# FY 2022 Follow-up Federal Annual Monitoring Evaluation (FAME) Report

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION, OFFICE OF OCCUPATIONAL SAFETY AND HEALTH**



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**Region IV**

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## Executive Summary

The primary purpose of this report is to assess the State Plan’s progress in Fiscal Year (FY) 2022, in resolving outstanding findings from the previous FY 2021 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report. This report also assesses the South Carolina Department of Labor, Licensing, and Regulations (SCDLLR) – Division of Occupational Safety and Health Program’s (SC OSHA’s) progress toward achieving its performance goals established in the FY 2022 Strategic Management Plan, as well as reviews the effectiveness of programmatic areas related to enforcement activities. The FY 2021 FAME Report identified two findings and three observations. The State Plan has neither completed corrective actions for its two findings. nor its three observations.

South Carolina developed a five-year strategic plan covering the period 2022 through 2026. The five-year strategic plan incorporates three OSHA goals, as its direction. The overall strategic goals are: Goal 1. Ensure and improve workplace safety and health; Goal 2. Promote a culture of safety and health; and Goal 3. Strengthen public confidence through the development and delivery of SC OSHA’s programs and services.

SC OSHA continues to experience problems in the area of staff recruitment and retention, which has directly impacted the State Plan’s ability to meet its enforcement goals. As a result, the State Plan has experienced a decline in the number of inspections conducted. From October 1, 2021, until September 30, 2022, SC OSHA had 15 individuals that were engaged in the new employee training process.  In the beginning of FY23, four new hires (2 General Industry, 1 Construction, 1 Health) were in SC OSHA’s hiring pipeline.

SC OSHA’s Partnership Program is very similar to the OSHA Partnership Program (OSPP), including its guidance documents and its annual evaluation. SC OSHA assists partners in the reduction of injuries and illnesses, through the long-term development of effective safety and health management systems that address hazards in accordance with the OSH Act. The benefits of the partnerships are, improved employee safety and health at construction sites, reduction in illness and injury cases, increased access to safety and health training and information, and the development of safety and health management systems. In FY 2022, four employers were active participants in the State Plan’s Partnership Program. They are as follows: Harper General Contractors, McCormick Water Treatment Plant Improvement Project located in McCormick, SC; Holder Construction Group, Daniel Hall Expansion and Renovation project at Clemson University in Clemson, SC; Holder Construction Group, Mustang MNK project located in Monks Corner, SC; Juneau Construction Company, University of South Carolina - Campus Village project located in Columbia, SC.

The State’s total recordable case (TRC) rate for Calendar Year (CY) 2021 was 2.4. This rate is 17.2% lower than the national average. The State’s days away, restricted or transferred (DART) rate for CY 2021 was 1.5. This rate is 16.7% lower than the national average. This data was released by the Bureau of Labor Statistics (BLS) in Nov. 2022, and it is the most current data available.

## State Plan Background

The South Carolina Occupational Safety and Health State Plan was one of the first programs approved by the U.S. Department of Labor, per the guidelines of the Occupational Safety and Health Act of 1970. This was accomplished on November 30, 1972, and final approval was granted in 1987. In 1994, the South Carolina Department of Labor was eliminated, as part of the reorganization of the State government, and the South Carolina Department of Labor, Licensing and Regulation (SCDLLR) was created. During this review period, Emily H. Farr was the Director of SCDLLR, and Kristina Baker was the Deputy Director. SCDLLR is divided into the following three divisions: Labor; Fire and Life Safety; and Professional and Occupational Licensing. The South Carolina Occupational Safety and Health (SC OSH) Program, within the Division of Labor, is responsible for the management and operation of the State Plan.

It is important to note that SC OSHA is organized into four principal areas: Administration, Compliance, Legal and Outreach, and Education. The Deputy Director Kristina Baker oversees the program and has four strong area leads that manage the day to day running of the program.

During the review period, Gwen Thomas was the State Plan Manager for the SC OSHA Program and responsible for the area of Administration. This includes leading the following departments: Training; Technical Support and Standards; the Web Integrated Management Information System; and the South Carolina Bureau of Labor Statistics. The Office of Technical Support and Standards (OTSS) provides information to assist the public in complying with standards. The Office also supports the enforcement program with compliance guidance by providing guidance for internal and external use. In addition, OTSS reviews new OSHA standards and directives to determine, whether SC OSHA should adopt them.

The Compliance Manager, Anthony Wilks, manages the Compliance area, including leading the safety and health compliance teams consisting of supervisors, compliance safety and health officers (CSHOs), and administrative staff.

The Chief OSHA Counsel, Deidre Laws, manages the Legal area, which includes Whistleblower 11 (c), informal conferences, contested cases and FOIAs.

The SC OSHA Consultation Manager, Sharon Dumit oversees the Office of Outreach and Education (O&E), which includes safety and health training, compliance assistance, the South Carolina Palmetto Star Program, the Youth Training Program, and On-site Consultative Services. The Palmetto Star Program is the equivalent to the OSHA Voluntary Protection program (VPP). The On-site Consultative Services are provided free of charge to private sector employers, through OSHA’s 21(d) grant program.

In South Carolina, state and local government agencies and workers are afforded the same rights, responsibilities and coverage, as those in the private sector.

**The table below shows SC OSHA’s funding levels from FY 2018 through FY 2022:**

**FY 2018-2022 Funding History**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **Fiscal Year** | **Federal Award ($)** | **State Plan Match ($)** | **100%****State Funds ($)** | **Total Funding ($)** | **% of State Plan Contribution** |
| **2022** | $2,349,000 | $2,349,000 | - | 4,698,000 | 50% |
| **2021** | $2,349,000 | $2,349,000 | - | 4,698,000 | 50% |
| **2020** | $2,299,700 | $2,299,700 | - | 4,599,400 | 50% |
| **2019** | 2,095,200 | 2,095,200 | - | 4,190,400 | 50% |
| **2018** | 2,054,700 | 2,054,700 | - | 4,109,400 | 50% |

**New Issues**

None.

## Assessment of State Plan Progress and Performance

### Data and Methodology

OSHA has established a two-year cycle for the FAME process. This is the follow-up year, and as such, OSHA did not perform an on-site case file review associated with a comprehensive FAME. This strategy allows 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 (SAMM) Report
* State Information Report (SIR)
* Mandated Activities Report for Consultation (MARC)
* State OSHA Annual Report (SOAR)
* State Plan Annual Performance Plan (APP)
* State Plan Grant Application
* Quarterly monitoring meetings between OSHA and the State Plan

### Findings and Observations

#### Findings (Status of Previous and New Items)

This follow-up FAME report contains two continued findings and three continued observations. Appendix A describes the 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 2021 findings and recommendations in detail.

**Continued Findings**

**Finding FY 2022-01** (previous Findings FY 2021-01, FY 2020-02, FY 2019-02): The percentage of health (67.21%) inspections that were in-compliance was higher than the FRL range of 35.54% to 53.30%.

**Status:** SC OSHA continues to review the NAICS that are assigned and determine which industries warrant enforcement, based on industry incidence rates. SC OSHA continues to provide additional training to CSHO’s to ensure that all potential violations are addressed. This finding remains open.

**Finding- FY-2022-02** (previous Finding FY 2021-02)**:** SC State Plan has failed to adopt OSHA’s initial FY 2016 maximum and minimum penalty increase and subsequent annual penalty amount increases.

**Status:** SC OSHA should continue work with their state authorities to complete the legislative changes necessary to enable it to adopt maximum and minimum penalty amounts that are at least as effective as OSHA’s maximum and minimum penalty levels.

**Continued FY 2021 Observations**

**Observation FY 2022-OB-01 (previous Observation FY 2021-OB-01, FY 2020-OB-03):** In FY 2021, six of 21 (29%) fatality investigations reviewed lacked documentation to ascertain why an SC OSHA standard was not cited.

**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 2023 comprehensive FAME.This observation will be continued.

**Observation FY 2022-OB-02 (previous Observations FY 2021-OB-02, FY 2020-OB-01, FY 2019-OB-01):** In FY 2021, missed violations or lack of a recommendation letter was noted in six (6) out of 50 (12%) case files reviewed. Several examples include, personal protective equipment, hazard communication, OSHA 300 logs and face masks during the COVID-19 pandemic.

**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 2023 comprehensive FAME.This observation will be continued.

**Observation FY 2022-OB-03 (previous Observation FY 2021-OB-03):** In FY 2021, in 10 out of 50 (12%) investigations, it was identified that the Gravity Base Penalty (GBP) of $7,000 should have been applied to achieve the necessary deterrent effect.

**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 2023 comprehensive FAME.This observation will be continued.

### 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 three-year national average. State Plan SAMM data that falls outside of the FRL range triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan’s FY 2022 State Activity Mandated Measures (SAMM) Report and includes the FRLs for each measure.

It should be noted that OSHA is in the final stages of transitioning from the Whistleblower Application in the OSHA IT Support System (OITSS), a legacy data system, to the Whistleblower module in OIS, a modern data system.  For FY 2022, a portion of the State Plan whistleblower data was recorded in OITSS, and a portion was captured in OIS.   OSHA encountered challenges in combining the report that generates SAMM 14, 15, and 16 from both systems.  As such, OSHA will not be relying on SAMMs 14, 15, or 16 in their evaluation of the State Plan’s whistleblower programs for FY 2022.

The State Plan was outside the FRL on the following SAMMs:

**SAMM 1a – Average number of workdays to initiate complaint inspections (state formula) and SAMM 2a – Average number of workdays to initiate complaint investigations (state formula)**

**Discussion of State Plan data and FRL:** In FY 2022, SC OSHA initiated complaint inspections in an average of 19.97 days (state formula) and complaint investigations in 18.43 days (state formula). For SAMM 1a, the FRL is 7, which is the average number of days to initiate complaint inspections, and for SAMM 2a, the FRL is 5, which is the average number of days to initiate complaint investigations. SC OSHA was outside of the FRLs in SAMM 1a and SAMM 2a.

**Explanation:** SC OSHA was outside of the State formula’s FRL for inspections (7 days) and investigations (5 days) but below the federal formula for investigations. SAMM 1a and 2a calculate the number of days between complaint receipt date and the first action. Under this formula, longer response times may be caused by incomplete complaints. SAMM 1b is for informational purposes only, and is not a mandated measure, but it calculates the number of days between the date the office deems the complaint to be valid (having all information needed to initiate a complaint inspection) and the first action date. Under SAMM 1b, SC OSHA had an average of 6.91 days for complaint inspections, and for SAMM 2b, SC OSHA had 2.38 days for complaint investigations. Due to the circumstances surrounding increased number of COVID complaints, coupled with the review of federal formula calculations resulting in more accurate and representative State Plan data, these results do not rise to the level of an observation, and these performance measures will continue to be discussed at quarterly meetings.

**SAMM 5 – Average number of violations per inspection with violations by violation type**

**Discussion of State Plan Data and FRL:** The FRL is based on a three-year national average. SC OSHA’s FY 2022 average number of violations by violation type of 2.12 was within the FRL range of 1.42 to 2.12 for serious, willful, repeat, or unclassified (SWRU) violations. For other-than-serious (OTS) violations, the State Plan’s average of 0.43 was outside (below) of the FRL range of 0.72 to 1.09.

**Explanation:** OSHA would be concerned, if the State Plan had a high average for OTS violations and a correspondingly low average for SWRU violations; this could indicate that the State Plan was not targeting high-hazard employers and/or tended to classify some serious violations as OTS violations. Currently, OSHA is not concerned that SC OSHA’s result for OTS violations was slightly below the FRL range.

**SAMM 6 – Percent of inspections in state and local government workplaces**

**Discussion of State Plan data and FRL:** The FRL was +/-5% of the negotiated level of 3.95%. The range of acceptable data not requiring further review was 3.75% to 4.14%. SC OSHA conducted 3.14% of its total inspections in state and local government workplaces, which was slightly below the FRL.

**Explanation:** Although this issue does not yet rise to the level of an observation, Federal OSHA will continue to review state and local government sector inspections during quarterly meetings.

**SAMM 7 – Planned v. Actual Inspections – Safety/Health**

**Discussion of State Plan Data and FRL:** SC OSHA conducted 70% of the planned safety inspections (210 of 300) and 96% of health inspections (77 of 80). Turnover rate and the loss of experienced CSHOs continue to contribute to the lower number of planned inspections.

**Explanation:** During FY 2022, SC OSHA made a concerted effort to fill staff vacancies and provide newly hired staff with training needed to conduct inspections. SC OSHA expected lower numbers for inspections during FY 2022, due to newly hired staff. SC OSHA has been aggressive to fill all vacant positions within compliance. SC OSHA closed the fiscal year with twenty (20) CSHOs, or approximately 75% staffed. SC OSHA expects to be staffed at 85% by the end of the first quarter in FY 2023.

**SAMM 8 – Average current serious penalty in private sector - total (1 to greater than 250 workers)**

**Discussion of State Plan data and FRL:** The FRL for SAMM 8, total average current penalty per serious violation (1 to greater than 250 employees) was +/- 25% of the three-year national average of $3,259.35, which equals a range of $2,444.51 to $4,074.19. The South Carolina State Plan’s total average current penalty per serious violation (1 to greater than 250 employees) was $2,018.68, which is lower than the FRL.

**Explanation:** SC OSHA is below the FRL on average current serious penalties per violation. Please refer to Finding FY 2022-02. This finding remains open.

**SAMM 9 – Percent in-compliance for health inspections**

**Discussion of State Plan data and FRL:** The FRL was +/-20% of the three-year national average of 44.42% for health inspections. The range of acceptable data not requiring further review was from 35.54% to 53.3% for health. SC OSHA had a health in-compliance rate of 67.21%.

**Explanation:** SC OSHA exceeded the standard set by the FRL for safety, which indicates that the State Plan was better than average but was outside the FRL range for health. See Finding FY 2022-01. This finding remains open.

**SAMM 11 – Average lapse time**

**Discussion of State Plan Data and FRL:** The FRL for the average lapse time is +/-20% of 54.58 days for safety inspections and +/-20% of 69.03 days for health inspections. SC OSHA initiated and completed safety inspections within an average of 66.95 days, which was outside the FRL range of 43.66 to 65.50. SC OSHA initiated and completed health inspections within an average of 87.04 days, which was outside the FRL range of 55.22 to 82.84 days.

**Explanation:** SC OSHA has engaged in an aggressive hiring process to fill vacancies that will ease the workload, improve the review process, and increase case file management. Safety inspections were 1.45 days outside the FRL, and health inspections were 4.2 days outside of the FRL. This issue will be a focus of next year’s on-site case file review, during the FY 2023 Comprehensive FAME.

### Appendix A – New and Continued Findings and Recommendations

FY 2022 South Carolina Follow-up FAME Report

|  |  |  |  |
| --- | --- | --- | --- |
| **FY 2022-#** | **Finding** | **Recommendation** | **FY 20XX-# or** **FY 20XX-OB-#** |
| Finding FY 2022-01 | The percentage of health inspections (62.21%) that were in-compliance washigher than the FRL of 35.54% to 53.30% for health. | Ensure inspection resources are spent in workplaces that are exposing workers to hazards by implementing corrective actions in the most hazardous worksites. Efforts should be focused on creating targeting lists and gaining entry to siteswith the most hazards to best protect employees. Training should continue to address hazard recognition skills with health compliance staff. | Finding FY 2021-01 |
| Finding FY 2022-02 | SC State Plan has failed to adopt OSHA’s initial FY 2016 maximum and minimum penalty increase and subsequent annual penalty amount increases. |  SC OSHA should work with their State authorities to complete the legislative changes necessary to enable it to adopt maximum and minimum penalty amounts that are at least as effective as OSHA’s maximum and minimum penalty levels. | Finding FY 2021-02 |

### Appendix B – Observations Subject to Continued Monitoring

FY 2022 South Carolina Follow-up FAME Report

| **Observation #****FY 2022-OB-#** | **Observation#****FY 20XX-OB-# *or* FY 20XX-#** | **Observation** | **Federal Monitoring Plan** | **Current Status** |
| --- | --- | --- | --- | --- |
| FY 2022-OB-01  | FY 2021-OB-01  | In FY 2021, six (6) of 21 fatality investigations reviewed lacked documentation to determine the reason(s) an OSHA standard was not cited. | 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 2023 comprehensive FAME. | Continued |
| FY 2022-OB-02 | FY 2021-OB-02FY 2020-OB-01 FY 2019-OB-01 | In FY 2021, missed violations or lack of a recommendation letter was noted in six (6) out of 50 (12%) case files reviewed. Several examples include, personal protective equipment, hazard communication, OSHA 300 logs and face masks during the COVID pandemic. | 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 2023 comprehensive FAME. | Continued |
| FY 2022-OB-03 | FY 2021-OB-03 | In 10 out of 50 (12%) investigations, it was identified that using the Gravity Base Penalty (GBP) of $7,000 was appropriate to achieve the necessary deterrent effect. | 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 2023 comprehensive FAME. | Continued |

### Appendix C - Status of FY 2021 Findings and Recommendations

FY 2022 South Carolina Follow-up FAME Report

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FY 2021-#** | **Finding** | **Recommendation** | **State Plan Corrective Action** | **Completion Date** | **Current Status** **and Date** |
| Finding FY 2021-01 | The percentage of health inspections (62.71%) that were in-compliance was higher than the FRL of 32.51% to 48.77% for health. | Ensure inspection resources are spent in workplaces that are exposing workers to hazards by implementing corrective actions in the most hazardous worksites. Efforts should be focused on creating targeting lists and gaining entry to sites with the most hazards to best protect employees. Training should continue to address hazard recognition skills with health compliance staff. | SC OSHA understands the need to respond to the FAME via the Corrective Action Plan (CAP); however, SC OSHA does not agree with this finding as it relates to effectiveness. Inspections were conducted according to SC OSHA’s high hazard planning guide and the number of unprogrammed inspections received. SC OSHA continues to review the NAICS that are assigned and determine which industries warrant enforcement, based on industry incidence rates. SC OSHA continues to provide additional training to CSHO’s to ensure that all potential violations are addressed.  |  | Open- Continued for Health Inspections |
| Finding FY 2021-02 | SC State Plan has failed to adopt OSHA’s initial FY 2016 maximum and minimum penalty increase and subsequent annual penalty amount increases. | SC OSHA should work with their state authorities to complete the legislative changes necessary to enable it to adopt maximum and minimum penalty amounts that are at least as effective as OSHA’s maximum and minimum penalty levels | As to the specific finding regarding failure to adopt the increase in penalties, SC OSHA is working with their state authorities. |  | Open |

### Appendix D – FY 2022 State Activity Mandated Measures (SAMM) Report

FY 2022 South Carolina Follow-up FAME Report

| SAMM Number | SAMM Name | State Plan Data | Further Review Level | Notes |
| --- | --- | --- | --- | --- |
| 1a | Average number of workdays to initiate complaint inspections (state formula) | 19.97 | 7 | The further review level is negotiated by OSHA and the State Plan. |
| 1b | Average number of workdays to initiate complaint inspections (federal formula) | 6.91 | N/A | This measure is for informational purposes only and is not a mandated measure. |
| 2a | Average number of workdays to initiate complaint investigations (state formula) | 18.43 | 5 | The further review level is negotiated by OSHA and the State Plan. |
| 2b | Average number of workdays to initiate complaint investigations (federal formula) | 2.38 | 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 2022.The further review level is fixed for all State Plans. |
| 4 | Number of denials where entry not obtained | 1 | 0 | The further review level is fixed for all State Plans. |
| 5a | Average number of violations per inspection with violations by violation type (SWRU) | 2.11 | +/- 20% of1.77 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.42 to 2.12 for SWRU.  |
| 5b | Average number of violations per inspection with violations by violation type (other) | 0.43 | +/- 20% of0.90 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.72 to 1.08 for OTS. |
| 6 | Percent of total inspections in state and local government workplaces | 3.14% | +/- 5% of3.95% | The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 3.75% to 4.14%. |
| 7a | Planned v. actual inspections (safety) | 210 | +/- 5% of 300 | 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 285 to 315 for safety. |
| 7b | Planned v. actual inspections (health) | 77 | +/- 5% of 80 | The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 76 to 84 for health. |
| 8 | Average current serious penalty in private sector - total (1 to greater than 250 workers) | $2,018.68 | +/- 25% of $3,259.35 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $2,444.51 to $4,074.19. |
|  | **a**. Average current serious penalty in private sector (1-25 workers) | $1,154.00 | +/- 25% of $2,145.46 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $1,609.10 to $2,681.83. |
|  | **b**. Average current serious penalty in private sector (26-100 workers**)** | $1,842.93 | +/- 25% of $3,818.56 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $2,863.92 to $4,773.20. |
|  | **c**. Average current serious penalty in private sector(101-250 workers) | $2,647.73 | +/- 25% of $5,469.60 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $4,102.20 to $6,837.00. |
|  | **d**. Average current serious penalty in private sector(Greater than 250 workers) | $3,890.66 | +/- 25% of $6,725.78 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $5,044.34 to $8,407.23. |
| 9a | Percent in compliance (safety) | 31.41% | +/- 20% of32.25% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 25.80% to 38.70% for safety. |
| 9b | Percent in compliance (health) | 67.21% | +/- 20% of44.42% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 35.54% to 53.30% for health. |
| 10 | Percent of work-related fatalities responded to in one workday | 100% | 100% | The further review level is fixed for all State Plans. |
| 11a | Average lapse time (safety) | 66.95 | +/- 20% of 54.58 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 43.66 to 65.50 for safety. |
| 11b | Average lapse time (health) | 87.04 | +/- 20% of 69.03 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 55.22 to 82.84 for health. |
| 12 | Percent penalty retained | 85.23% | +/- 15% of69.97% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 59.47% to 80.47%. |
| 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 | N/A\* | N/A\* | This measure is not being reported for FY 2022. Please see note below. |
| 15 | Percent of 11(c) complaints that are meritorious | N/A\* | N/A\* | This measure is not being reported for FY 2022. Please see note below.  |
| 16 | Average number of calendar days to complete an 11(c) investigation | N/A\* | N/A\* | This measure is not being reported for FY 2022. Please see note below. |
| 17 | Percent of enforcement presence | 0.32% | +/- 25% of1.64% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.23% to 2.05%. |

NOTE: The national averages in this report are three-year rolling averages. Unless otherwise noted, the data contained in this Appendix D are pulled from the State Activity Mandated Measures (SAMM) Report in OIS run on November 14, 2022, as part of OSHA’s official end-of-year data run.

\*Due to the transition of 11(c) data from IMIS to OIS, SAMMs 14, 15, and 16 are not being reported for FY 2022.