

**FY 2020**  
**Follow-up Federal Annual Monitoring Evaluation (FAME) Report**

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



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## **I. Executive Summary**

The purpose of this report is to assess the Arizona Division of Occupational Safety and Health's (ADOSH) progress toward resolving the previous FY 2019 Comprehensive Federal Annual Monitoring Evaluation (FAME) findings, and achievement of its annual performance plan and five-year strategic goals based on the criteria used to measure performance as mandated by the Occupational Safety and Health Administration (OSHA). ADOSH is responsible for the enforcement of regulations protecting workers from health and safety hazards in Arizona's workplaces.

The effects of COVID-19 were widespread and impacted ADOSH's ability to perform its mission. Despite the pandemic, ADOSH's performance on meeting program goals for total inspection numbers and construction violations was similar to the last two years. The in-compliance rate and lapse time for the issuance of citations remained outside of the further review level (FRL). ADOSH did not provide documentation to OSHA to clarify adoption or intent for future adoption of standards and federal program changes. Finally, the State Plan continued to struggle with the management of OSHA 23(g) grant funds.

ADOSH made progress to address the previous ten findings and three observations from the FY 2019 Comprehensive FAME Report. One finding from FY 2019 was completed. The FY 2020 FAME lists nine open findings, three with completed corrective action items that are awaiting verification, and three continued observations.

## **II. State Plan Background**

The State of Arizona operates an occupational safety and health program administered by ADOSH under the Industrial Commission of Arizona (ICA). James Ashley served as the Director of the ICA and as the State Plan Designee. Jessie Atencio served as the Director for the ADOSH program and Assistant Director Phil Murphy managed the enforcement program.

ADOSH's organizational units include Administration, Safety and Health Compliance, Consultation, Boiler Safety, Elevator Safety, Research and Statistics. Boiler Safety, Elevator Safety, and the Research and Statistics units were not funded under Section 23(g) of the Occupational Safety and Health Act. There were two offices, one in Phoenix and another in Tucson.

The 23(g) grant provided funding for a Full-Time Equivalent (FTE) staff comprised of two managers, six (5.95 FTE) first line supervisors, 11 safety compliance officers, six health compliance officers, three Compliance Assistant Specialists, two whistleblower investigators, five (4.6 FTE) clerical staff, and two trainers. Six consultants provided consultation for state and local government employers; 15% of their time was charged to the 23(g) grant and the remainder of their time was charged to a 21(d) Cooperative Agreement that covers private sector consultation activities.

ADOSH covers nearly all private employers and state and local government workplaces with the exception of federal workers, mining, smelters, batch plants, and areas of exclusive federal

jurisdiction such as tribal lands. The Commissioners of the ICA, who may modify proposed citations and penalties prior to citation issuance, review all inspections with proposed penalties in excess of \$2,500.

In FY 2020, the initial federal base award to fund the 23(g) program was \$2,286,400. The state matched these federal funds, bringing the total award to \$4,572,800. Arizona later de-obligated \$200,000 in federal and \$200,000 in state matched funds, bringing the final award down to \$4,172,800. At the end of the FY 2020 grant cycle, the total federal and state expenditures were \$4,124,508.50. The state lapsed \$24,939.20 in federal funds and did not spend \$23,352.30 in state required match funds.

### **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, most recently on January 8, 2021, according to the Consumer Price Index (CPI). State Plans are required to adopt both the initial increase and subsequent annual increases within the corresponding six-month timeframe set by regulation. December 2020 marked four years since the first deadline passed for adoption and the Arizona State Plan has not yet completed the legislative changes to increase maximum penalties.

Over the past six years, the program has been returning grant amounts ranging from \$199,000 - \$450,000. In June 2020, \$200,000 was de-obligated and by the end of the fiscal year, an additional \$24,939.20 was left unobligated and returned to the Federal Treasury. This lapse in funding prevented OSHA from redistributing the funds to other states. Consequently, in FY 2021, ADOSH funding was permanently reduced by \$25,000, leaving an additional \$160,000 held in reserve that may be reclaimed if OSHA receives proper justification for the use of the funds.

ADOSH initiated the process to shift program data management to a platform outside of the OSHA Information System (OIS). The State Plan projected the first phase of implementation was to begin in FY 2021 and must ensure that its platform properly interfaces with OIS to transfer all required data.

During the 2019 FAME, CASPA 2019-AZ-37 was investigated by OSHA and closed on February 7, 2020. As a result of the investigation, the complainant appealed the results of the CASPA to OSHA, and the appeal was accepted. OSHA investigated the concerns raised in the appeal, and closed the appeal without findings or recommendations on June 12, 2020.

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

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

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

- State Activity Mandated Measures Report (SAMM, Appendix D, dated 12/04/2020)
- State Information Report (SIR, dated 11/09/2020)
- Mandated Activities Report for Consultation (MARC, dated 11/19/2020)
- Web Integrated Management Information System (WebIMIS)
- State OSHA Annual Report (SOAR, Appendix E)
- ADOSH Annual Performance Plan
- State Plan Grant Application
- Quarterly monitoring meetings between OSHA and the State Plan

## **B. Findings and Observations**

The State Plan made some progress in addressing ten findings and three observations from the FY 2019 Comprehensive FAME Report, with one finding completed and three findings with completed corrective actions that are awaiting verification. This follow-up FAME report contains information about one completed finding, nine open findings (including three with corrective actions, pending verification), and three continued 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 each FY 2019 recommendation in detail.

Some findings and observations are tied to SAMM measures. 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. Appendix D presents ADOSH's FY 2020 SAMM Report and includes the FRLs for each measure.

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

#### Completed Finding

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

**Status:** Appendix D showed that in FY 2020, the average number of SWRU violations was 1.47. This was within the FRL of 1.43 to 2.15 violations per inspection. This item was completed.

#### Continued Findings

**Finding FY 2020-01 (FY 2019-01):** In FY 2019, 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.

**Status:** On August 31, 2020, ADOSH stated in the FY 2019 FAME corrective action plan that ADOSH administration staff were assigned to ensure initial and final letters were within each fatality file for the victim's next of kin. ADOSH management met with the Tucson and Phoenix analysts to accomplish this review. The State Plan's corrective action is considered completed,

awaiting verification. A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME and remains open.

**Finding FY 2020-02 (FY 2019-02):** A total of 540 inspections (41%) of the goal of 1,295 inspections were conducted (SAMM 7).

**Status:** In FY 2020, ADOSH conducted 540 inspections, which was 41% of its 1,295 goal. While higher than in FY 2019, when ADOSH conducted 525 (40%) of its inspection goal, it was still lower than the agreed goal. COVID-19 did affect the State Plan's ability to perform inspections; however, this year's performance was consistent with recent past performance where the State Plan performed well below its goal. This finding remains open.

**Finding FY 2020-03 (FY 2019-03):** ADOSH issued 320 construction violations out of its annual performance plan goal of 800.

**Status:** In FY 2019, ADOSH issued 216 construction violations out of its annual performance plan goal of 800 (27%). In FY 2020, the OIS Scan Summary report from 1/22/2021 showed that there were 200 SWRU violations and 120 other-than-serious (non-serious) violations for a total of 320 violations out of the goal of 800 (40%). ADOSH issued more construction violations in FY 2020 than in FY 2019, despite challenges caused by the COVID-19 pandemic; however, they were still more than 50% below the goal. This finding remains open.

**Finding FY 2020-04 (FY 2019-05):** ADOSH's safety in compliance rate was 42.41%, which was above the FRL range of 24.82% to 37.24% (SAMM 9).

**Status:** The FRL for percent in-compliance for safety inspections was +/- 20% of the three-year national average of 31.03%, which equals a range of 24.82% to 37.24%. In FY 2020, the State Plan's percent in-compliance for safety was 42.41%, which was 14% above the FRL range. Despite challenges caused by the COVID-19 pandemic, ADOSH performance improved compared to FY 2019, when the safety in compliance rate was at 49.28%. However, as this metric was still above the upper end of the FRL range, this finding remains open.

**Finding FY 2020-05 (FY 2019-06):** The average lapse time of 87.67 days for safety inspections was above the FRL range of 40.46 to 60.70 days and the average lapse time for health inspections of 89.06 days was above the FRL range of 48.31 to 72.47 days. (SAMM 11).

**Status:** In FY 2020, the safety lapse time was 87.67 days, which was 26.97 days higher than the upper end of the FRL range of 40.46 to 60.70 days. Health lapse time was 89.06 days, which was 16.59 days higher than the upper end of FRL range of 48.31 to 72.47 days. This was a slight improvement from FY 2019, when the average lapse time of 97.62 days for safety inspections was 40.49 days above the upper end of the FRL range of 38.08 to 57.13 days. In 2019, the average lapse time for health inspections of 87.15 days was 18.47 days above the upper end of FRL range of 45.78 to 68.68 days. However, as this metric was still above the upper end of the FRL range, this finding remains open.

**Finding FY 2020-06 (FY 2019-07):** The Probability Factors Worksheet does not follow the Arizona Field Operations Manual (AZ FOM).

**Status:** On August 31, 2020, ADOSH stated in its portion of the FY 2019 FAME corrective action plan that the probability factors in the AZ FOM were updated. However, ADOSH did not submit a plan change supplement to OSHA, as required by the State Plan Policies and Procedures Manual. The State Plan's corrective action is considered completed, awaiting verification. A case file review is required to determine whether all probability factors were used to make severity determinations. This finding will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME and remains open.

**Finding FY 2020-07 (FY 2019-08):** OSHA Standards were not adopted by the adoption due date.

**Status:** On August 31, 2020, ADOSH stated in the FY 2019 FAME corrective action plan that it would continue to work with Industrial Commission of Arizona legal staff to submit paperwork for rulemaking sooner than the adoption due date, update the ADOSH website to inform staff and the general public, and send a formal transmittal to OSHA when standards have been adopted. However, ADOSH did not provide plan change supplements, updated web links, or State Plan Application (SPA) updates to close out or respond to any pending standard adoptions during FY 2020. In FY 2020, nine standards required adoption and four standards required a notice of intent, for a total of thirteen standards that required action. This finding remains open and OSHA will continue to track and discuss during quarterly meetings.

**Finding FY 2020-08 (FY 2019-09):** Requirements for adopting federal program changes (FPCs) were not completed within six months of the effective date of the directive or official issuance date of the Federal Register Notice.

**Status:** On August 31, 2020, ADOSH stated in the FY 2019 FAME corrective action plan that it would work to review and adopt FPCs within six months, update the ADOSH website to inform staff and the general public, and that a formal transmittal would be sent to OSHA when FPCs have been adopted. OSHA discussed the list of outstanding items during each quarterly meeting and reached out via email several times during the year to request updates. However, ADOSH did not provide a formal transmittal, updated web links, or SPA updates to close out any pending FPCs during FY 2020. ADOSH must adopt and/or provide a plan change supplement (transmittal) for 14 FPCs to become current. This finding remains open.

**Finding FY 2020-09 (FY 2019-10):** In FY 2019, in 75% (3 of 4) of cases voluntary withdrawn by the complainant, there was not documentation that the complainant was advised of the consequences.

**Status:** On August 31, 2020, ADOSH stated in the FY 2019 FAME corrective action plan that the Director and Assistant Director visited with the Whistleblower Supervisor to ensure "standard work" was developed to address case file documentation. "Standard work" represents ADOSH internal policies and procedures. The State Plan's corrective action is considered completed, awaiting verification. A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME and remains open.

## OBSERVATIONS

### Continued Observations

**Observation FY 2020-OB-01 (FY 2019-OB-01):** In FY 2019, in 65% (13 of 20) of the violations, abatement was marked as “Corrected During Inspection;” however, the compliance officers did not observe the abatement during the on-site inspection.

**Status:** A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year’s on-site case file review during the FY 2021 comprehensive FAME. This observation will be continued.

**Observation FY 2020-OB-02 (FY 2019-OB-02):** ADOSH conducted 2.96% (16 of 540) of inspections in state and local government agencies, which was below the FRL range of 5.50% to 6.08% (SAMM 6).

**Status:** The negotiated goal in the FY 2020 grant was 75 inspections at state and local government (SLG) workplaces, with 50 projected for safety and 25 for health inspections. Sixteen inspections were completed, which was below ADOSH’s goal and 2.54% below the FRL range of 5.50% to 6.08%. However, this was a slight improvement from FY 2019, when ADOSH conducted 1.71% (9 of 524) of inspections at state and local government workplaces. Many state and government workplaces began working from home due to COVID-19, which made conducting SLG sector inspections challenging. This observation will be continued.

**Observation FY2020-OB-03 (FY 2019-OB-03):** In FY 2019, in 100% (2 of 2) of settlement cases procedural guidance was not followed to ensure complainant’s rights were not infringed upon.

**Status:** A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year’s on-site case file review during the FY 2021 comprehensive FAME. This observation will be continued.

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

Each SAMM has an agreed upon FRL, which can be either a single number, or a range of numbers above and below the national average. State Plan SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan’s FY 2020 SAMM Report and includes the FRLs for each measure. The State Plan was outside the FRL on the following SAMMs:

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

Discussion of State Plan data and FRL: The FRL for average current serious penalty (SAMM 8 for 1-250+ workers) was +/- 25% of \$2,964.86, which was based on a three-year national average, with \$2,223.65 on the low end of the range of the goal and \$3,706.08 on the high end of the range. Employers with 1-250+ workers in Arizona were penalized an average fine of \$1,376.35, which



was below the FRL range. ADOSH was below the lower end of the FRL range for all employer sizes. Table 1 shows the average current penalty per serious violation based on the number of workers controlled by an establishment and summarizes the State Plan’s average penalties compared to the three-year national average and the FRL.

**Table 1**

<b>Number of Workers</b>	<b>ADOSH FY 2020</b>	<b>Three-Year National Average</b>	<b>FRL</b>
<b>1-250+</b>	\$1,376.35	\$2,964.86	\$2,223.65 to \$3,706.08
<b>1-25</b>	\$1,129.00	\$1,967.64	\$1,475.73 to \$2,459.55
<b>26-100</b>	\$1,024.25	\$3,513.45	\$2,635.09 to \$4,391.81
<b>101-250</b>	\$1,196.56	\$5,027.02	\$3,770.27 to \$6,283.78
<b>250+</b>	\$3,816.99	\$6,190.91	\$4,643.18 to \$7,738.64

Explanation: ADOSH has not adopted maximum penalty increases commensurate to federal OSHA’s 2016 update, nor has the State Plan adopted the yearly consumer price index increases. OSHA will continue to discuss this metric during quarterly meetings with the State Plan.

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

Discussion of State Plan data and FRL: The National Standard for timely response to fatalities is 100%. ADOSH’s percent of work-related fatalities responded to in one workday was 90%. Two of the twenty fatalities (10%) were not responded to within one work day.

Explanation: In the first case, inspection information was not entered correctly into OIS. In the second case, the employer did not report the fatality in a timely manner. Under these circumstances, this does not rise to the level of an observation or finding, but OSHA will continue to discuss this metric during quarterly meetings.

**SAMM 12 – Percent penalty retained**

Discussion of State Plan data and FRL: The FRL for this metric was +/- 15% of the three-year national average of 67.51%, with a range of 57.38% to 77.64%. ADOSH retained 86.91% of penalties.

Explanation: ADOSH retained 9.27% more penalties than the upper end of the FRL. This was not a concern.

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

Discussion of State Plan data and FRL: The FRL for this metric was fixed for all State Plans at 100%. ADOSH completed one of 27 (4%) of 11(c) investigations within 90 days. The percent of investigations completed timely was below the FRL range and the national average of 38%.<sup>1</sup>

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1 - Report from Web Integrated Management Information System (WebIMIS) “FY 2020 EOY Activity Measures – Both F&S” run November 9, 2020.

Explanation: The whistleblower office was not fully staffed for approximately five months so there were fewer investigators to close cases. Additionally, a substantial increase in the total number of COVID-19 related whistleblower protection complaints requiring screening contributed to the increase in average days to complete, which affected the percent completed timely. This result does not rise to the level of an observation, but OSHA will continue to discuss this metric at quarterly meetings.

### **SAMM 15 – Percent of 11(c) complaints that are meritorious**

Discussion of State Plan data and FRL: The FRL for this metric was +/- 20% of the three-year national average of 18%, with a range of 14.40% to 21.60%. ADOSH had 13 of 27 (48%) of investigations that were meritorious.

Explanation: ADOSH closed 26.4% more cases that met merit criteria than the upper end of the FRL range. Eleven of 13 (85%) of the merit cases were settled. At the same time, there was an increase in average days pending from 487 days in FY 2019 to 758 days in FY 2020. Based on the data, it appears that ADOSH focused on cases that were positioned to settle rather than on older cases pending. OSHA will continue to discuss this metric at quarterly meetings.

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

Discussion of State Plan data and FRL: The FRL for this metric was fixed for all State Plans at 90 days. ADOSH took an average of 362 days to complete an 11(c) investigation in FY2020.

Explanation: ADOSH took 128 days longer on average to complete 11(c) investigations in FY 2020 than in FY 2019, when its average was 234 days. The State Plan performance on this measure was also above the national average of 335 days<sup>2</sup>. Low staffing and changing operational priorities due to the state's pandemic response contributed to additional time for completion of retaliation investigations. Additionally, a substantial increase in the total number of COVID-19 related discrimination complaints requiring screening contributed to the increase in average days to complete. This result does not rise to the level of an observation, but OSHA will continue discuss this metric at quarterly meetings.

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

Discussion of State Plan data and FRL: The FRL for this metric was +/- 25% of the three-year national average of 1.09%, which equaled a range of 0.82% to 1.36%. ADOSH's enforcement presence was at 0.49%.

Explanation: The percent of enforcement presence describes the number of safety and health inspections conducted compared to the number of employer establishments in the state. ADOSH's enforcement presence was 0.33% below the lower end of the FRL range, which means that they reached fewer employers with enforcement activity than the national average.

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2 - Report from Web Integrated Management Information System (WebIMIS) "WB Investigation Data (DCSP) FY 2020 EOY Report" run November 9, 2020.

## Appendix A – New and Continued Findings and Recommendations

FY 2020 Arizona Division of Occupational Safety and Health Follow-up FAME Report

FY 2020-#	Finding	Recommendation	FY 2019-# or FY 2019-OB-#
FY 2020-01	In FY 2019, 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. The State Plan’s corrective action is considered completed, awaiting verification	FY 2019-01
FY 2020-02	A total of 540 inspections (41%) of the goal of 1,295 inspections were conducted (SAMM 7).	ADOSH should ensure action is taken to meet goals for inspections.	FY 2019-02
FY 2020-03	ADOSH issued 320 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 2019-03
FY 2020-04	ADOSH’s safety in-compliance rate was 42.41%, which was above the FRL range of 24.82% to 37.24% (SAMM 9).	ADOSH should determine the cause of the high safety in-compliance rate and implement a corrective action.	FY 2019-05
FY 2020-05	The average lapse time of 87.67 days for safety inspections was above the FRL range of 40.46 to 60.70 and the average lapse time for health inspections of 89.06 days was above the FRL range of 48.31 to 72.47 days. (SAMM 11).	Management should monitor lapse time and take action to reduce it.	FY 2019-06
FY 2020-06	The Probability Factors Worksheet does not follow the Arizona Field Operations Manual (AZ FOM).	ADOSH should ensure the requirements listed in the AZ FOM are used to determine probability. The State Plan’s corrective action is considered completed, awaiting verification	FY 2019-07
FY 2020-07	OSHA Standards were not adopted by the adoption due date.	ADOSH should ensure each standard is adopted by the due date.	FY 2019-08

## Appendix A – New and Continued Findings and Recommendations

FY 2020 Arizona Division of Occupational Safety and Health Follow-up FAME Report

FY 2020-#	Finding	Recommendation	FY 2019-# or FY 2019-OB-#
FY 2020-08	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.	ADOSH should ensure that they meet the requirements for response and adoption of OSHA’s federal program changes	FY 2019-09
FY 2020-09	In FY 2019, 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. The State Plan’s corrective action is considered completed, awaiting verification	FY 2019-10

## Appendix B – Observations and Federal Monitoring Plans

FY 2020 Arizona Division of Occupational Safety and Health Follow-up FAME Report

Observation # FY 2020-OB-#	Observation# FY 2019-OB-# or FY 2019-#	Observation	Federal Monitoring Plan	Current Status
FY 2020-OB-01	FY 2019-OB-01	In FY 2019, 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.	In FY 2021, a limited number of case files will be selected randomly and reviewed to determine if this item was addressed.	Continued
FY 2020-OB-02	FY 2019-OB-02	ADOSH conducted 2.96% (16 of 540) 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 2020-OB-03	FY 2019-OB-03	In FY 2019, in 100% (2 of 2) of settlement cases procedural guidance was not followed to ensure complainant’s rights were not infringed upon.	In FY 2021, a limited number of case files will be selected randomly and reviewed to determine if this item was addressed.	Continued

## Appendix C - Status of FY 2019 Findings and Recommendations

### FY 2020 Arizona Division of Occupational Safety and Health Follow-up FAME Report

FY 2019#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
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.	ADOSH Administration staff were assigned to ensure initial and final letters are within each fatality file for the victim's next of kin. We met with the Tucson and Phoenix Analysts to accomplish this review.	February 4, 2020	Awaiting verification (August 31, 2020)
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.	ADOSH is continuously looking at hiring talented safety and health professionals for our vacant positions. Most of our applicants are either not as experienced as we need or do not commit to the job offering based on pay. Therefore, we will continue to look to hire talent that can aggressively complete our training and start to conduct inspections on his or her own. Training will be provided to all current and new CSHOs as they enter the program.	Not completed	Open (August 31, 2020)
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.	The cause for the low number of violations observed is due to the high-turnover within ADOSH Compliance. Our Corrective Action Plan is to hire, train and retain our current workforce so that the number of inspections and violations can increase.	Not completed	Open (August 31, 2020)

## Appendix C - Status of FY 2019 Findings and Recommendations

### FY 2020 Arizona Division of Occupational Safety and Health Follow-up FAME Report

FY 2019#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status
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.	Once we have an established group of CSHOs who stay longer than a year, we will achieve our goal.	November 15, 2020	Completed
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.	As in finding FY 2019-03 and FY 2019-04, the number of active CSHOs and their experience is low thus the reason for high in-compliance rate. ADOSH will work on hiring, training and retaining for a better outcome. Once we have an established group of CSHOs who stay longer than a year, we will achieve our goal.	Not completed	Open (August 31, 2020)
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.	SAMM Goal will be reiterated during next All-hands Meeting. On-going, during all 1:1 meetings and several All-hands meetings, the topic of lapse time has been addressed. This year, we developed an Agency Scorecard Goal and A3 Project to drive down the high in-compliance rate of both disciplines.	Not completed	Open (August 31, 2020)
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.	ADOSH updated our Probability Factors within our AZ FOM. Individual Coaching was performed during Supervisor and CSHO 1:1 Meetings.	March 6, 2020	Awaiting verification (August 31, 2020)

## Appendix C - Status of FY 2019 Findings and Recommendations

### FY 2020 Arizona Division of Occupational Safety and Health Follow-up FAME Report

FY 2019#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status
FY 2019-08	OSHA Standards were not adopted by the adoption due date.	ADOSH should ensure each standard is adopted by the due date.	ADOSH will continue to work with our internal Industrial Commission of Arizona Legal Staff to submit paperwork for rule making sooner than the adoption due date. We will update our website to inform staff and the general public. A formal transmittal will be sent to OSHA when standards have been adopted.	Not completed	Open (August 31, 2020)
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.	ADOSH should ensure that they meet the requirements for response and adoption of OSHA's federal program changes.	ADOSH Leadership will work to review and adopt federal program changes within six months. A meeting was held with Assistant Directors to ensure federal program changes were reviewed and changed within a six-month period. We will update our website to inform staff and the general public. A formal transmittal will be sent to OSHA when Federal Program Changes (FPCs) have been adopted.	Not completed	Open (August 31, 2020)
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.	Following our on-site Federal FAME audit, the Director and Assistant Director visited with the Whistleblower Supervisor to ensure Standard Work is developed to address case file documentation. All standard work represents ADOSH internal policies and procedures and are updated annually.	February 12, 2020	Awaiting verification (August 31, 2020)



## Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report

FY 2020 Arizona OSHA Follow-up FAME Report

<b>U.S. Department of Labor</b>				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Arizona - <b>ADOSH</b>			FY 2020	
<b>SAMM Number</b>	<b>SAMM Name</b>	<b>State Plan Data</b>	<b>Further Review Level</b>	<b>Notes</b>
<b>1a</b>	Average number of work days to initiate complaint inspections (state formula)	5.02	7	The further review level is negotiated by OSHA and the State Plan.
<b>1b</b>	Average number of work days to initiate complaint inspections (federal formula)	3.15	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>2a</b>	Average number of work days to initiate complaint investigations (state formula)	2.54	3	The further review level is negotiated by OSHA and the State Plan.
<b>2b</b>	Average number of work days to initiate complaint investigations (federal formula)	0.79	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>3</b>	Percent of complaints and referrals responded to within one workday (imminent danger)	100%	100%	The further review level is fixed for all State Plans.
<b>4</b>	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
<b>5</b>	Average number of violations per inspection with violations by violation type	SWRU: 1.47	+/- 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. The range of acceptable data not requiring further review is and from 0.76 to 1.14 for OTS.
		Other: 1.02	+/- 20% of Other: 0.95	

## Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report

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<b>U.S. Department of Labor</b>				
<b>6</b>	Percent of total inspections in state and local government workplaces	2.96%	+/- 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%.
<b>7</b>	Planned v. actual inspections – safety/health	S: 366	+/- 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: 174	+/- 5% of H: 385	
<b>8</b>	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,376.35	+/- 25% of \$2,964.86	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,223.65 to \$3,706.08.
	<b>a.</b> Average current serious penalty in private sector (1-25 workers)	\$1,129.00	+/- 25% of \$1,967.64	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,475.73 to \$2,459.55.
	<b>b.</b> Average current serious penalty in private sector (26-100 workers)	\$1,024.25	+/- 25% of \$3,513.45	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,635.09 to \$4,391.81.
	<b>c.</b> Average current serious penalty in private sector (101-250 workers)	\$1,196.56	+/- 25% of \$5,027.02	The further review level is based on a three-year national average. The range of acceptable data not

## Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report

### FY 2020 Arizona OSHA Follow-up FAME Report

U.S. Department of Labor				
				requiring further review is from \$3,770.27 to \$6,283.78.
	<b>d.</b> Average current serious penalty in private sector (greater than 250 workers)	\$3,816.99	+/- 25% of \$6,190.91	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$4,643.18 to \$7,738.64.
<b>9</b>	Percent in compliance	S: 42.41%	+/- 20% of S: 31.03%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 24.82% to 37.24% for safety and from 29.72% to 44.58% for health.
		H: 34.51%	+/- 20% of H: 37.15%	
<b>10</b>	Percent of work-related fatalities responded to in one workday	90%	100%	The further review level is fixed for all State Plans.
<b>11</b>	Average lapse time	S: 87.67	+/- 20% of S: 50.58	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 40.46 to 60.70 for safety and from 48.31 to 72.47 for health.
		H: 89.06	+/- 20% of H: 60.39	
<b>12</b>	Percent penalty retained	86.91%	+/- 15% of 67.51%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 57.38% to 77.64%.
<b>13</b>	Percent of initial inspections with worker walk around representation or worker interview	100%	100%	The further review level is fixed for all State Plans.
<b>14</b>	Percent of 11(c) investigations	4%	100%	The further review level is fixed for all State Plans.

## Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report

### FY 2020 Arizona OSHA Follow-up FAME Report

<b>U.S. Department of Labor</b>				
	completed within 90 days			
<b>15</b>	Percent of 11(c) complaints that are meritorious	48%	+/- 20% of 18%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 14.40% to 21.60%.
<b>16</b>	Average number of calendar days to complete an 11(c) investigation	362	90	The further review level is fixed for all State Plans.
<b>17</b>	Percent of enforcement presence	0.49%	+/- 25% of 1.09%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.82% to 1.36%.

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 9, 2020, 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, 2019 through  
September 30, 2020

# ARIZONA STATE PLAN OSHA ANNUAL REPORT (SOAR) Federal Fiscal Year 2020



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: Anna Maria Stonerock



**Appendix E – FY 2020 State OSHA Annual Report (SOAR)**  
FY 2020 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 2020**

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

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Protection Program (VPP), Alliance Programs, and Cooperative Partnerships including Public Entity Partnership Programs (PEPP).

ADOSH conducted 539 inspections during FFY 2020, a two percent increase (9 inspections) from 530 inspections conducted in FFY 2019. ADOSH did not exceed its FFY 2020 inspection goal of 1,295 inspections. This decrease represents staffing positions vacated in FFY 2020. At this time ADOSH is 566 inspections below the 5-Year Strategic Plan goal. ADOSH conducted 15 fatality accident inspections (*Source: OIS -Arizona Fatal and Catastrophes log report*), a decrease from the 32 fatality/accident inspections conducted in FFY 2019.

During FFY 2020, 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.

#### **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 19 new docketed cases, 76 administratively closed, 48 cases pending, and 27 cases completed. During FFY 2020, several cases had merit but were quickly settled between the complainants and employers.

#### **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 2020 ADOSH added three more VPP Star sites for a total of 49. With the addition of the four employers, there are now more than 35,000 employees who work in a place that continuously evolves and adds best practices for safety where necessary.

**Industrial Commission of Arizona – Phoenix Office** was added in the first quarter of the year. The state agency developed safety committees, had safety awareness fairs, developed an employee safety and health handbook and recognized employees for their safety pro-activeness. Routine and specific safety and health training was provided to all employees. Third-party consultants were also used throughout the year to evaluate the workplace prior to the VPP audit.

**Cintas First Aid & Safety** completed their application in the first quarter of the fiscal year and submitted for review in the second. One of the many Cintas businesses within VPP across the United States, the company used their sister companies to help define and update their VPP program for their type of industry. Management and employees attended the National and prior year VPPA Region conferences. The company has their Cintas Operating System designed



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around workplace involvement and employee communication. The company is an active member of the Voluntary Protection Program Participants Association (VPPPA).

**SRP Desert Basin Generating Station** aggressively worked with other power generating VPP Star sites in Arizona. The company had already two VPP sites within the business and they used them for benchmarking to ensure their program was at the level needed to be star. The safety committee and VPP champions helped the site to continuously improve.

**E & K of Phoenix Inc.** One of the largest interior and exterior finish contractors in the United States, the company has involved themselves in VPP for all employees. The company has worked with McCarthy Building Companies to help refine their safety and health management system.

**Wilson Electric Services Corp.** has been working with ADOSH for more than five-years to accomplish the VPP Star designation. They used Consultation and Compliance Assistance to help audit their program for opportunities and learn about best practices within their industry. The company also mentored with other construction VPP Star program participants. They had benchmark activities with Hunt Construction and McCarthy Building companies. The company attended the regional VPPPA conferences prior to 2020.

For more than 11 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 41 Special Government Employees (SGEs). These SGEs offer an opportunity for them to learn from ADOSH and help evaluate a site for safety and health management systems.

### **ADOSH Program Overview**

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

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

- **Administration:** Responsible for the overall administration and direction of the ADOSH program and for Division policy decisions and operations.
- **Safety and Health Compliance:** Responsible for safety and health enforcement activities within all industries and for enforcement of activities protected under the Act as they relate to employee discrimination.

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- **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.

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- 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 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 fifth 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 2020 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 2019. ADOSH uses state collected data that is provided to the National BLS mass data tally).

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**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	580	580
Actual	486	527	214	272	423

NAICS 23 Construction Violations					
	2016	2017	2018	2019	2020
Goal	795	795	795	795	795
Actual	900	720	239	235	234

FFY 2020 Performance Goal 1.1 Results

NAICS 23 Construction Injury Incident Rates					
	2016	2017	2018	2019	2020
Goal	4.3	4.2	4.2	4.1	4.1
Actual	3.9	3.2	3.3	3	0.6

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	0.3

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 Amercian 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 12 A.A.M.P.P. members.

A second partnership was created with the Home Builders of Central Arizona (HBACA). This program stared with 19 Home Builders and there have been no new ones added. The HBACA Partnership allows ADOSH to work with Home Builders and their trade contractors in the field to

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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 2020 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 37 all together. All meetings have taken place in Phoenix and the group has worked on fall protection issues as well as guidance for new employees in the field.

**Conclusion:** ADOSH continues to improve with our construction industry inspections. This year we completed the most in the past two years with 423. The goal of 580 was not reached, although it was due to a variety of factors. Four experienced CSHOs vacated their positions in early to mid FY 2020 and if they would have stayed we would have a net increase of 120 inspections and an overall total of 643. Other factors that influenced the total number of construction inspections was due to inexperienced CSHOs in training, COVID complaints and COVID hospitalizations needing action.

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 six 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 Rates, based on Arizona BLS rates provided to the National BLS office, 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 2020 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 2020:

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

NAICS 23 Construction Inspections					
	2016	2017	2018	2019	2020
Goal	580	580	580	580	580
Actual	486	527	214	272	423

NAICS 92 Public Sector Inspections					
	2016	2017	2018	2019	2020
Goal	50	50	50	50	50
Actual	175	111	40	9	9

NAICS 11 Agriculture Inspections					
	2016	2017	2018	2019	2020
Goal	75	75	75	75	75
Actual	44	56	49	14	2

FFY 2020 Performance Goal 1.2 Results:

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

	2016	2017	2018	2019	2020
Construction	5.3	5.3	5.2	5.2	5.2
Actual	6.3	7.4	7.4	15	15

	2016	2017	2018	2019	2020
Public Administration	6.1	6.1	6	6	5.9
Actual	0	4.2	0	8	8

	2016	2017	2018	2019	2020
Agriculture, Forestry, Fishing	13.3	13.1	13	12.9	12.7
Actual	0	0	0	10	9.4

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 9.4 for FFY 2020.

**Conclusion:** ADOSH will continue to focus on these areas through Compliance, Compliance Assistance, and Consultation. This goal was not met.

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**Goal 1.3 Rate Strategic Partnership Programs 2020 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 2020:

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

		2016	2017	2018	2019	2020
RRAP	Projected	2	2	2	2	2
	Actual	2	2	2	2	3

		2016	2017	2018	2019	2020
PEPP	Projected	2	2	2	2	2
	Actual	4	4	2	2	3

FFY 2020 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%	9%

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:** Three 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 2020 Performance Goal Results – Public Entity Partnership Program (PEPP)



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		2016	2017	2018	2019	2020
PEPP DART Rate	Projected	15%	15%	15%	15%	15%
	Actual	0%	18%	22%	16%	14%

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.

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

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

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

Strategy: ADOSH will conduct the following activities during FFY 2020.

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

FFY 2020 Performance Goal Results for VPP and C-VPP participation.

New Companies					
	2016	2017	2018	2019	2020
Goal	2	2	2	2	2
Actual	3	3	3	4	5

Existing Companies					
	2016	2017	2018	2019	2020
Goal	37	26	28	30	32
Actual	40	43	47	50	56

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 2020, ADOSH conducted six re-certifications.



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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) 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 2020, ADOSH added five 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.

**Industrial Commission of Arizona – Phoenix Office** was added in the first quarter of the year. The state agency developed safety committees, had safety awareness fairs, developed an employee safety and health handbook and recognized employees for their safety pro-activeness. Routine and specific safety and health training was provided to all employees. Third-party consultants were also used throughout the year to evaluate the workplace prior to the VPP audit.

**Cintas First Aid & Safety** completed their application in the first quarter of the fiscal year and submitted for review in the second. One of the many Cintas businesses within VPP across the United States, the company used their sister companies to help define and update their VPP program for their type of industry. Management and employees attended the National and prior year VPPPA Region conferences. The company has their Cintas Operating System designed around workplace involvement and employee communication. The company is an active member of the Voluntary Protection Program Participants Association (VPPPA).

**SRP Desert Basin Generating Station** aggressively worked with other power generating VPP Star sites in Arizona. The company had already two VPP sites within the business and they used them for benchmarking to ensure their program was at the level needed to be star. The safety committee and VPP champions helped the site to continuously improve.

**E & K of Phoenix Inc.** One of the largest interior and exterior finish contractors in the United States, the company has involved themselves in VPP for all employees. The company has worked with McCarthy Building Companies to help refine their safety and health management system.

**Wilson Electric Services Corp.** has been working with ADOSH for more than five-years to accomplish the VPP Star designation. They used Consultation and Compliance Assistance to help audit their program for opportunities and learn about best practices within their industry. The company also mentored with other construction VPP Star program participants. They had benchmark activities with Hunt Construction and McCarthy Building companies. The company attended the regional VPPPA conferences prior to 2020.

**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

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the benefits of the program. At this time there are more than 7 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 2020 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 2020.

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

FFY 2020 Performance Goal Results: For FFY 2020 ADOSH performed 95% of fatalities and catastrophe inspections were begun within 1 working day.

		2016	2017	2018	2019	2020
95% of fatalities within 1 day	<b>Projected</b>	95%	95%	95%	95%	95%
	<b>Actual</b>	90%	100%	100%	87%	90%

**Conclusion:** A total of 20 fatalities were reported to ADOSH and investigated within a day of notification by the employer. Other fatalities were reported to ADOSH, although those employees had a pre-existing health issue that caused their incident to take place while on the job. An example of this was chest pain and heart attack. This goal was met.

**Goal 2.2 Response to referrals alleging serious hazards 2020 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 2020 Performance Goal Results for initiating inspections within seven working days and investigations within three working days.

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		2016	2017	2018	2019	2020
Avg # days to initiate complaint inspection	<b>Projected</b>	7	7	7	7	7
	<b>Actual</b>	4.91	3.98	6.08	5.8	5.01

		2016	2017	2018	2019	2020
Avg # days to initiate complaint investigation	<b>Projected</b>	3	3	3	3	3
	<b>Actual</b>	2.27	3.91	1.31	0.37	2.53

**Conclusion:** For FFY 2020, the average response time to initiate complaint inspections was 5.01 days, an increase from 4.91 days in CY 2016. Regardless of the slight increase, the days to initiate a complaint inspection was within our overall goal. The average time to initiate complaint inquiries (phone/fax) was 2.53 days. ADOSH met this goal.

**Goal 2.3 Webinar training 2020 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 2020 Performance Goal Results providing Webinar training.

		2016	2017	2018	2019	2020
Webinars	<b>Projected</b>	5	5	5	5	5
	<b>Actual</b>	29	23	17	20	47

		2016	2017	2018	2019	2020
Number of attendees in Webinar classes	<b>Projected</b>	50	50	50	50	50
	<b>Actual</b>	374	509	488	291	771

		2016	2017	2018	2019	2020
70% of attendees demonstrate increased knowledge	<b>Projected</b>	70%	70%	70%	70%	70%
	<b>Actual</b>	37%	89%	94%	90%	93%

**Conclusion:** ADOSH continues to offer various webinar training for our external and internal customers. This year we completed 27 more webinars than the goal amount. The number of attendees in each webinar class we well over 700 and the class average for increased knowledge was 93%. Overall topics included but was not limited to; COVID-19 Plan Development, fall protection awareness, OSHA Recordkeeping, OSHA Training Requirements, and Training Requirements. ADOSH met this goal.

**Goal 2.4 Staff Development 2020 Performance Goal:** Eighty percent of safety and health staff will receive professional development annually through a variety of methods.

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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 2020 Performance Goal Results for staff professional development.

		2016	2017	2018	2019	2020
% of compliance staff receiving professional	<b>Projected</b>	80%	80%	80%	80%	80%
	<b>Actual</b>	90%	92%	95%	100%	100%

**Conclusion:** ADOSH continuously provides professional development to all employees. During FFY 2020, employees attended a combination of local OSHA Training Institute Education Centers training, third-party safety and health training, and Federal OSHA Training Institute (virtually) in Arlington Heights, IL. Once again, 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.

### III. Progress toward Strategic Plan Accomplishments

The Division is in the final year of the 5-Year Strategic Plan and will be working on new goals for the next five years. Overall the staff accomplished many goals established in FY 2015. The Division continues to undergo extensive changes in the last year. COVID-19 challenged all levels within the state plan, although our inspection output did not decrease from last year. We ensure all our staff was provided with awareness training on the virus and a plan was developed to address both internal and external stakeholder concerns. As in prior years, 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.

**Outreach Training:** In the first quarter of the federal fiscal year, ADOSH trainers maintained their normal work flow until February 2020. In February, the staff was asked to revamp on how we conduct our training to include an extensive focus on virtual events. Within weeks of the request, the staff transitioned all training classes into virtual learning opportunities using our state Google suite services.

While the team was doing well early in the second quarter, the Phoenix trainer unfortunately passed away from natural causes during the early onset of the COVID pandemic. The staff banded together and took on many of the past trainers obligations to ensure that our service was not missed. In the last quarter of the year, a new trainer was added to the Phoenix office. Our current trainer has an abundance of training experience and safety and health background.

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<b>Overall Training Statistics</b>	<b>First Quarter</b>	<b>Second Quarter</b>	<b>Third Quarter</b>	<b>Fourth Quarter</b>	<b>Yearly Totals</b>
Training Course/Speech Presented	38	52	37	43	<b>170</b>
Employer Participants Trained	273	385	360	402	<b>1420</b>
Employee Participants Trained	303	420	477	552	<b>1752</b>
Hours of Training Conducted	131	225	270	251	<b>877</b>
Average Management Per Class	9.1	8.3	11.7	7.4	<b>9.1</b>
Average Employees Per Class	20.1	30.3	27.2	22.1	<b>24.9</b>
Average Class Length (hours)	3	3	3	3	<b>3</b>

### 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