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September 15, 2010

Ms. Cindy A. Coe
Regional Administrator
61 Forsyth Street SW Room 6T50
Atlanta, GA 30303

RE: RESPONSE TO OSHA'S EFAME REPORT

Dear Ms. Coe:

OSHA's Enhanced FAME report makes twenty (20) recommendations to enhance the performance of Kentucky's Occupational Safety and Health (OSH) Program. Kentucky had procedures in place at the time of the audit for most of OSHA's recommendations; however, OSHA felt that some of Kentucky's procedures were not as comprehensive or streamlined as they could be. While OSHA's recommendations are generally well-taken, Kentucky notes that OSHA's recommendations are primarily administrative in nature and do **not** directly affect employee safety, health, discrimination protections, or employer compliance. OSHA's recommendations primarily address Kentucky's in-house administrative process. Kentucky's OSH Program has long prided itself on its dedication to the protection of employee safety, health, and discrimination rights.

OSHA's report indicates Kentucky is on track to meet all performance goals except the goal to maintain a technology infrastructure that provides a reliable data repository to support the Kentucky OSH Program's goals and strategies. Kentucky respectfully disagrees. The Kentucky OSH Programs believes it maintains a technology infrastructure that provides a reliable data repository that supports the Program's goals and strategies. IMIS data recommendations account for six (6) of OSHA's twenty (20) recommendations. The Kentucky OSH Program is somewhat puzzled by this. The IMIS procedures utilized by Kentucky prior to, and during, OSHA's Enhanced FAME audit have been employed in Kentucky for several years. IMIS issues were not brought to the Kentucky OSH Program's attention by OSHA during state program audits prior to the Enhanced FAME audit.

Unfortunately, OSHA's report did not identify areas where Kentucky's occupational safety and health regulations, policies, and discrimination provisions exceed OSHA's minimum requirements. There are several areas where employee protections in Kentucky are far greater than federal jurisdictions.



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The Kentucky OSH Program agrees with OSHA's approach to workplace safety and health and is eager to work with OSHA in a cooperative fashion. Kentucky will submit a formal reply to Ms. Cindy Coe, Regional Administrator, addressing each of OSHA's recommendations.

Sincerely,
/signed/

Michael L. Dixon
Commissioner

cc: Cindy A. Coe
William Cochran

ecopy: Cindy A. Coe
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