OAH, a case may be reviewed by the Review Board. The Review Board consists of five members appointed by the Governor and may affirm, reverse, modify, or supplement any decision. In turn, the Review Board's decision may be appealed to the Arizona Court of Appeals. The OAH, Review Board, and Arizona Court of Appeals decisions were made available to the public.

Most contested cases were settled informally by the Director or Assistant Director. Where cases did not settle at that level, the ICA Legal Division represented the State Plan. The on-site review of 91 case files showed that seven were settled informally while three were formally contested. Cases were supported by the facts required to sustain penalties without undue deletions or reclassifications.

4. STANDARDS AND FEDERAL PROGRAM CHANGE (FPC) ADOPTION

a) Standards Adoption

Once the ADOSH director determines that a standard should be adopted, a request for rulemaking is submitted to the ICA. Following standards development, the proposed standards are sent to the Governor's Office for approval, then forwarded to the Secretary of State to make them available for public comment. After the Close of Record, standards are sent to the Attorney General's Office and when approved they are published in the Arizona Register and enforced.

On January 9, 2017, OSHA issued a final rule to prevent chronic beryllium disease and lung cancer in workers by limiting their exposure to beryllium. The rule contains standards for general industry, construction and shipyards. State Plans were required to adopt an "at least as effective as" rule within six months of promulgation or by July 9, 2017. However, by June of 2017, OSHA had already proposed changes to the beryllium standard for general industry and separate changes for both construction and shipyard standards. These rulemakings are still pending. Given the circumstances of this rulemaking, in which substantive changes were proposed to a rule within six months following its initial promulgation, and are still ongoing, the Arizona State Plan has delayed promulgation pending completion of all rulemaking on this rule.

Table 3 addresses nine items awaiting State Plan adoption including state intent to adopt The Final Rule on the Implementation of the 2019 Annual Adjustment to Civil Penalties for Inflation. As a result, **Finding FY 2018-03** is continued as Finding FY 2019-08.

Finding FY 2019-08 (FY 2018-03): OSHA Standards were not adopted by the adoption due date.

Recommendation FY 2019-08: ADOSH should ensure each standard is adopted by the due date.

Table 3
Status of FY 2019 Federal Standards Adoption
(May include any outstanding standards from earlier fiscal years)

Standard:	Response Due Date:	State Plan Response Date:	Intent to Adopt:	Adopt Identical:	Adoption Due Date:	State Plan Adoption Date:
Final Rule on the Standards Improvement Project - Phase IV 1904,1910,1915,1926 (5/14/2019)	7/13/2019	06/12/2019	Yes	No	11/14/2019	Not yet adopted. Awaiting Plan Change Supplement
Final Rule on the Implementation of the 2019 Annual Adjustment to Civil Penalties for Inflation 29 CFR 1902,1903 (1/23/2019)	3/23/2019	...	...	...	7/23/2019	Not yet adopted. Awaiting state intent
Final Rule on Crane Operator Certification Requirements 29 CFR Part 1926 (11/9/2018)	1/9/2019	2/1/2019	Yes	Yes	5/9/2019	Not yet adopted
1910.1915.1926 Final Rule on Occupational Exposure to Beryllium (1/9/2017)	3/9/2017	3/13/2017	Yes	Yes	7/9/2017	Not yet adopted
1910 Final Rule on Walking-Working Surfaces and Personal Protective Equipment (Fall Protection Services) (11/18/2016)	1/18/2017	1/17/2017	Yes	Yes	5/18/2017	Not yet adopted
1910,1915,1926 Final Rule for Occupational Exposure to Respirable Crystalline Silica (3/25/2016)	5/25/2016	6/30/2016	Yes	Yes	9/26/2016	Not yet adopted
1926.1200 Final Rule for Confined Spaces in Construction (5/4/2015)	7/4/2015	6/3/2015	Yes	Yes	2/4/2016	Not yet adopted
1926 Cranes and Derricks in Construction - Operator Certification Final Rule (9/26/2014)	11/26/2014	6/3/2015	Yes	Yes	3/26/2015	Not yet adopted
1910 1926 Final Rule for Electric Power Generation, Transmission and Distribution; Electrical Protective Equipment. FR Standard Date (4/11/2014)	6/11/2014	6/2/2014	Yes	Yes	1/11/2015	Not yet adopted

- b) Federal Program Change (FPC) Adoption
 Table 4 shows 13 FPCs that have not yet been adopted, including three related to work in shipyards that are awaiting the State Plan's intent to adopt responses.

Table 4
Status of FY 2019 Federal Program Change (FPC) Adoption
(May include any outstanding FPCs from earlier fiscal years)

FPC Directive/Subject:	Response Due Date:	State Plan Response Date:	Intent to Adopt:	Adopt Identical:	Adoption Due Date:	State Plan Adoption Date:
<i>Adoption Required</i>						
National Emphasis Program on Trenching and Excavation CPL 02-00-161 (10/1/2018)	11/30/2018	12/3/2018	Yes	No	4/1/2019	Not yet adopted. Awaiting Plan Change Supplement
CPL 03-00-019 National Emphasis Program on Amputations (8/13/2015)	10/30/2015	10/6/2015	Yes	Yes	12/31/15	Not yet adopted
CPL 03-00-018 Revision-National Emphasis Program-Primary Metal Industries (10/20/2014)	12/20/2014	12/10/2014	Yes	Yes	4/20/15	Not yet adopted
<i>Equivalency Required</i>						
Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment CPL 02-01-061 (5/22/2019)	7/21/2019	...	...	...	11/22/2019	Not yet adopted. Awaiting state intent
Shipyard Employment "Tool Bag" Directive CPL 02-00-162 (5/22/2019)	7/21/2019	...	...	...	11/22/2019	Not yet adopted. Awaiting state intent
Enforcement Guidance for Personal Protective Equipment (PPE) in Shipyard Employment CPL 02-01-060 (5/22/2019)	7/21/2019	...	...	...	11/22/2019	Not yet adopted. Awaiting state intent

FPC Directive/Subject:	Response Due Date:	State Plan Response Date:	Intent to Adopt:	Adopt Identical:	Adoption Due Date:	State Plan Adoption Date:
Site-Specific Targeting 2016 (SST-16) CPL 02-18-01 (10/16/2018)	12/15/2018	12/19/2018	Yes	No	4/16/2019	Not yet adopted. Awaiting Plan Change Supplement
CPL 02-01-058 Enforcement Procedures and Scheduling for Occupational Exposure to Workplace Violence (1/10/2017)	3/10/2017	3/13/2017	Yes	No	7/10/2017	Not yet adopted. Awaiting Plan Change Supplement
CPL 02-03-007 Whistleblower Investigations Manual (1/28/2016)	4/27/2016	4/18/2016	Yes	Yes	7/28/2016	Not yet adopted
TED 01-00-020 Mandatory Training Program for OSHA Whistleblower Investigators (10/8/2015)	12/8/2015	10/28/2016	Yes	No	4/8/2016	Not yet adopted. Awaiting Plan Change Supplement
CPL 02-02-079 Inspection Procedures for the Hazard Communication Standard (7/9/2015)	9/9/2015	12/16/2015	Yes	Yes		Not yet adopted
CPL 02-02-078 Enforcement Procedures and Scheduling for Occupational Exposure to Tuberculosis (6/30/2015)	8/30/2015	8/28/2015	Yes	Yes	12/31/15	Not yet adopted
CPL 02-01-057 Compliance Directive for Cranes and Derricks in Construction Standard (10/17/2014)	12/17/2014	11/5/2014	Yes	Yes	4/17/15	Not yet Adopted

FPC Directive/Subject:	Response Due Date:	State Plan Response Date:	Intent to Adopt:	Adopt Identical:	Adoption Due Date:	State Plan Adoption Date:
<i>Adoption Encouraged</i>						
Alternative Dispute Resolution (ADR) Processes for Whistleblower Protection Programs CPL 02-03-008 (2/4/2019)	4/5/2019	6/11/2019	No	N/A	N/A	Adoption not required

The State Plan Policies and Procedures Manual requires states to respond with their intent to adopt federal standards and federal program changes (FPCs), within 60 days from the effective date of the directive or issuance of the Federal Register Notice. In Tables 3 and 4 above, where ADOSH communicated their intention, there was no implementing memo for identical changes or plan change supplements for alternatives including the state plan’s website and link for the public to obtain a copy. OSHA does not consider these adopted until this requirement has been met.

Finding FY 2019-09: Requirements for adopting federal program changes were not completed within six months of the effective date of the directive or official issuance date of the Federal Register Notice.

Recommendation FY 2019-09: ADOSH should ensure that they meet the requirements for response and adoption of OSHA’s federal program changes.

c) State Plan Change (SPC)

There was one state plan initiated change submitted, SPC 136, which proposed minor changes to the AZ FOM and identified the types of changes the ICA may make to proposed citations and penalties.

5. VARIANCES

There were no new variances requested or granted during the review period.

6. STATE AND LOCAL GOVERNMENT WORKER PROGRAM

Proposed penalties for state and local government agencies are the same for private industry. Far fewer enforcement inspections were conducted in state and local government than in the past. ADOSH achieved their five year Strategic Goal of conducting 250 enforcement inspections in state and local government in 2018, so they focused enforcement efforts elsewhere. In FY 2018, 3.10% (19 of 613) of all inspections were conducted in state and local government agencies. In FY 2019, this

decreased further to 1.71% (9 of 524) which was significantly below the 75 projected inspections and below the bottom range for the FRL of 5.50% (SAMM 6).

Observation FY 2019-OB-02 (FY 2018-OB-02): ADOSH conducted 1.71% (9 of 524) of inspections in state and local government agencies, which was below the FRL range of 5.50% to 6.08% (SAMM 6).

Federal Monitoring Plan FY 2019-OB-02 (FY 2018-OB-02): OSHA will monitor the number of inspections conducted at state and local government agencies during quarterly meetings.

7. WHISTLEBLOWER PROGRAM

During FY 2019, there were two investigators, one full-time supervisor, and one compliance officer who spent 33% of the time conducting workplace retaliation investigations. All attended the required OSHA whistleblower protection program training.

ADOSH completed 21% of their retaliation investigations within 90 days (SAMM 14). This is below the national average of 34% and the FRL of 100%. The merit rate was 14% (SAMM 15), which is below the FRL range of 18.40% to 27.60% and the national average of 23%. In addition, the average days to complete a retaliation investigation was 234 days (SAMM 16) and is below the national average of 284, but above the FRL of 90 days. These metric was discussed during quarterly meetings and the State Plan continues to make improvements.

The previous year's findings were addressed and verified during the case file review of 45 retaliation cases. One of 45 cases reviewed had inaccurate data in WebIMIS, and one of 45 had no documentation that the case had been referred to the enforcement unit. In all cases which were dismissed on the merits, the Respondent's position statement was provided to the Complainant for review, and in all administratively closed cases, there was evidence of supervisory review and approval. As a result of the corrective actions taken and the case file review, findings **FY 2018-04, FY 2018-05, FY 2018-06, and FY 2018-07** are completed.

When a complainant wishes to voluntarily withdraw their complaint, ADOSH is required to advise the complainant of the consequences that the case will not be re-opened and they will have no appeal rights. There was no evidence of this advisement in 75% of retaliation case files that were reviewed by OSHA.

Finding FY 2019-10: In 75% (3 of 4) of cases voluntarily withdrawn by the complainant, there was no documentation that the complainant was advised of the consequences.

Recommendation FY 2019-10: ADOSH should ensure complainants are advised that by entering a withdrawal they will be forfeiting all rights to appeal or object, and the case will not be re-opened, and ADOSH should document this in the case file.

When third party settlement agreements are reviewed, there must be a process to ensure the agreement does not contain language which would infringe upon complainants' rights. Specifically noted during the case file review was one waiver of future employment with no indication the factors required under the Whistleblower Investigations Manual, Chapter 6.XII.E.4 were considered, and one settlement with a clause requiring the complainant to repay the amount under certain circumstances.

Observation FY 2019-OB-03: In 100% (2 of 2) of settlement cases, procedural guidance was not followed to ensure complainants' rights were not infringed upon.

Federal Monitoring Plan FY 2019-OB-03: OSHA will monitor to ensure that ADOSH is reviewing settlements according to procedural guidance.

8. COMPLAINT ABOUT STATE PROGRAM ADMINISTRATION (CASPA)

There were three new CASPAs filed, one of which (CASPA 2019-AZ-37) was considered significant. Additionally, a significant CASPA from 2017 (CASPA 2017-AZ-34) was closed.

CASPA 2017-AZ-34 alleged the ICA made adjustments to citation classifications and penalties without following the AZ FOM. OSHA and the ICA held discussions about the ICA's authority, and on February 12, 2019, SPC 136 was submitted to address this CASPA. On February 20, 2019, OSHA approved SPC 136. As it addressed the concerns related to the findings of CASPA 2017-AZ-34, this case was satisfactorily closed on March 5, 2019. ADOSH was not timely in their response to this CASPA.

CASPA 2019-AZ-35 alleged that ADOSH did not conduct a thorough complaint investigation and failed to communicate the inspections results with the complainant in a timely manner. It was determined that the allegations were valid and corrective actions were taken to resolve this CASPA. ADOSH was timely in their response to this CASPA.

CASPA 2019-AZ-36 alleged that a complaint inspection was not conducted timely and ADOSH did not communicate with the complainant. The investigation revealed that while the complaint was received, it was misplaced and no further action taken. An inspection was initiated and corrective action taken to ensure complaints were tracked and complainants were notified. ADOSH was not timely in their response to this CASPA.

CASPA 2019-AZ-37 was a significant CASPA alleging that complainants were required to provide a written statement to the ICA and send a certified copy of the statement to the employer when exercising their right to request a review of the Director's determination(s) with the ICA. OSHA investigated and found that ADOSH was not communicating to complainants their ability to maintain confidentiality and requested that ADOSH clarify the process in their complaint response letter templates. ADOSH completed the corrective action and submitted the information to OSHA on February 7, 2020. ADOSH was not timely in their response. This CASPA was closed,

but a review was requested and is in process.

9. VOLUNTARY COMPLIANCE PROGRAM

Employers with outstanding occupational safety and health management systems were recognized through the ADOSH Voluntary Protection Program (VPP). Written policies and procedures have been in place since 1993 and were updated in 2008. At the close of FY 2019, there were 44 VPP and six construction VPP (C-VPP) Star sites protecting over 37,000 employees in mobile and fixed industries. This included the addition of four new VPP sites and one new C-VPP site. New applicants were partnered with existing VPP Star sites that served as mentors through the development process. The mentors provided on-site assistance in program development and implementation. In FY 2019, ADOSH conducted 13 VPP re-certifications and three C-VPP re-certifications.

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

Consultation services are provided to state and local government employers through the Consultation, Education, and Training Section. Consultation for the private sector is funded under Section 21(d) of the Occupational Safety and Health (OSH) Act and is evaluated separately. This section covers consultation services provided solely to state or local government agencies that are funded under Section 23(g) of the OSH Act.

In FY 2019, 44 initial consultation visits were conducted in the state and local government workplaces. Of these, 44 (100%) were in high hazard industries, exceeding the goal of 90% (MARC 1).

Smaller businesses with fewer than 250 employees received 35 (79.55%) visits (MARC 2A), and businesses with fewer than 500 employees received 35 (79.55%) visits (MARC 2B). The consultant conferred with employees 100% of the time (MARC 3).

During this evaluation period, 124 serious hazards were identified, and all (100%) were corrected in a timely manner. There were two hazards corrected on-site, 104 within the original time, and 15 within the extension time frame. Of these, 94.14% (106/124) were corrected within the original timeframe or on-site and exceeded the goal of 65%. No employers were referred to enforcement (MARC 4A-4D).

Appendix A – New and Continued Findings and Recommendations
 FY 2019 Arizona Division of Occupational Safety and Health Comprehensive FAME Report

FY 2019-#	Finding	Recommendation	FY 2018-# or FY 2018-OB-#
FY 2019-01	In 20% (2 of 10) of the fatality inspections reviewed, the case files did not contain evidence that the family of the victims were contacted.	ADOSH should ensure every effort is made to contact the victim’s next-of-kin and maintain documentation in the case file.	New
FY 2019-02	A total of 525 inspections (40%) of the goal of 1,295 inspections were conducted (SAMM 7).	ADOSH should ensure action is taken to meet goals for inspections.	FY 2018-08
FY 2019-03	ADOSH issued 216 construction violations out of its annual performance plan goal of 800.	ADOSH should determine the cause of the low number of construction violations and implement a corrective action.	FY 2018-09
FY 2019-04	The average number of serious, willful, repeat or unclassified (SWRU) violations per inspection was 1.27 and below the FRL range of 1.43 to 2.15 (SAMM 5).	ADOSH should determine the cause of the low rate of inspections with serious, willful, repeat, unclassified violations and implement a corrective action.	FY 2018-02
FY 2019-05	ADOSH’s safety in-compliance rate was 49.28% which was above the FRL range of 24.24% to 36.36% (SAMM 9).	ADOSH should determine the cause of the high safety in-compliance rate and implement a corrective action.	FY 2018-OB-03
FY 2019-06	The average lapse time of 97.62 days for safety inspections was above the FRL range of 38.08 to 57.13 and the average lapse time for health inspections of 87.15 days was above the FRL range of 45.78 to 68.68 days (SAMM 11).	Management should monitor lapse time and take action to reduce it.	FY 2018-10
FY 2019-07	The Probability Factors Worksheet does not follow the AZ FOM.	ADOSH should ensure the requirements listed in the AZ FOM are used to determine probability.	New
FY 2019-08	OSHA Standards were not adopted by the adoption due date.	ADOSH should ensure each standard is adopted by the due date	FY 2018-03
FY 2019-09	Requirements for adopting federal program changes were not completed within six months of the effective date of the directive	ADOSH should ensure that they meet the requirements for response and adoption of OSHA’s federal program changes.	New

Appendix A – New and Continued Findings and Recommendations
 FY 2019 Arizona Division of Occupational Safety and Health Comprehensive FAME Report

FY 2019-#	Finding	Recommendation	FY 2018-# or FY 2018-OB-#
	or official issuance date of the Federal Register Notice.		
FY 2019-10	In 75% (3 of 4) of cases voluntary withdrawn by the complainant, there was not documentation that the complainant was advised of the consequences.	ADOSH should ensure complainants are advised that by entering a withdrawal they will be forfeiting all rights to appeal or object, and the case will not be re-opened, and ADOSH should document this in the case file.	New

Appendix B – Observations Subject to New and Continued Monitoring
 FY 2019 Arizona Division of Occupational Safety and Health Comprehensive FAME Report

Observation # FY 2019-OB-#	Observation# FY 2018-OB-# or FY 2018-#	Observation	Federal Monitoring Plan	Current Status
FY 2019 OB-01		In 65% (13 of 20) of the violations, abatement was marked as “Corrected During Inspection;” however, the CSHO did not observe the abatement during the on-site inspection.	OSHA will monitor and discuss at quarterly meetings ADOSH’s progress to ensure staff are appropriately trained on the abatement classification requirements in the AZ FOM.	New
FY 2019-OB-02	FY 2018-OB-02	ADOSH conducted 1.71% (9 of 524) of inspections in state and local government agencies, which was below the FRL range of 5.50% to 6.08% (SAMM 6).	OSHA will monitor the number of inspections conducted at state and local government agencies during quarterly meetings.	Continued
FY 2019-OB-03		In 100% (2 of 2) of settlement cases procedural guidance was not followed to ensure complainant’s rights were not infringed upon.	OSHA will monitor to ensure that ADOSH is reviewing settlements according to procedural guidance.	New
	FY 2018-OB-01	In FY 2017, there were 4 of 14 (28.6%) cases with informal conferences that did not have an explanation to justify penalty reductions.		Closed
	FY 2018-OB-03	ADOSH’s safety in-compliance rate was 40.65%, which was above the FRL range of 23.92-35.88%.	OSHA will conduct a case file review during the FY 2019 FAME period to evaluate potential causes for the upward trend in this metric.	FY 2019-05

Appendix C - Status of FY 2018 Findings and Recommendations

FY 2019 Arizona Division of Occupational Safety and Health Comprehensive FAME Report

FY 2018-#	Finding	Recommendation	State Plan Corrective Action	Completion Date (if Applicable)	Current Status (and Date if Item is Not Completed)
FY 2018-01	In FY 2017, a fatality investigation lacked pertinent facts in addressing hazardous conditions that violated OSHA standards or the general duty clause.	ADOSH should ensure investigations include employer and employee interviews and contain adequate documentation the AZ FOM.	ADOSH conducted two training sessions in August and September 2018 for all staff. The training was provided by an internal ADOSH team comprised of an ICA attorney, ADOSH Director, ADOSH Assistant Director, two experienced CSHOs, and two supervisors on Interviewing Techniques and Accident Investigation. ADOSH utilized training materials from the OSHA OTI and additional in-house information. The information was tracked using the AMS. Supervisors were held accountable for the success of the metrics.	08/07/2019	Completed
FY2018-02	In FY 2018, the average number of serious, willful, repeat or unclassified (SWRU) violations per inspection was 1.16 (SAMM 5).	ADOSH should determine the cause of the low rate of inspections with serious, willful, repeat or unclassified violations, and implement corrective action.	ADOSH is continuing to work on identifying methods to boost CSHO retention rates. In addition, ADOSH supervisors and managers are conducting routine on the job training with CSHOs at the time case files are turned in for review to increase employee competence in identifying serious hazards	Not Completed	Open (06/12/2019)
FY2018-03	OSHA Standards were not adopted by the adoption due date.	ADOSH should ensure each standard is adopted by the due date	ADOSH is working with our ICA Legislative Affairs Chief and Director to ensure that OSHA standards are addressed with the Attorney General's Office.	Not Completed	Open (06/12/2019)
FY2018-04	In FY 2017, in 4 of 15 (27%) closed whistleblower retaliation cases reviewed, there was no evidence that	ADOSH should ensure information is entered into WebIMIS in a timely and accurate	ADOSH filled an open supervisor position at the end of January 2018. The new supervisor is in charge of ensuring information entered into WebIMIS is	11/15/2019	Completed

Appendix C - Status of FY 2018 Findings and Recommendations

FY 2019 Arizona Division of Occupational Safety and Health Comprehensive FAME Report

	ADOSH's whistleblower unit referred the retaliation claim to ADOSH's enforcement unit.	manner.	accurate and timely. Additionally, the supervisor and whistleblower investigator created an AMS visual board to track what cases are in process and whether or not they were entered. Management is monitoring WebIMIS data weekly.		
FY2018-05	In 4 of 15 (27%) closed whistleblower retaliation cases reviewed; there was no evidence that ADOSH's whistleblower unit referred the retaliation claim to ADOSH's enforcement unit.	ADOSH should ensure whistleblower investigators refer retaliation claims to enforcement.	ADOSH documented in the case file all cases referred to enforcement. Using the AMS, the section supervisor and whistleblower investigator created a Heijunka board on July 6, 2018. The board reviews provided the opportunity to determine what was referred to ADOSH's enforcement section for processing and created a referral to enforcement when needed.	11/15/2019	Completed
FY2018-06	In FY 2017, in 4 of 8 (50%) whistleblower retaliation cases which were dismissed on the merits, there was no evidence found that the substance of the respondent's position statement was provided to the complainant for review.	ADOSH should ensure the Complainant is provided with the substance of Respondent's position statement.	Starting in FY 2018, all cases dismissed on merit were reviewed by the Whistleblower Staff and the Assistant Director. ADOSH mailed the respondent's position statement to the complainant, and documented the case file.	11/15/2019	Completed
FY2018-07	In 7 of 11 (64%) whistleblower retaliation cases which were administratively closed, there was no evidence that a supervisor reviewed and approved the administrative closure.	ADOSH should ensure that a supervisor review and approve the decision to administratively close a complaint.	Starting in FY 2018, all cases administratively closed were reviewed by the Whistleblower Staff and Assistant Director of Enforcement to ensure there was evidence that a supervisor reviewed and approved the administrative closure. ADOSH ensured that supervisors documented the review and approval of all administrative closures by using a diary sheet or other similar form	11/15/2019	Completed

Appendix C - Status of FY 2018 Findings and Recommendations

FY 2019 Arizona Division of Occupational Safety and Health Comprehensive FAME Report

FY2018-08	A total of 613 inspections (55%) of the goal of 1,115 inspections were conducted.	ADOSH should ensure action is taken to meet its performance goals for total inspections and construction inspections.	On a monthly basis CSHOs will meet with Supervisors to discuss their prior month's performance and where they need to be to ensure they meet their individual goal for inspections. If not met, supervisors will develop Corrective Action Plans with strategies for coming into alignment with his/her goal. Additionally, supervisors will meet with ADOSH Director and Assistant Director during 1:1 meetings to determine individual and team performance. The number of construction inspections is tracked and communicated during two staff all-hands Tier I Board Meeting. Those tracking sheets are updated and staff speak to what they plan to do for the week in the industry.	Not Completed	Open (06/12/2019)
FY2018-09	ADOSH issued 150 construction violations out of its Annual Performance Plan goal of 795.	ADOSH should determine the cause of the low number of construction violations and implement a corrective action plan.	On a monthly basis CSHOs will meet with Supervisors to discuss their prior month's performance and where they need to be to ensure they meet their individual goal for the number of construction hazards. If not met, supervisors will develop Corrective Action Plans with strategies for coming into alignment with his/her goal. Additionally, supervisors will meet with ADOSH Director and Assistant Director during 1:1 meetings to determine individual and team performance. The number of construction violations is tracked and communicated during two staff all-hands Tier I Board Meeting. Those tracking sheets are updated and staff speak to what they plan to do for the week in the industry.	Not Completed	Open (06/12/2019)

Appendix C - Status of FY 2018 Findings and Recommendations

FY 2019 Arizona Division of Occupational Safety and Health Comprehensive FAME Report

<p>FY2018-10</p>	<p>The lapse time for safety inspections was 85.59 days and the lapse time for health inspections was 84.01 days; both were outside the FRL range.</p>	<p>Management should monitor lapse time and take action to reduce it.</p>	<p>Lapse time has been addressed in various ways. The first way was to develop standardized work around 1A and 1B write-ups. This standardized work or “STW” will help limit the confusion on what is expected for an adequate report to be accepted and citations issued. ADOSH Director and Assistant Director developed a Google Tracking sheets of what is submitted for final review. This tracking sheet allows for staff to read comments and answer any questions necessary to have the inspection be finalized. The tracking sheet also tracks time and is used by Supervisors to monitor staff’s amount of time with a file. This includes all time for revisions or correction requests. In addition to the tracking sheet, staff were asked to address root causes to why files were late. Over 50 recommendations and suggestions were submitted to a sub-committee for review and action. Today several solutions have been implemented. 1:1 meetings are also used an opportunity to review the prior month’s performance. If files are not provided within 45 days, action is required by the CSHO to make up the time. Finally, lapse time is tracked on the ADOSH Tier I and Tier II boards. Metrics are included in the Service section of the boards and communicated to all staff.</p>	<p style="text-align: center;">Not Completed</p>	<p style="text-align: center;">Open (06/12/2019)</p>
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Appendix D - FY 2019 State Activity Mandated Measures (SAMM) Report
 FY 2019 Arizona Division of Occupational Safety and Health] Comprehensive FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Arizona – ADOSH			FY 2019	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	5.83	7	The further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	1.31	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)	0.44	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)	0.22	N/A	This measure is for informational purposes only and is not a mandated measure.
3	Percent of complaints and referrals responded to within one workday (imminent danger)	N/A	100%	N/A – The State Plan did not receive any imminent danger complaints or referrals in FY 2019. 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 2019 State Activity Mandated Measures (SAMM) Report

FY 2019 Arizona Division of Occupational Safety and Health] Comprehensive FAME Report

5	Average number of violations per inspection with violations by violation type	SWRU: 1.27	+/- 20% of SWRU: 1.79	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.43 to 2.15 for SWRU and from 0.78 to 1.16 for OTS.
		Other: 1.09	+/- 20% of Other: 0.97	
6	Percent of total inspections in state and local government workplaces	1.71%	+/- 5% of 5.79%	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 5.50% to 6.08%.
7	Planned v. actual inspections – safety/health	S: 391	+/- 5% of S: 910	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 864.50 to 955.50 for safety and from 365.75 to 404.25 for health.
		H: 134	+/- 5% of H: 385	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$939.18	+/- 25% of \$2,871.96	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,153.97 to \$3,589.95.
	a. Average current serious penalty in private sector (1-25 workers)	\$722.62	+/- 25% of \$1,915.86	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,436.89 to \$2,394.82.
	b. Average current serious penalty in private sector (26-100 workers)	\$980.99	+/- 25% of \$3,390.30	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,542.73 to \$4,237.88.
	c. Average current serious penalty in private sector (101-250 workers)	\$1,702.07	+/- 25% of \$4,803.09	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,602.31 to \$6,003.86.

Appendix D - FY 2019 State Activity Mandated Measures (SAMM) Report

FY 2019 Arizona Division of Occupational Safety and Health] Comprehensive FAME Report

	d. Average current serious penalty in private sector (greater than 250 workers)	\$1,410.91	+/- 25% of \$5,938.59	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$4,453.94 to \$7,423.23.
9	Percent in compliance	S: 49.28%	+/- 20% of S: 30.30%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 24.24% to 36.36% for safety and from 28.90% to 43.35% for health.
		H: 35.71%	+/- 20% of H: 36.12%	
10	Percent of work-related fatalities responded to in one workday	86.67%	100%	The further review level is fixed for all State Plans.
11	Average lapse time	S: 97.62	+/- 20% of S: 47.61	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 38.08 to 57.13 for safety and from 45.78 to 68.68 for health.
		H: 87.15	+/- 20% of H: 57.23	
12	Percent penalty retained	85.57%	+/- 15% of 66.38%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 56.42% to 76.33%.
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	21%	100%	The further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	14%	+/- 20% of 23%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 18.40% to 27.60%.

Appendix D - FY 2019 State Activity Mandated Measures (SAMM) Report

FY 2019 Arizona Division of Occupational Safety and Health] Comprehensive FAME Report

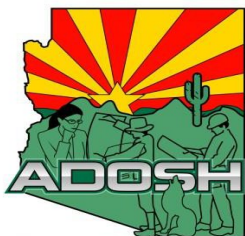
16	Average number of calendar days to complete an 11(c) investigation	234	90	The further review level is fixed for all State Plans.
17	Percent of enforcement presence	0.48%	+/- 25% of 1.23%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.92% to 1.54%.

NOTE: The national averages in this report are three-year rolling averages. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report in OIS and the State Plan WebIMIS report run on November 12, 2019, as part of OSHA's official end-of-year data run.

THE INDUSTRIAL COMMISSION OF ARIZONA
Division of Occupational Safety & Health

Evaluation Period: October 1, 2018 through
September 30, 2019

ARIZONA STATE PLAN OSHA ANNUAL REPORT (SOAR) Federal Fiscal Year 2019



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

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

Submitted: December 10, 2019

Appendix E – FY 2019 State OSHA Annual Report (SOAR)

FY 2019 Arizona Division of Occupational Safety and Health Follow-up FAME Report

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Arizona State Plan OSHA Annual Report

I. Executive Summary – FFY 2019

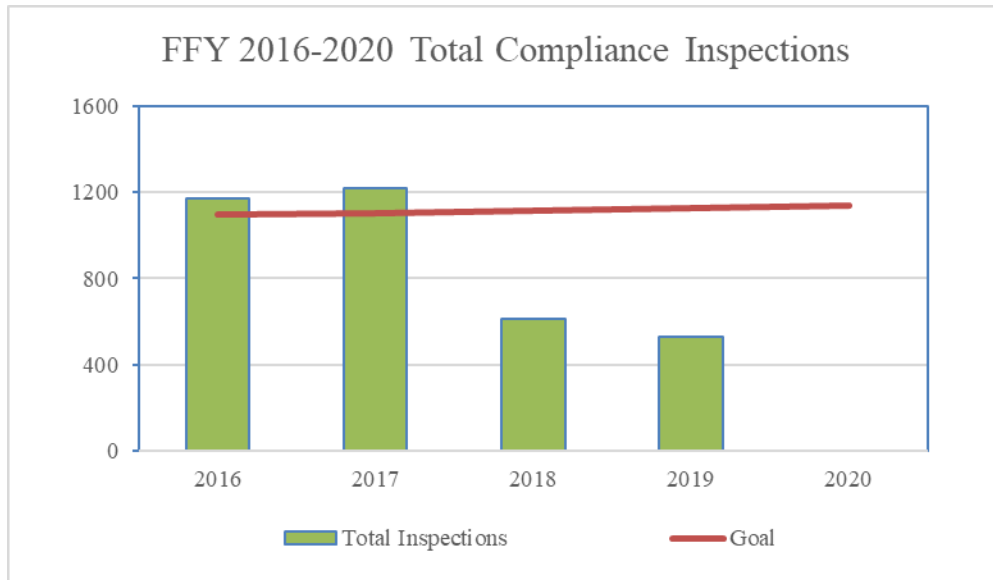
The Arizona State Plan OSHA annual report documents our progress toward achieving the ADOSH strategic vision to be a leader in occupational safety and health by helping make Arizona’s workplaces as safe and healthful as possible. ADOSH continues to strive for the elimination of workplace injuries, illnesses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

To accomplish this, our ADOSH team is outcome-oriented, using data proactively in recognizing and employing strategies that combine accountability measures to occupational safety and health concerns. Some of the measurements already recognized include enforcement inspection programs, outreach education and training activities, and accident analysis and data collection systems. Conventional enforcement methods are accompanied by educational programs and targeted outreach that raise voluntary compliance. The ADOSH 23g grant-related functions consist of the following activities: Compliance inspections, discrimination investigations, training classes, adoption of standards and plan changes, and activities combined with the Voluntary Protection Program (VPP), Alliance Programs, and Cooperative Partnerships including Public Entity Partnership Programs (PEPP).

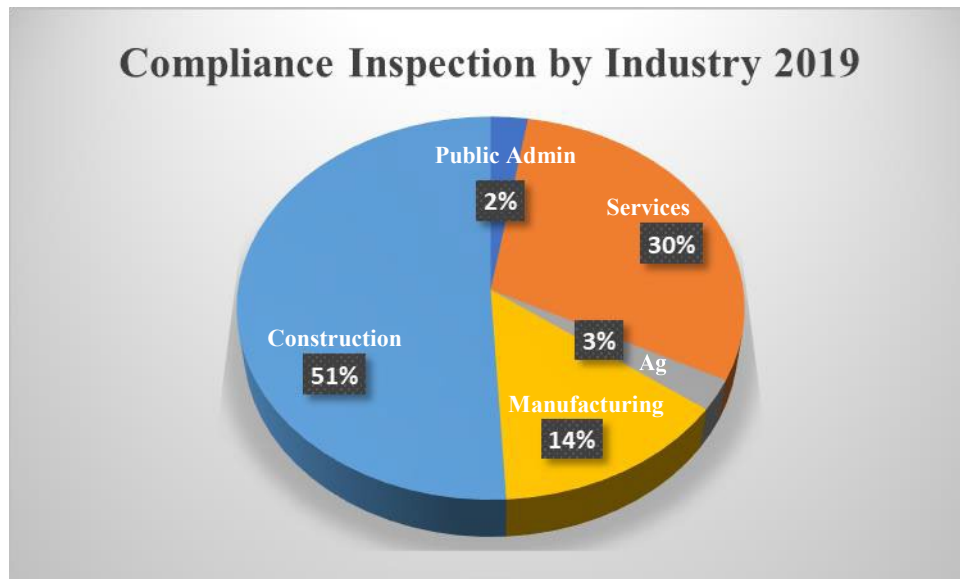
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ADOSH conducted 524 inspections during FFY 2019, a 14 percent decrease (87 inspections) from 612 inspections conducted in FFY 2018. ADOSH did not exceed its FFY 2019 inspection goal of 1,295 inspections. This decrease represents staffing and a frontline supervisor positions vacated in FFY 2019. At this time ADOSH is 771 inspections below the 5-Year Strategic Plan goal. ADOSH conducted 15 fatality accident inspections (*Source: OIS -Arizona Fatal and Catastrophes log report*), a 7 percent increase from the 14 fatality/accident inspections conducted in FFY 2018.



During FFY 2019, ADOSH conducted inspections in five industries. They were construction, agriculture, services, public entities, and manufacturing. Most of the inspections were completed in the Construction and Services industries. Together the two accounted for 82% of the inspections and the most citations out of the five industries. Last year 51% of the total compliance inspections were directed towards construction, but this year's results still made the industry the most visited.



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Whistleblower Investigations

ADOSH has jurisdiction to investigate circumstances in which an employee believes he or she has suffered adverse action due to engaging in activity protected by §23-425 Employee discharge or discrimination statute (usually filing a complaint regarding workplace safety with ADOSH or with the employer).

There were 283 intakes taken by ADOSH Discrimination Investigators and approximately 180 were assigned for investigation. During FFY 2019, 85 cases were investigated, and two had merit.

	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Yearly Totals
Discrimination Complaints Received	73	82	79	49	283

Note: Data from ADOSH Discrimination Tracking Log

Voluntary Protection Program & Construction Voluntary Protection Program

The ADOSH Voluntary Protection Program (VPP) works with private and public employers to promote safety and health management systems in the workplace. ADOSH believes those employers who deploy advanced safety and health management systems continuously improve their programs and proactively look for hazards that reduce the likelihood of injury to an employee. In FFY 2019 ADOSH added three more VPP Star sites for a total of 49. With the addition of the four employers, there are now more than 37,000 employees who work in a place that continuously evolves and adds best practices for safety where necessary.

Prudential Overall Supply – Mesa Clean Room was added in the first quarter of the year. The company worked aggressively with the Phoenix plant who was a VPP Star site already. Together they developed an impressive Safety and Health Committee named the Pumas. The Pumas continuously visited the workplace for safety and health issues as well as develop monthly bilingual (Spanish) training for all employees. The company is an active member of the Voluntary Protection Program Participants Association (VPPPA).

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

Shutterfly has been working towards VPP for more than four years. The company is an active member of the VPPPA organization and many of their internal staff attended the Region IX or National Conferences to learn more about the process for achieving VPP. The company maintained a core group of staff that worked with other VPP Star sites in Arizona. Companies like Johns Manville and Honeywell all worked with the company to improve their overall culture.

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Cintas – Fire Protection is no stranger to VPP as they are the fastest growing VPP company in the nation. Through knowledge sharing and best practices learned from other Cintas businesses, the company started on their journey two years ago. A routine attendee at the Region IX and National VPPPA conference, the employees at Cintas Fire Protection understood the value of implementing a safety culture at the highest level.

For more than 10 years now, ADOSH has been participating in the Voluntary Protection Program Participants Association (VPPPA) Region IX conferences. The conferences allow for ADOSH to interact with current and future VPP Star sites and determine what is needed to improve our service. The Board in Region IX has always been highly supportive of ADOSH and the efforts to promote the VPP program. Together the VPPPA Region IX conference and ADOSH have produced 35 Special Government Employees (SGEs). These SGEs offer an opportunity for them to learn from ADOSH and help evaluate a site for safety and health management systems.

ADOSH Program Overview

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

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

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

ADOSH Strategic Goals

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

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

Performance Goals

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

Strategic Tools

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

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

Using the 5-year Strategic Plan

In responding to the many challenges faced by the Arizona Division of Occupational Safety & Health, new approaches to workplace safety and health must be discovered. ADOSH has developed a new OSHA approved 5-Year Strategic Plan that began for FFY 2016 helping guide and focus limited

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resources to protect and promote worker health and safety in Arizona. The Division is using a balanced combination of enforcement and cooperative outreach approaches to accomplish its mission and work toward meeting the goals in the strategic plan. ADOSH reviews its plan periodically and makes modifications in goals and strategies as needed.

II. Summary of Performance Plan 5-Year Strategic Goals

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

Strategic Goal 1

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

Goal 1.1 Workplace Safety & Health Hazards 2019 Performance Goal: •Reduce the injury and illness rate by approximately 1% from the present average of 4.3 to 4.1 in the construction industry.

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

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

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

NAICS 23 Construction Inspections					
	2016	2017	2018	2019	2020
Goal	580	580	580	720	580
Actual	486	527	214	267	

NAICS 23 Construction Violations					
	2016	2017	2018	2019	2020
Goal	795	795	795	795	795
Actual	900	720	239	215	

FFY 2019 Performance Goal 1.1 Results

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NAICS 23 Construction Injury Incident Rates*					
	2016	2017	2018	2019	2020
Goal	4.3	4.2	4.2	4.1	4.1
Actual	3.9	3.2	3.3	3.0	
<i>*2015 BLS Construction injury rates</i>					

NAICS 23 Construction DART Rates					
	2016	2017	2018	2019	2020
Goal	2.9	2.8	2.8	2.8	2.8
Actual	2.3	1.8	1.8	1.2	

In addition to our Compliance efforts, ADOSH maintains active Partnerships Programs under our Cooperative Programs. These programs are managed by an Assistant Director and routinely reviewed for involvement with our program requirements. There are several Partnership Programs developed by ADOSH to help support safer construction jobsites.

The American Subcontractors Association Membership Partnership Program (A.A.M.P.P.), was created for subcontractors working on commercial and residential projects. This program is designed to recognize and promote safety best practices amongst the trades and increase their safety culture for VPP or the Safety and Health Achievement Recognition Program (SHARP). At this time there are 14 A.A.M.P.P. members.

A second partnership was created with the Home Builders of Central Arizona (HBACA). This program started with 19 Home Builders, but now there are 23. The HBACA Partnership allows ADOSH to work with Home Builders and their trade contractors in the field to identify hazards and provide ways to improve the workplace safety. ADOSH will offer on-site consultation visits as well as Compliance Assistance where needed.

The third partnership program offered is the Construction Partnership. This partnership focus on strategies similar to the A.A.M.P.P. and the HBACA partnerships. Goals are developed and tracked through completion with an assigned Consultant or Compliance Assistance Specialists. In FFY 2019 ADOSH maintained four of these partnerships. Each employer had an opportunity to improve upon their current safety and health management system or influence trade contractors on their sites to be safer through best practices used in the construction industry.

In FFY 2017, ADOSH developed an Alliance with Roofing subcontractors in an effort to communicate about hazards in the field. In the first year the group started out at 15 active members and today we have 29 all together. All meetings have taken place in Phoenix and the group has worked on fall protection issues as well as the new Silica standard.

Conclusion: ADOSH completed more construction inspection in FFY 2019 than in 2018. Although the goal of 720 was not reached. There remains a few reasons for our reduced number of inspections. Seven experienced CSHOs vacated their position for the private industry. Prior to their departure, these seven were on task to complete 225 inspections in the construction industry,

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and ADOSH would have accomplished 460. These additional inspections would have increased our violations per inspection as well.

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

Regardless of the amount of inspection and the number of violations issues, the Construction industry Injury Illness Rate is below our projected goal. This is the same for the Days Away Restricted Time which is below the target amount we agreed to reduce the injuries on Construction sites. Using our consultants and compliance assistance specialist to actively visit with employers and encourage them to join a partnership may be a good reason why the data is below the target amounts. A combination of compliance and cooperative programs helps to sustain lower rates. This goal was partially met.

Goal 1.2, Fatalities 2019 Performance Goal: Reduce the fatality rate by approximately 1% through scheduled inspections and visits at workplaces in targeted industries of construction, public sector and agriculture.

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

Strategy: ADOSH will conduct the following activities during FFY 2019:

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

FFY 2019 Performance Goal 1.2 Results:

NAICS 23 Construction Inspections					
	2016	2017	2018	2019	2020
Goal	580	580	580	720	580
Actual	486	527	214	267	

NAICS 92 Public Sector Inspections					
	2016	2017	2018	2019	2020
Goal	50	50	50	50	50
Actual	175	111	40	56	

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NAICS 11 Agriculture Inspections					
	2016	2017	2018	2019	2020
Goal	75	75	75	50	50
Actual	44	56	49	18	

Targeted Industry Fatality Rates (2019 BLS Fatality Rate, Arizona)

	2016	2017	2018	2019	2020
Construction	5.3	5.3	5.2	5.2	5.1
Actual	6.3	7.4	7.4	15.0	

	2016	2017	2018	2019	2020
Public Administration	6.1	6.1	6.0	6.0	5.9
92 Actual	0.0	4.2	0.0	8.0	

	2016	2017	2018	2019	2020
Agriculture, Forestry, Fishing	13.3	13.1	13.0	12.9	12.7
Actual	0.0	0.0	0.0	10.0	

The goal for construction was not met as the industry had more fatalities than in the past three years. This new total places our overall rate at 9 fatalities per 100,000 workers above the CY 2014 fatality rate of 8.6. Public Administration was also no met as the industry had a higher than average fatality rate. As in Construction, Public Administration is well below the CY 2014 rate. The Agriculture rate was reported and it was below the target rate of 12.9 for FFY 2019.

Conclusion: ADOSH will continue to focus on Construction and Agriculture through Compliance, Compliance Assistance, and Consultation. The goal was partially met by achieving the goal for Public Administration through Compliance Assistance and Consultation Public visits.

Goal 1.3 Rate Strategic Partnership Programs 2019 Performance Goal: Through ADOSH Rate Reduction Awareness Program (RRAP) and Public Entity Partnership Program (PEPP) programs, work with 2 new private employers and 1 new public employers respectively; assisting those employers in reducing their Total Case Incident Rates (TCIR) by at least 15%.

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

Strategy: ADOSH will conduct the following activities during 2019:

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

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

		2016	2017	2018	2019	2020
RRAP	Projected	2	2	2	2	2
	Actual	2	2	2	2	

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

FFY 2019 Performance Goal Results - Rate Reduction Awareness Program (RRAP).

		2016	2017	2018	2019	2020
RRAP DART Rate	Projected	15%	15%	15%	15%	15%
	Actual	0%	31%	19%	12%	

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

Conclusion: Two more employers were added to the RRAP program. This goal was met. Each of them collaborated with the Assistant Director over Cooperative Programs and the Compliance Assistance Supervisor.

FFY 2019 Performance Goal Results – Public Entity Partnership Program (PEPP).

		2016	2017	2018	2019	2020
PEPP DART Rate	Projected	15%	15%	15%	15%	15%
	Actual	0%	18%	22%	16%	

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

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Conclusion: The RRAP and PEPP signed formal partnerships with four employers. This goal was met.

Goal 1.4 Cooperative Agreements 2019 Performance Goal: Through ADOSH’s recognition and exemplary programs, recognize two new workplaces each in the Voluntary Protection Program (VPP).

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

Strategy: ADOSH will conduct the following activities during FFY 2019.

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

FFY 2019 Performance Goal Results for VPP and C-VPP participation.

New Companies	2016	2017	2018	2019	2020
Projected	2	2	2	2	2
Actual	3	3	3	4	

Existing Companies	2016	2017	2018	2019	2020
Projected	37	26	28	30	32
Actual	40	43	47	50	

The ADOSH Voluntary Protection Program (VPP) continues to assist ADOSH and employers in the State of Arizona with progressive safety and health management system implementation. Management and employee involvement remains high at all sites visited during re-certification audits. During FFY 2019, ADOSH conducted 13 re-certifications.



VPP Star celebration for Salt River Project Agua Fria Plant

ADOSH and the current VPP Star sites worked collaboratively on a variety of safety and health initiatives. An example is our various speaking engagements. During our Prescott Safety Summit, Raytheon Missile Systems sent three dynamic Environmental Health and Safety (EHS)

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professionals to address our audience as the keynote session. They three provided our attendees with valuable information on safety messaging and how to involve employees with basic safety efforts. Another example is when ADOSH is asked to speak during these VPP Star sites all-hands meeting. These meetings are not just for the site's employees as there are many contractors that do business with the employer. They too are provided with important information on how to establish a culture of safety.

In FFY 2019, ADOSH added four new sites to the VPP Star program. All site visits maintained a safety and health management system required by the Arizona VPP manual as well as any sub-elements. The following were added to our current VPP total.

Prudential Overall Supply – Mesa Clean Room was added in the first quarter of the year. The company worked aggressively with the Phoenix plant who was a VPP Star site already. Together they developed an impressive Safety and Health Committee named the Pumas. The Pumas continuously visited the workplace for safety and health issues as well as develop monthly bilingual (Spanish) training for all employees. The company is an active member of the Voluntary Protection Program Participants Association (VPPPA).

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Kitchell Contractors Inc., of Arizona and McCarthy Building Companies jobsites worked with their trade partners to create a safer work environment through best practices. Kitchell added a new construction site and McCarthy added a new site in downtown Tempe, Arizona. The two employees develop policies and procedures centered around employee safety. They also encourage large subcontractors on their jobsites to pursue VPP.

Special Government Employees (SGEs) have been involved with 80% of all ADOSH VPP Teams. The SGEs represent current VPP Star sites and have a background in the VPP program as well as knowledge of the OSHA standards. A few SGEs used this year were specialized in other areas that dealt with Environmental issues. Regardless the program allows ADOSH to lean out dedicated Consultation or Compliance Assistance and focus them on other priority work duties.



VPP Star celebration ceremony for Shutterfly

Conclusion: Adding four new sites to the VPP program, ADOSH exceeded the goal of adding two new VPP Star sites a year. Much of the growth in the VPP comes from a combination of marketing, mentoring, outreach training, and active involvement with associations to educate employers on the benefits of the program. At this time there are more than 10 employees actively pursuing the program and only need to finalize their applications for consideration. This program continues to grow in our state.

Strategic Goal 2

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

Goal 2.1 Response to fatalities and catastrophes 2019 Performance Goal: Initiate 95% percent of fatalities and catastrophes inspections within one working day of notification.

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

Strategy: ADOSH will conduct the following activities during 2019.

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

FFY 2019 Performance Goal Results: For FFY 2019 ADOSH performed 95% of fatalities and catastrophe inspections were begun within 1 working day.

		2016	2017	2018	2019	2020
95% of fatalities and catastrophe inspection begun within 1 working day	Projected	95%	95%	95%	95%	95%
	Actual	90%	100%	100%	87%	

Conclusion: A total of 15 fatalities were reported to ADOSH and two were not investigated within a day of notification by the employer. A reason for our delay in inspection was due to our office receiving notification that the victim had a history of pre-existing medical conditions that likely caused the

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fatality. Nevertheless, ADOSH inspected the workplace fatality, but not within a day. This goal was not met.

Goal 2.2 Response to referrals alleging serious hazards 2019 Performance Goal: Average number of days to initiate inspections is conducted within seven working days and average number of days to initiate investigation is conducted within three days of notification.

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

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

FFY 2019 Performance Goal Results for initiating inspections within seven working days and investigations within three working days.

		2016	2017	2018	2019	2020
Avg # days to initiate complaint inspection	Projected	7	7	7	7	7
	Actual	4.91	3.98	6.08	5.80	

		2016	2017	2018	2019	2020
Avg # days to initiate complaint investigations	Projected	3	3	3	3	3
	Actual	2.27	3.91	1.31	0.44	

Conclusion: For FFY 2019, the average response time to initiate complaint inspections was 5.80 days, a 15% increase from 4.91 days in CY 2016. Regardless of the increase, the days to initiate a complaint inspection was within our overall goal. The average time to initiate complaint inquiries (phone/fax) was 0.44 days, which was significantly lower than the 3-day goal by 85%. The reason for the continued improvement in the two categories was based on supervisors who were in their position for more than two years. Routine supervisor meetings and weekly Arizona Management System Tier Board meetings have helped to illuminate the need to have the categories at or below the goal limit. ADOSH met this goal.

Goal 2.3 Webinar training 2019 Performance Goal: In addition to other training classes and outreach services, deliver 5 per year webinars or other online or broadcast training events focused on small employers.

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

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

FFY 2019 Performance Goal Results providing Webinar training.

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		2016	2017	2018	2019	2020
Webinars	Projected	5	5	5	5	5
	Actual	29	23	17	20	

		2016	2017	2018	2019	2020
Number of attendees in Webinar classes	Projected Train	50	50	50	50	50
	Actual Trained	374	509	488	291	

		2016	2017	2018	2019	2020
70% of attendees demonstrate increased knowledge	Projected Train	70%	70%	70%	70%	70%
	Actual Trained	37%	89%	94%	90%	

Conclusion: ADOSH continues to offer various webinar training for our external and internal customers. This year we completed 15 more webinars than the goal amount. The number of attendees in each webinar class we well over 200 and the class average for increased knowledge was 90%. Overall topics included but was not limited to; fall protection awareness, OSHA Recordkeeping, OSHA Training Requirements, and Silica. ADOSH met this goal.

Goal 2.4 Staff Development 2019 Performance Goal: Eighty percent of safety and health staff will receive professional development annually through a variety of methods.

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

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

FFY 2019 Performance Goal Results for staff professional development.

		2016	2017	2018	2019	2020
% of compliance staff receiving professional development	Projected	80%	80%	80%	80%	80%
	Actual	90%	92%	95%	100%	

Conclusion: ADOSH continuously provides professional development to all employees. During FFY 2019, employees attended a combination of local OSHA Training Institute Education Centers training, third-party safety and health training, and Federal OSHA Training Institute in Arlington Heights, IL. This year, the Industrial Commission of Arizona, placed more responsibility of each Division Manager to have employees obtain training during scheduled events. This was not only an ADOSH goal but also an Agency goal.

ADOSH staff participated in a variety of professional development during FFY 2019. The classes attended consisted of local OSHA Training Institute Education Centers training, third-party safety or health consultant training, or by visiting the Federal OSHA Training Institute in Arlington Heights, IL. ADOSH is committed to staff professional development and will work with supervisors to identify needs by each employee and work to find a class that will offer what is needed. ADOSH met this goal. ADOSH met this goal with all staff receiving professional development training.

III. Progress toward Strategic Plan Accomplishments

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

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

IV. Mandated Activities

The following provides objective data detailing ADOSH safety and health compliance results for the FFY 2019. The Division is organized with three safety compliance sections – two operating in Phoenix and one in Tucson. The Division also has two health compliance sections in Phoenix and Tucson, respectively.

ALL SAFETY & HEALTH COMPLIANCE SECTIONS

All Compliance		Quarter I	Quarter II	Quarter III	Quarter IV	Total
Total Inspections	Health	30	37	45	27	139
	Safety	67	117	117	84	385
	Total	97	154	162	111	524

Unprogrammed Inspections

All Compliance		Quarter I	Quarter II	Quarter III	Quarter IV	Total
Accident	Health	0	0	0	0	0
	Safety	0	1	0	0	1
	Total	0	1	0	0	1
Complaint	Health	24	18	21	13	76
	Safety	29	32	40	27	128
	Total	53	50	61	40	204

Appendix E – FY 2019 State OSHA Annual Report (SOAR)

FY 2019 Arizona Division of Occupational Safety and Health Follow-up FAME Report

Fatality/Catastrophe	Health	0	0	2	2	4
	Safety	5	4	2	9	20
	Total	5	4	4	11	24
Referral	Health	3	2	8	1	14
	Safety	10	20	20	12	62
	Total	13	22	28	13	76
Referral-Employer Reported	Health		1		2	3
	Safety	4	2	3	2	11
	Total	4	3	3	4	14
Unprogrammed Other	Health	0	0	1	0	1
	Safety	1	1	1	0	3
	Total	1	1	2	0	4
Unprogrammed Related	Health	1	4	5	6	16
	Safety	17	14	39	27	97
	Total	18	18	43	31	110
All Unprg Insp	Health	28	26	37	24	115
	Safety	66	73	104	75	318
	Total	94	99	141	99	433

All Compliance		Quarter I	Quarter II	Quarter III	Quarter IV	Total
Programmed Related	Health	0	0	0	0	0
	Safety	0	0	1	2	3
	Total	0	0	1	2	3
Program Planned	Health	2	11	8	2	23
	Safety	1	44	12	8	65
	Total	3	55	20	10	88
All Prg Insp	Health	2	11	8	2	23
	Safety	1	44	12	8	65
	Total	3	55	20	10	88

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Inspection by Ownership

All Compliance		Quarter I	Quarter II	Quarter III	Quarter IV	Total
Local Government	Health	0	1	2	0	3
	Safety	1	1	2	0	4
	Total	1	2	4	0	7
Private Sector	Health	30	36	43	27	136
	Safety	65	115	115	84	379
	Total	95	151	158	111	515
State Government	Health	0	0	0	0	0
	Safety	1	1	0	0	2
	Total	1	1	0	0	2
All Insp by Ownership	Health	30	37	45	27	139
	Safety	67	117	117	84	385
	Total	97	154	162	111	524
Programmed Public	Health	0	2	0	0	0
	Safety	0	0	0	0	0
	Total	0	2	0	0	2
Programmed Private	Health	2	11	8	3	24
	Safety	1	43	13	9	66
	Total	3	54	21	12	90

Construction/Manufacturing/Other Inspections (NAICS Inspected)

All Compliance		Quarter I	Quarter II	Quarter III	Quarter IV	Total
Construction Inspections	Health	2	10	13	7	32
	Safety	31	71	79	54	235
	Total	33	81	92	61	267
Construction Programmed Inspections	Health	0	5	2	0	7
	Safety	0	31	7	3	41
	Total	0	36	9	3	48

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Construction Unprogrammed Inspections	Health	0	2	3	4	9
	Safety	11	7	35	21	74
	Total	11	9	38	25	83
Manufacturing Inspections	Health	6	11	5	5	27
	Safety	10	13	18	7	48
	Total	16	24	23	12	75
Manufacturing Programmed Inspections	Health	1	2	1	2	6
	Safety	1	4	1	1	7
	Total	2	6	2	3	13
Manufacturing Unprogrammed Inspections	Health	5	9	4	3	21
	Safety	9	9	17	6	41
	Total	14	18	21	9	62

Other NAICS Inspections	Health	22	16	27	15	80
	Safety	26	33	20	23	102
	Total	48	49	47	38	182
Other NAICS Programmed Inspections	Health	1	3	5	1	10
	Safety		6	4	2	12
	Total	1	9	9	3	22
Other NAICS Unprogrammed Inspections	Health	21	13	22	14	70
	Safety	26	27	16	21	90
	Total	47	40	38	35	160

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

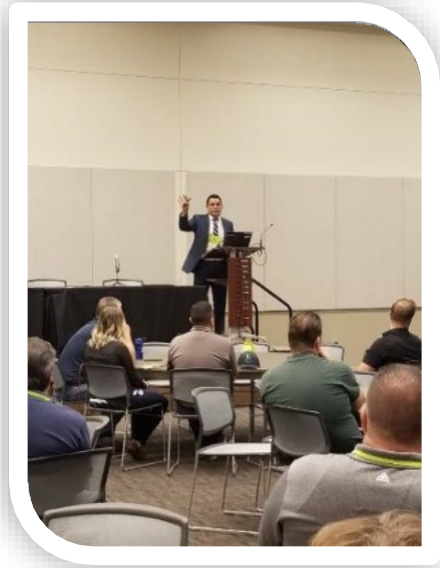
Outreach Training: ADOSH maintains two trainers for outreach training. The two work together to offer classes in their respective offices and around the state. This year ADOSH focused on increasing our Spanish class presentations and attendees. The Tucson Trainer visited Yuma, Phoenix, Glendale, Surprise, Nogales, Sommerton, and Douglas to promote classes through out PEPP program. As a result of those efforts we accomplished more than 100 classes with over 2,700 class attendees.

Annually, ADOSH promoted and accomplished two Safety Summits. These summits were designed to educate all types of industry employees. Together with third-party trainers, our first Safety Summit was held on the main campus of Pima Community College in Tucson, Arizona. Over 200 attendees

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participated in the event and learned better ways of applying safety practices in the workplace. The second Summit was accomplished in Prescott, Arizona. Attendees were treated to an opening session with Raytheon Missile Systems EHS professionals who explained their process for involving employees in safety. As always, ADOSH provided several OSHA 10- hour classes for the construction and general industry businesses in the areas.



Overall Training Statistics	First Quarter	Second Quarter	Third Quarter	Fourth Quarter	Yearly Totals
Training Courses/Speeches Presented	77	78	82	92	329
Employer Participants Trained	415	518	661	617	2211
Employee Participants Trained	1105	1221	1623	1419	5365
Hours of Training Conducted	225	243	229	189	886
Average Management Per Class	5.1	7.1	9.9	7.8	7.5
Average Employees Per Class	19.1	27.6	26.4	29.5	25.7
Average Class Length (hours)	3	3	3	3	3

STANDARDS/PLAN CHANGES

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

First Quarter:

- NA

Second Quarter:

- NA

Third Quarter:

- N/A

Fourth Quarter:

- N/A