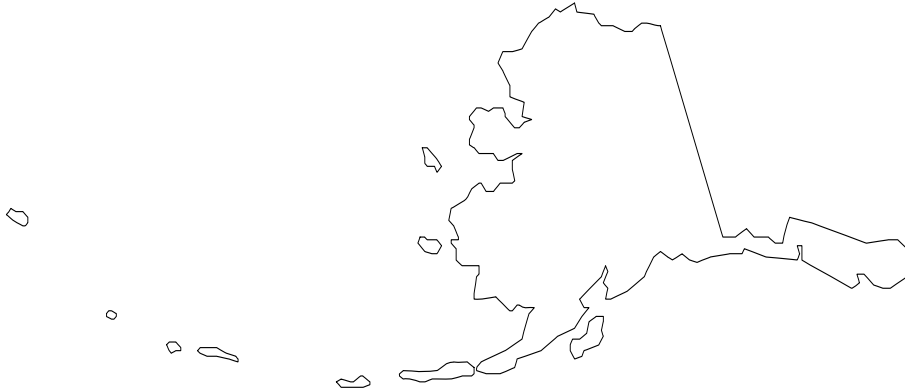


State of Alaska

Department of Labor and Workforce Development Labor Standards and Safety Division - *Alaska Occupational Safety and Health*



Enhanced Federal Annual Monitoring and Evaluation (FAME) Report on Alaska's Occupational Safety and Health (AKOSH) Program

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Executive Summary

The state of Alaska, under an agreement with OSHA, operates an occupational safety and health program in accordance with Section 18 of the Occupational Safety and Health Act of 1970. OSHA monitors state plans to ensure that they are at least as effective as the federal program, and reports annually on state performance. The Alaska Occupational Safety and Health (AKOSH) section of the Division of Labor Standards and Safety, which is part of the Department of Labor and Workforce Development, administers the state's program.

This report is a follow-up to OSHA's FY 2009 Enhanced Federal Annual Monitoring and Evaluation (E-FAME) report on AKOSH which contained a total of 11 recommendations, four of which pertained to AKOSH's enforcement program and seven to its discrimination program. During FY 2010, corrective actions were completed for only one of the four enforcement-related recommendations and six of the seven discrimination-related recommendations. The list of recommendations below includes three repeated enforcement-related items and one repeated discrimination-related item. Appendix B describes the status of the FY 2009 recommendations in detail. It should be noted that the final FY 2009 E-FAME was sent to the state on September 13, 2010, which was the end of FY 2010. The state has pointed out that receiving the E-FAME near the start of a new fiscal year impacted its ability to develop and implement performance improvements related to the FY 2009 E-FAME by the time this FY 2010 FAME was being drafted.

This report assesses AKOSH's performance during FY 2010 in activities mandated by OSHA, as well as the state's achievement of its annual performance plan goals. The state is operating an acceptable program overall. Nevertheless, OSHA identified the need for AKOSH to take remedial actions in several areas, including violation classification, abatement verification, case file documentation and several aspects of its whistleblower program.

OSHA's recommendations in this FY 2010 report are as follows:

Recommendation 10-1. (Previously Recommendation 9-3). Ensure that at the conclusion of fatality investigations, AKOSH apprises the next of kin, in writing, of investigation outcomes and provides copies of citations. Insert copies of all such correspondence in the case file. This is a repeat finding from the FY 2009 Enhanced FAME.

Recommendation 10-2. (Previously Recommendation 9-4). Ensure an effective presence in private and public sector workplaces by increasing the number of programmed enforcement inspections using targeting tools such as the High Hazard Targeting plan, the Construction List, and Special Emphasis Programs. This is a repeat finding from the 2009 Enhanced FAME.

Recommendation 10-3. (Previously Recommendation 9-1): Factually document employer knowledge in case files with as much specificity as feasible. This is a repeat finding from the 2009 Enhanced FAME.

Recommendation 10-4. Review case files and classify conditions as “serious” based on the hazard and in accordance with the FOM.

Recommendation 10-5. Require complete documentation of probability and severity on the OSHA 1-B to include “other than serious” violations.

Recommendation 10-6. Ensure that citation abatement verification is completed and updated in a timely manner.

Recommendation 10-7. Document measurements if appropriate and accurately describe the safety or health hazard in the alleged violation description.

Recommendation 10-8. Conduct health sampling to confirm violations of health standards.

Recommendation 10-9. Ensure that inspection information of enforcement activities and resultant citations, if any, is shared with the consultation manager for VPP approved work sites and then a determination made as to that work site’s existing status in VPP.

Recommendation 10-10. Reduce citation issuance lapse times.

Recommendation 10-11. Ensure that proper documentation is maintained to explain AKOSH’s reasons for screening out discrimination complaints, especially since screen-out letters are not provided to those who inquire about filing complaints.

Recommendation 10-12. Ensure that discrimination complaints are dismissed if they are not timely filed or that the Final Investigation Report (FIR) adequately explains the reason for tolling the statute of limitations, i.e., explain why AKOSH is accepting a late filing.

Recommendation 10-13. (Previously Recommendation 9-8). Interview all relevant 11(c) witnesses, especially all complainants, and don’t accept written statements as a substitute for a formal interview. If it is impossible to interview a complainant or a key witness, an effort should be made to receive a signed affidavit. The situation should be documented in the file and an explanation should be included in the FIR. Once AKOSH receives the written complaint and written response from the employer, it should schedule interviews instead of allowing written rebuttals. This is a repeat finding from the FY 2009 Enhanced FAME.

Recommendation 10-14. Ensure the most relevant evidence is documented in the 11(c) FIR with sufficient specificity (e.g., dates, times, individuals involved, etc.) instead of relying on general statements (e.g., “the complainant’s performance was lacking”).

Recommendation 10-15. Document in the 11(c) FIR that AKOSH considered evidence of inferred knowledge (i.e., Small Workplace Doctrine) if there is no evidence of actual employer knowledge.

Recommendation 10-16. Analyze employer knowledge, nexus, and the employer’s reasons for the adverse action for each protected activity in cases in which the complainant alleges more than one protected activity.

Recommendation 10-17. Ensure that AKOSH follows OSHA’s policy for approving settlement agreements that include waivers of future employment.

Overall, OSHA found that AKOSH is operating an enforcement program which directs resources to where they are most needed. AKOSH’s scheduling system targets both enforcement and consultation and training activities to seafood processing, transportation and warehousing and construction to mitigate injuries and prevent fatalities in these industries. Although the number of programmed inspections by AKOSH increased between FY 2009 and FY 2010, AKOSH once again did not meet its inspection goal.

AKOSH’s performance with regard to other enforcement-related mandated activities, such as denials of entry and responding to complaints and imminent danger, was satisfactory. Similarly, AKOSH’s performance in standards adoptions, federal program changes, formal appeals and voluntary compliance was satisfactory.

Introduction

The state of Alaska, under an agreement with OSHA, operates an occupational safety and health program in accordance with Section 18 of the Occupational Safety and Health Act of 1970. The Alaska state plan was approved July 31, 1973, and its developmental period under Section 18(e) of the OSH Act ended October 1, 1976. On September 9, 1977, OSHA certified that the state had completed all developmental steps as specified in its plan, and granted AKOSH final state plan approval on September 26, 1984.

OSHA monitors state plans to ensure that they are at least as effective as the federal program, and reports annually on state performance. Beginning in 1997, OSHA used strategic plans to establish five-year goals and objectives, and required state plan states to do likewise. As part of this process, states were asked to develop performance plans that would ultimately lead to the achievement of their five-year goals, and to include such performance plans in annual 23(g) grant applications.

Evaluation Methodology. This FAME evaluates state performance of required (mandated) performance areas and related enforcement activities. It also evaluates state performance at achieving its own performance goals as outlined in its grant application. The report represents the combined efforts of OSHA's Seattle Regional and Anchorage Area Offices, and covers federal fiscal year 2010, which is the period from October 1, 2009, through September 30, 2010.

The opinions, analyses, and conclusions described herein are based on information obtained from a variety of sources, including:

- State Activity Mandated Measures (SAMM) report data (Appendix D).
- State Information Report (SIR) data (Appendix E).
- Other statistical reports comparing state performance to federal performance.
- Quarterly monitoring meetings between OSHA and the state.
- OSHA review of Alaska's Corrective Action Plan (CAP) progress.
- The State OSHA Annual Report (SOAR) prepared by Alaska OSHA.
- Case file reviews of 39 inspection files and 17 discrimination investigations.

In addition, the views and opinions of stakeholders were taken into consideration in preparing this report. For example, input was received from employers, OSHA's alliance partners, professional safety organizations, and organized labor groups, such as the American Society of Safety Engineers, Chevron, Arctic Slope Regional Corporation, Peak Oilfield Services, Nabors Drilling, American Marine Corporation, Piledrivers and Divers Local 2520, and United Steelworkers of America.

Background.

The Alaska occupational safety and health program (AKOSH) is a part of Alaska's Department of Labor and Workforce Development, Labor Standards and Safety Division. The head of the Department is the Commissioner of Labor, who serves as the state plan designee. A director, appointed by the Commissioner, manages the Division. The day-to-day administration of AKOSH's program is delegated to a chief for enforcement and a chief for consultation and training. The two AKOSH chiefs share program management and supervisory duties and oversee two main offices located in Anchorage and Juneau, as well as smaller offices in Fairbanks and Ketchikan.

For FY 2010, the 23(g) state plan is staffed as follows: Thirteen enforcement officers (eight safety and five industrial hygienists), one compliance assistance specialist, one discrimination investigator (health qualified), six public sector consultants (4.5 safety positions and 1.5 industrial hygienists), six administrative or support staff, in addition to the two Chief positions. In FY 2010, the AKOSH program covered approximately 316,361 workers in about 21,471 establishments statewide. It is funded jointly by state monies, appropriated through the worker's safety and compensation administration account, and by federal grants. The total level of 23(g) funding for the program for FY 2010 is indicated below and shows both the federal and state share. Private sector consultation is separately funded under Section 21(d).

Program	Federal	State	Total
AK 21(d)	\$641,000	\$69,111	\$710,111
AK 23(g)	\$1,478,963	\$1,478,963	\$2,957,926
Grand Total:	\$2,119,963	\$1,548,074	\$3,668,037

In addition, Alaska allocated \$799,672 in 100% state monies for state plan operations.

AKOSH exercises jurisdiction over all private sector employers *except* those working in Denali National Park; on the Metlakatla Indian Reservation; in maritime industries; in federal government-owned, contractor-operated (GOCO) Native Health Care Facilities; and on several military installations. The state also has regulatory authority in state and local government workplaces. OSHA covers all excepted employers noted above, as well as federal agencies.

Major New Issues

AKOSH expects to have a new position established in FY 2011 to assist with quality control and CSHO monitoring to ensure inspection goals are met. This position replaces and reclassifies an existing safety enforcement officer position. AKOSH hopes to have the new position established by the end of April 2011. The proposed title for the position is occupational safety and health analyst.

AKOSH may have a funding problem beginning in FY 2012. State funding for AKOSH comes from the Workers' Safety Account (WSA), which receives revenue based on a percentage surcharge on workers' compensation insurance costs. Since Alaska's workers' compensation costs have fallen in recent years, the WSA fund source is expected to be insufficient to maintain AKOSH state funding starting as early as FY 2012. This funding shortage will result in significant budget cuts unless insurance costs experience sharp increases or legislative action is taken to change the rate of the surcharge.

Assessment of AKOSH Performance in Fiscal Year 2010

A. ASSESSMENT OF AKOSH PERFORMANCE IN MANDATED AND OTHER RELATED ACTIVITIES

1. Enforcement

The following is an assessment of Alaska's performance under the mandated program areas. Monitoring data have come from grant assurances, statistical reports, case file reviews and interviews.

Complaints. Ensure that safety and health complaint processing is timely and effective, including notification of complainants and appropriateness of the state's responses.

During the period covered by this review, AKOSH had a policy of initiating on-site inspections within *seven* working days for formal complaints alleging serious hazards; this differed slightly from OSHA's policy of responding within *five* working days to such complaints. As of October 1, 2009, however, the state adopted a new Field Operations Manual which includes a policy identical to OSHA's on responding to formal complaints alleging serious hazards.

The state's policy on responding to complaints that *do not* meet the criteria for on-site inspections is the same as OSHA's. It requires AKOSH to promptly contact the employer by telephone to notify it of the complaint, followed by faxing or mailing a notification letter. This procedure is commonly known as "phone/fax" or an "inquiry."

AKOSH received 72 valid complaints in FY 2010. Of that number, 68 were handled by on-site inspections and 4 by phone/fax. Timeliness outcomes were as follows:

- 100 percent of complaints handled by inspections were inspected within seven working days; the average number of days to initiate inspections was 4.8 days.
- 100 percent of complaints handled by phone/fax were initiated within one working day; the average response time was one day.

Overall, 100% of complaints filed with the state were handled in a timely manner. Performance in this area was comparable to that of OSHA, and exceeded AKOSH's overall goal of 90% timeliness for both categories of responses.

Fatalities and Catastrophes. Ensure fatalities and catastrophes are investigated properly, including responding timely to incidents and making contact with the families of victims.

AKOSH's policy on responding to fatalities and catastrophes (hospitalization of three or more employees) is the same as OSHA's in that it requires that inspections be initiated within *one* working day of notification. In addition, the state has a policy under which it investigates, within *seven* working days, accidents involving the hospitalization of two or fewer employees.

During FY 2010, AKOSH investigated 10 fatal accidents in its jurisdiction. This was a significant increase from five fatalities in the previous year. The majority of the fatal accidents occurred in the construction trades for this FAME period. AKOSH conducted 185 inspections in the construction industry trade.

All fatal accidents were inspected within the time frames required by both state and federal OSHA. Case file reviews of two fatal accidents, however, revealed that AKOSH is not sending out the second letter of the investigation results to the families of the deceased victims.

Recommendation 10-1. (Previously Recommendation 9-3). Ensure that at the conclusion of fatality investigations, AKOSH apprises the next of kin, in writing, of investigation outcomes and provides copies of citations. Insert copies of all such correspondence in the case file. (This is a repeat finding from the FY 2009 Enhanced FAME.)

Imminent Danger. Ensure imminent-danger situations are responded to promptly and appropriately.

AKOSH's policy on responding to imminent danger situations is to conduct inspections as expeditiously as possible, and no later than 24 hours after notification; this is essentially the same as OSHA's policy.

During this evaluation period, 62 imminent danger complaints/referrals were received by AKOSH and 60 were inspected within the required time frame. Two imminent danger inspections took two days to inspect because of travel delays. OSHA considers this to be acceptable performance. During the previous evaluation period, 48 imminent danger complaints or referrals were received.

Compliance Inspections. Ensure an effective program is in place allowing the conduct of unannounced enforcement inspections (both programmed¹ and unprogrammed²).

AKOSH has policies and procedures for conducting unannounced enforcement inspections, as required by OSHA. OSHA's monitoring found that AKOSH effectively identified establishments for programmed inspections using these scheduling tools. In FY 2010, the state conducted programmed inspections using the following:

- a. High Hazard Targeting (HHT) Plan: The HHT plan identifies employers reporting ten or more Lost Time Injury/Illness (LTII) cases, or those showing a 10% or greater Lost Time Case Rate (LTCR) increase from the previous reporting year, based on state workers' compensation data. The HHT directive prescribes the method for selecting establishments and assigning programmed inspections.
- b. Supplemental Construction List: The supplemental construction list is comprised of employers awarded construction bids as reported in *The Plans Room* – an Alaskan publication that advertises construction projects up for bid.
- c. Special Emphasis Programs (SEPs): The SEPs provide for programmed inspections of establishments in industries with high injury or illness rates that are not covered by other inspection scheduling systems. In FY 2010, AKOSH had SEPs for state public sector and for transportation and warehousing.

Enforcement of safety and health standards plays an important role in OSHA's efforts to reduce workplace injuries, illnesses, and fatalities. Each year, OSHA requires its state partners to establish reasonable goals for enforcement inspections. For the past four years, AKOSH has not met its inspection goals.

In FY 2007, AKOSH did not meet its inspection goal mainly because of a high vacancy rate among compliance officers. The state worked diligently to fill vacancies, but did not meet its goal the following year; in fact, AKOSH conducted 10% fewer inspections in FY 2008 than it had the year before. The 2008 shortfall was attributed, in part, to additional turnover and the need to train newly hired compliance officers. Furthermore, in 2009, AKOSH was faced with a hiring freeze which resulted in the need to pursue waivers, which it did in order to fill two compliance officer vacancies. This past year, the state began to see positive results from its earlier hiring efforts. In FY 2010, AKOSH had one compliance officer limited to administrative duties for the majority of the year due to medical issues. One vacancy was not filled in calendar year 2010. However,

¹ Programmed inspections are scheduled based upon objective or neutral selection criteria. Examples include national and local emphasis programs which target inspections in high-hazard industries.

² Unprogrammed inspections are conducted in response to imminent dangers, fatalities, catastrophes, complaints and referrals.

there were 10 compliance officers assigned with two or more years' experience with AKOSH during this period.

The state conducted a total of 375 inspections in FY 2010, representing an increase of five percent compared to the 355 inspections it conducted in FY 2009. Of the 375 inspections, 176 (47%) were programmed and 199 (53%) were unprogrammed. Although these numbers reflect an increase in enforcement activity in comparison to the previous year, the state fell short of its FY 2010 goal of 465 inspections.

Recommendation 10-2. (Previously Recommendation 9-4). Ensure an effective presence in private and public sector workplaces by increasing the number of programmed enforcement inspections using targeting tools such as the High Hazard Targeting plan, the Construction List, and Special Emphasis Programs. This is a repeat finding from the 2009 Enhanced FAME.

FY 2010 Case File Reviews.

During September 2010, OSHA conducted 39 case file reviews of completed cases during FY 2010. OSHA examined files for the following:

- a. *Quality of documentation.*
- b. *Correctness of violation classifications.*
- c. *Proper application of probability and severity in determining violation penalties.*
- d. *Abatement verification.*
- e. *Appropriateness of penalty reductions, violation reclassifications or citation withdrawals resulting from informal conferences on fatality-related cases.*
- f. *Notification of next of kin in fatality cases and providing an opportunity for family to communicate with AKOSH about the fatality investigation.*
- g. *Whether employer injury/illness data were collected.*

Methods used to identify case files for review included Web IMIS reports, IMIS Database Access, and Accident Investigation Search. The 39 cases were composed of 2 fatality cases, 18 programmed inspections, and 19 complaints or referrals. A checklist was used to ensure consistency in evaluating the files. In addition to case file reviews, AKOSH's Chief of Enforcement was interviewed.

Case File Review Findings and Recommendations.

- a. *Quality of case file documentation.*

In most instances, AKOSH's descriptions of fatal incidents were well documented and included discussions of causal factors. Photos, drawings and narrative descriptions of the work sites helped illustrate the circumstances and aided in identifying and documenting violations. Compliance officers routinely reviewed employers' OSHA 300 logs and safety programs, and documented findings in the

files. Documentation of employer knowledge, however, was deficient because AKOSH's compliance officers relied, in most cases, on the term "reasonable diligence" to establish that the employer knew the hazardous condition existed. In every instance, there was sufficient evidence to develop knowledge through demonstrated "actual," "imputed," or "constructive" actions on the part of the employer.

Recommendation 10-3. (Previously Recommendation 9-1): Factually document employer knowledge in case files with as much specificity as feasible. This is a repeat finding from the 2009 Enhanced FAME.

b. Correctness of violation classifications.

OSHA determined that in 24 of the 39 reviewed case files, there were violations that were classified as "other than serious," where information in the case file indicated the hazard should have been classified as "serious." Examples of hazards identified in the case files were fall hazards in general industry of up to 16 feet, chemical exposures where the hazard was listed as cancer, amputation hazards, and electrical shock where it would have been appropriate to group similar "other than serious" conditions into a "serious" violation. Related to this issue, the State of Alaska's percent serious rate for all issued cases was 24% relative to the federal average of 77%.

Recommendation 10-4. Review case files and classify conditions as "serious" based on the hazard and in accordance with the FOM.

c. Proper application of probability and severity in determining violation penalties.

Although it was noted that violations requiring a penalty generally were calculated correctly, it was discovered in case file reviews that severity and probability were consistently not completed for "other than serious" violations in a majority of the reviewed cases.

Recommendation 10-5. Require complete documentation of probability and severity on the OSHA 1-B to include "other than serious" violations.

d. Abatement verification.

Timely hazard abatement verification for serious, willful and repeat violations (within 14 days of the abatement date) for the state was 49% for private industries and 27% for public industries.

Recommendation 10-6. Ensure that citation abatement verification is completed and updated in a timely manner.

- e. *Appropriateness of penalty reductions, violation reclassifications or citation withdrawals resulting from informal conferences on fatality-related cases.*

For cases where informal conferences were held, adequate notes were in the file to document the decision-making process behind violation deletions, abatement date revisions, or penalty reductions. The state has implemented a worksheet for documenting the Chief of Enforcement's rationale for settlement actions taken during the informal conference.

- f. *Notification of next of kin in fatality cases and providing an opportunity to communicate with AKOSH about the fatality investigation.*

In the two fatality case files reviewed, the initial condolence letters were sent out to the next of kin in both cases. However, in neither case were the follow-up letters completed and sent to the family. See recommendation 10-1 for this issue.

- g. *Whether employer injury/illness data were collected.*

AKOSH reviewed the OSHA 300 records of inspected companies in all reviewed case files, recording the information where appropriate.

Other Observations. There were several issues identified during case file reviews that required additional review.

1. The alleged violation description (AVD) for numerous citations listed the hazards on the AVD as "safety hazards" or "health hazards." The appropriate terminology should reflect the direct hazard such as "burns," "fire hazards," or "amputations." In addition, the AVDs in several case files did not include measurements of fall hazards or voltage of electrical hazards where the information was readily available in the case file. As the OSHA-2 is a public record, it should be as descriptive as possible so that there is no confusion as to the relative hazard of the cited condition.

Recommendation 10-7. Document measurements if appropriate and accurately describe the safety or health hazard in the alleged violation description.

2. In two reviewed health case files it was noted that the compliance officer did not conduct sampling where it would have been appropriate. One case involved noise citations where the employer was cited for not providing sampling for noise where work conditions created a change in noise, but no sampling was conducted by AKOSH to document an alleged violation. In another case, the compliance officer did not conduct air sampling for formaldehyde on a complaint involving a funeral home. Citations were proposed for exposure to formaldehyde, but no sampling was conducted to show if there were

overexposures. While the onus is on the employer to conduct the necessary sampling to determine exposures, if a health CSHO is present in a fixed facility, where sampling could have been conducted, it generally should be conducted.

Recommendation 10-8. Conduct health sampling to confirm violations of health standards.

3. On one case file reviewed, a complaint inspection was initiated on an AKOSH VPP site. The inspection was conducted without coordination between the VPP manager and the Chief of Enforcement to ensure they were both aware of the complaint and the resultant inspection. Citations were issued in the case involving amputation hazards. There was no follow-up between the VPP manager and the enforcement section regarding trends identified in the inspection process. OSHA interviewed both the AKOSH enforcement and consultation chiefs and it was made apparent that no formal communication protocol exists to ensure coordination between the consultation and enforcement branches. In addition, after the notice is made of an enforcement inspection, the results of the inspection are required to be forwarded to the VPP program manager for review. Upon receipt of the final enforcement report, the VPP manager must determine if there are deficiencies within the safety and health management system that might affect the status of the VPP site.

Recommendation 10-9. Ensure that inspection information of enforcement activities and resultant citations, if any, is shared with the consultation manager for VPP approved work sites and then a determination made as to that work site's existing status in VPP.

Employee and Union Involvement. Ensure employees are allowed to participate in inspection activities.

AKOSH's policy on employee participation in the inspection process is the same as OSHA's. The state's compliance officers are required to determine, soon after arriving at the work site, whether employees are represented; if so, employee representatives are to be afforded the opportunity to participate in all phases of the inspection. OSHA's accompanied visits and its review of AKOSH's inspection files did not identify problems with respect to employee participation during inspections.

Citations and Penalties. Ensure timely issuance of citations which include appropriate penalties for serious violations.

Like OSHA, the state has policies and procedures with respect to the issuance of citations and penalties. During FY 2010, AKOSH's citation lapse times (the number of calendar days from opening conference to citation issuance) was 56.3 days for safety inspections and 75.3 days for health. Compared to FY 2009, this represents a 12-day increase in the safety lapse time (43.88 days in FY 2009), and an increase of over twenty two (22) days in the health lapse time (53.58 in FY 2009). AKOSH's FY 2010 lapse times compare unfavorably to the averages for state plans as a whole. Those lapse times were 47.3 and 61.9 days for safety and health cases, respectively.

In FY 2010, AKOSH cited an average of 4.1 violations per inspection, compared to 3.2 for OSHA. About 29% of AKOSH's violations were classified as serious, repeat or willful, compared to 46% for state plans as a whole.

Case file reviews verified that the state assessed penalties for all serious violations cited. In FY 2010, AKOSH's average penalty per serious violation was \$858, compared to OSHA's average of \$1,053.

Recommendation 10-10. Reduce citation issuance lapse times.

Abatement. Ensure an effective mechanism exists for assurance of hazard abatement.

The state's procedures for verifying hazard abatement are the same as OSHA's. Case file reviews identified no problems with regard to the appropriateness of abatement periods or abatement verification by AKOSH in general. However, the year-end State Activity Mandated Measures (SAMM) report shows that only 49% of serious, willful and repeat (SWR) violations cited in the private sector and only 27% of the SWR violations cited in the public sector had been verified as abated. OSHA has brought this up in quarterly meetings while discussing the Mandated Activity Report. See Recommendation 10-6.

Denials of Entry. Ensure an effective mechanism is in place to obtain inspection warrants when denials of entry occur.

AKOSH has effective mechanisms in place to obtain warrants to conduct inspections. In FY 2010, the state did not have any denials of entry where entry was not subsequently gained.

Public Employee Program. Ensure a representative share of safety and health enforcement inspections is conducted in the public sector.

AKOSH conducted 39 public sector inspections (25 programmed, 14 unprogrammed) in FY 2010. This number is slightly more than 10% of the 375 total inspections conducted. During FY 2009, AKOSH conducted 14 programmed and 20 unprogrammed public sector inspections for a total of 34 inspections.

AKOSH imposes monetary sanctions on public agencies over which it exercises regulatory authority. It also applies its abatement verification procedures to ensure hazard correction where public agencies are concerned.

Review Procedures. Ensure effective mechanisms are in place to provide employers the right of review of alleged violations, abatement periods, and proposed penalties; that employees or their representatives have an opportunity to participate in the review proceedings and contest abatement dates.

Alaska's Administrative Code and AKOSH's Compliance Manual afford employers the right to administrative and judicial review of alleged violations, proposed penalties, and abatement periods. These procedures also give employees or their representatives the opportunity to participate in review proceedings and to contest citation abatement dates.

As with OSHA, AKOSH's procedures require that informal conferences be held prior to the expiration of the 15-day contest period. Data regarding the state's "pre-contest" and violation withdrawals, penalty reductions, and violation reclassifications are similar to federal averages in those performance areas as reported in the FY 2010 State Indicators Report (Appendix E). Specifically, 5.6% of AKOSH's violations were vacated as a result of informal settlements, compared to 4.7% of federal violations. The state reclassified violations in 2% of cases while federal violations were reclassified 4% of the time. AKOSH retained 58.5% of its average penalties following informal settlements, compared to 63.0% by OSHA.

Alaska's Office of Administrative Hearings did not report any formal appeal decisions to the region in FY 2010. Some settlements at the Office of Administrative Hearings were awaiting signature from Alaska's Occupational Safety and Health Review Board and some hearings have been scheduled in 2011.

Bureau of Labor Statistics (BLS) Rates. Review state-specific rates to determine trends; compare to targeting and emphasis programs for correlation.

An overview of Alaska's private industry TCIR³ and DART⁴ rates for calendar years 2005 through 2009, as well as for select industries, is provided in the table that follows. At the close of this monitoring period, 2009 was the most recent calendar year for which data were available. (Data source: www.bls.gov)

	CY 2005	CY 2006	CY 2007	CY 2008	CY 2009	% Change, 05-09	% Change, 07-09
Private Industry							
TCIR	6.2	6.2	5.5	5.1	4.9	-21%	-11%
DART	3.0	3.0	2.7	2.7	2.1	-3%	-2%
Construction, NAICS⁵ 23							
TCIR	8.0	9.4	8.0	7.1	5.8	-28%	-3%
DART	3.9	4.4	3.3	3.4	2.7	-31%	-18%
Transportation/Warehousing, NAICS 48-49							
TCIR	9.1	9.1	7.4	7.4	6.0	-34%	-19%
DART	5.4	5.7	4.9	4.7	3.7	-31%	-24%
Seafood product preparation and packaging, NAICS 3117							
TCIR	7.8	8.5	11.3	8.5	7.3	-6%	-36%
DART	5.5	5.7	6.4	5.5	4.1	-25%	-36%
State and local government							
TCIR	4.8	5.4	4.2	5.5	5.1	+6%	+18%
DART	2.2	2.4	1.9	2.4	2.3	+4%	+17%

As stated previously, AKOSH conducts inspections and delivers training in the construction, transportation/warehousing, and seafood processing industries in an effort to reduce injuries and illnesses. Five-year BLS data presented above show that the state is justified in focusing its resources in these industries because TCIR and DART rates have been consistently higher in the three targeted industries than the rates for private industry as a whole. Between 2005 and 2009, decreases in Alaska's TCIR and DART rates occurred in all of the above industries except state and local government's TCIR which rose 6% and its DART which rose 4%. In summary, it appears that AKOSH's efforts are contributing to rate reductions in the targeted industries.

³ TCIR is the total case incident rate, which represents the number of recordable injuries and illnesses per 100 full-time workers, calculated as: $(N/EH) \times 200,000$ where N = number of injuries and illnesses; EH = total hours worked by all employees during the calendar year; and 200,000 = base for 100 equivalent full-time workers (working 40 hours per week, 50 weeks per year).

⁴ DART is the days away from work, job transfer, or restriction rate, which represents the number of such cases per 100 full-time workers. Calculation of the DART rate is similar to that of TCIR.

⁵ NAICS is the North American Industry Classification System.

The BLS fatality rate in Alaska is high compared to many other states. It should be noted, however, that the BLS fatality counts include fatalities that occur outside of AKOSH's jurisdiction. For a more relevant evaluation on the number of fatalities, AKOSH tracks its progress in reducing fatalities using the IMIS FAT/CAT report instead of the data published by BLS.

Recordkeeping and Reporting. Ensure rules are in place requiring employer recordkeeping of workplace injuries and illness, and timely reporting of workplace fatalities and catastrophes.

AKOSH regulations for maintaining records of workplace injuries and illnesses are comparable to OSHA's. AKOSH regulations for reporting workplace fatalities and catastrophes differ from OSHA's in that the state requires employers to report the work-related hospitalization of one or more employees compared with the OSHA requirement of three or more. No problems were noted with regard to AKOSH being timely notified of fatalities and catastrophes.

Information Management. Use of IMIS reports for program management; accuracy and integrity of data; timeliness of data entry and updates.

Although OSHA, Region X, does not routinely audit AKOSH's performance with regard to information management, other methods are used to ensure the integrity of the data. For example, OSHA meets quarterly with representatives of AKOSH to review program performance. Prior to such meetings, IMIS reports are run by the Anchorage Area Office for purposes of gauging the state's performance with respect to mandated activities. Likewise, the state updates its report on performance against the goals in its annual plan. In order for such reports to be accurate, the data need to be properly entered in a timely fashion; if any issues or concerns about data integrity arise, they are discussed at quarterly meetings in order to achieve resolution.

In addition to the above, the Seattle Regional Office monitors the IMIS monthly to ensure that the state plans in Region X enter OSHA-170 information for fatalities they investigate. Also, responses are prepared for ad hoc requests for clarification or correction of state data in the IMIS.

2. Standards Adoption and Variance Actions

Standards Adoption and Variance Actions. Ensure new and revised standards are adopted within required time frames and variance applications are processed properly and decisions justified.

Standards. AKOSH adopts most federal standards by reference. By using this procedure, standards are automatically adopted within the time frame allowed and they use the same effective date as the federal standards. For standards not adopted by

reference, the state has acceptable procedures for promulgating standards that are at least as effective as those issued by OSHA.

During this evaluation period, there were three final rules issued by OSHA. The state adopted the *Revising the Notification Requirements in the Exposure Determination Provisions of the Hexavalent Chromium Standards rule, the Safety Standards for Steel Erection – Technical Amendment*, and the *Cranes and Derricks in Construction* rule within the required time period.

Variations. AKOSH did not process a variance action during this evaluation period. The state has not processed any variance actions in the last three report years.

Federal Program Changes (FPCs) and State-Initiated Changes (SICs). Ensure timely adoption of program changes.

Federal. OSHA policy requires states to acknowledge each Automated Tracking System (ATS) change within 70 days of a program change's transmittal date. Acknowledgment by the state must include whether it intends to adopt the change or adopt an alternative. The ATS also requests the state's projected date of adoption.

In FY 2010, thirteen FPCs transmitted via the ATS required acknowledgement by the state; AKOSH timely acknowledged all thirteen FPCs. All three of the FPCs with final responses due within this evaluation period were timely submitted. OSHA has been satisfied with the state's performance with respect to FPC acknowledgements and final responses.

State-Initiated. Alaska did not submit any state-initiated program changes in FY 2010.

3. Voluntary Compliance.

Voluntary Compliance. Ensure the existence and implementation of an appropriate program to encourage voluntary compliance by employers through consultation and intervention.

Public Sector Consultation. OSHA, in conjunction with its stakeholders, developed a set of mandated activity measures or standards of acceptable performance for consultation programs. Data relating to each of those standards are reported in the Mandated Activities Report for Consultation (MARC). The MARC and supplemental monitoring data are typically used to assess each state's performance. For FY 2010, AKOSH met or exceeded all of the measures in the MARC. The state verified that 100% of the serious hazards identified by the consultants were corrected in a timely manner, thereby meeting the performance standard. Additionally, the number of hazards verified corrected in the original time allotted, or verified on-site, was 82%, thereby exceeding the standard of 65%. The FY 2010 MARC data confirm that AKOSH's public sector consultation program is being managed and operated effectively.

4. Discrimination Program

Title 8, Part 4, Chapter 61, Article 7 of the Alaska Administrative Code provides for discrimination protection equivalent to that provided by federal OSHA.

The following table is a summary of discrimination activity during FY 2010.

Disposition	Totals
Total cases from FY 2009	19
Cases completed in FY 2009	17
Cases completed timely	10
Overage cases	9
~ Withdrawn	0
~ Dismissed	14
~ Merit	3
~Settled	2
~Settled other	0
~ Litigated	1
Investigators on staff	1 ⁶

AKOSH received two fewer complaints than in FY 2009 and completed one less investigation. AKOSH's timeliness of completed cases was 58.8%, lower than the state plan rate of 72%. AKOSH's merit rate was 17.6%, similar to the overall state plan rate of 17%.

In August of 2010, OSHA conducted an on-site audit of the AKOSH Discrimination Program. The period covered by OSHA's review was fiscal year 2010. All 17 closed case files, as well as 48 screened out cases (as of the time of the audit), were reviewed by OSHA. OSHA's complete audit report was transmitted to the state in December of 2010. The audit report is summarized below with all recommendations for improvement.

OSHA reviewed the outcomes of the 17 investigations and found 5 investigations that should have received further investigation before a determination was made. AKOSH continued to have very well organized case files. A table of contents on both sides of the file made for easy review. Most case files contained all relevant evidence, such as employer policies, comparator evidence, and interviews.

AKOSH was commended for using a table of contents for each side of the case file, for using a chronology in the Final Investigative Reports (FIRs), and for more open and frequent communication with OSHA.

In one particular case, the AKOSH investigator did an excellent job analyzing the eight reasons given by the employer for terminating the complainant's employment, finding

⁶ AKOSH has one full-time investigator.

none of them to be valid. The employer offered an unreasonable settlement, so the AKOSH investigator recommended litigation.

In another case, even though the case was dismissed, the AKOSH investigator did a great job assisting the employer to put into place a system to assist employees (especially non-English speaking employees) to get the medical care they require as quickly as possible.

Screened Complaints

AKOSH uses a prima facie screening sheet in most cases. In at least five instances, however, no screening form could be located. That makes it difficult to know whether the complaint had been properly screened. AKOSH also does not send screen out letters. In one case, there may have been jurisdiction for the employee to file under the National Transit Systems Security Act (NTSSA). Page 2-2 of OSHA's Whistleblower Investigations Manual requires a prima facie screening of all complaints.

Recommendation 10-11. Ensure that proper documentation is maintained to explain AKOSH's reasons for screening out discrimination complaints, especially since screen-out letters are not provided to those who inquire about filing complaints.

Timeliness of Filing

In another case, the complaint was not timely filed. Although the case was dismissed, it should have been dismissed for being untimely or the reasons for tolling the statute of limitations should have been discussed in the Final Investigative Report (FIR).

Recommendation 10-12. Ensure that discrimination complaints are dismissed if they are not timely filed or that the FIR adequately explains the reason for tolling the statute of limitations, i.e., explain why AKOSH is accepting a late filing.

Interviews

AKOSH continues to allow written statements submitted by the parties to substitute for formal interviews. In one case, AKOSH relied on an unsigned written statement provided by the employer instead of interviewing a key witness. This situation is particularly troubling when complainant interviews are missing. The investigator sends correspondence between the parties as one rebuts what the other has submitted. The investigator should take more control of the investigation by cutting off the endless written rebuttals by scheduling interviews of the parties and witnesses.

Recommendation 10-13. (Previously Recommendation 9-8). Interview all relevant 11(c) witnesses, especially all complainants, and don't accept written statements as a substitute for a formal interview. If it is impossible to interview a complainant or a key witness, an effort should be made to receive a signed affidavit. The situation should be documented in the file and an explanation should be included in the FIR. Once AKOSH receives the written complaint and written response from the employer, it should schedule interviews instead of allowing written rebuttals. This is a repeat finding from the FY 2009 Enhanced FAME.

Final Investigative Reports (FIRs)

FIRs were well written and included all prima facie elements. On occasion, the FIR itself did not include relevant evidence that was needed for the reader to understand the determination in the case. This evidence was in the case file.

FIRs sometimes did not explain the evidence clearly and specifically. In one case, the FIR failed to mention which individual fired the complainant and what incident directly led to the complainant's termination to clearly show why the complaint lacked merit.

In three cases, more information about employer knowledge was needed. A CASPA was filed in two of these cases. AKOSH should have discussed inferred employer knowledge, i.e., the Small Workplace Doctrine. Employer knowledge of one protected activity was discussed, but there were other protected activities. Also, the case was dismissed even though the employer failed to follow its progressive disciplinary policy.

Recommendation 10-14. Ensure the most relevant evidence is documented in the 11(c) FIR with sufficient specificity (e.g., dates, times, individuals involved, etc.) instead of relying on general statements (e.g., "the complainant's performance was lacking").

Recommendation 10-15. Document in the 11(c) FIR that AKOSH considered evidence of inferred knowledge (i.e., Small Workplace Doctrine) if there is no evidence of actual employer knowledge.

Recommendation 10-16. Analyze employer knowledge, nexus, and the employer's reasons for the adverse action for each protected activity in cases in which the complainant alleges more than one protected activity.

Settlement Agreements

In one case, the settlement agreement included an employment waiver. This is contrary to OSHA's guidelines for approving settlement agreements.

Recommendation 10-17. Ensure that AKOSH follows OSHA's policy for approving settlement agreements that include waivers of future employment.

5. Complaints About State Program Administration (CASPs)

There were four Complaints About State Plan Administration (CASPs) filed in FY 2010. Additionally, three complaints that were filed in FY 2009 were completed in FY 2010. Of the seven CASPs received or completed in FY 2010, three warranted an investigation and related to specific inspections or discrimination complaint investigations completed by AKOSH. Two of the three cases were found to have merit. Accordingly, the region requested AKOSH to reinvestigate those cases.

CASPs submitted in FY 2009 but completed in FY 2010:

A-79: The complainant alleged that AKOSH failed to properly investigate an 11(c) discrimination case. AKOSH had issued a determination that the case be dismissed for lack of merit. OSHA investigated the CASPA and determined that the allegation had merit; witnesses were not interviewed privately, signed witness statements were not obtained, and key witnesses were not interviewed before dismissing the case. This resulted in the case being reopened and investigated further by AKOSH on two separate occasions. While additional information obtained from the interviews did not warrant AKOSH to change its original recommendation, all witnesses were interviewed and discussions were documented in the case file.

A-80: The complainant alleged that AKOSH failed to accept a timely 11(c) complaint. OSHA investigated the CASPA and determined that the allegation had no merit. Nonetheless, some deficiencies were identified in AKOSH's screening procedures. (See Recommendation 10-12.)

A-81: The complainant alleged that AKOSH did not inspect and address the safety hazards about which he filed a complaint. OSHA investigated the CASPA and determined that the allegation had no merit.

FY 2010 CASPs:

A-82: The complainant alleged that AKOSH failed to ensure proper abatement of citations; failed to require proper respiratory protection; and failed to respond to additional complaints. The state elected to not respond to the initial letter so OSHA investigated the complaint. The CASPA was found to be partially valid and additional issues were found during the investigation. The state responded with a partially acceptable response and disputed some of the findings. As a result of an additional review, OSHA requested further action by the state. The case remains open.

A-83: The complainant alleged that AKOSH failed to conduct an adequate inspection after a chemical spill. AKOSH investigated and provided a response to the allegations.

OSHA obtained the inspection files and found minor corrections to be made for future health inspections to which AKOSH agreed. This case is undergoing further review by OSHA at the request of the complainant.

A-84: The complainant alleged that AKOSH failed to properly investigate an 11(c) discrimination case. AKOSH had issued a determination that the case be dismissed for lack of merit. OSHA investigated the CASPA and determined that the allegation had merit; improper analysis of evidence was conducted and key witnesses were not interviewed before dismissing the case. This resulted in OSHA requesting the case be reopened and investigated further by AKOSH. The case remains open.

A-85: (This CASPA's allegations were identical to the allegations in CASPA A-83). The complainant alleged that AKOSH failed to conduct an adequate inspection after a chemical spill. AKOSH investigated and provided a response to the allegations. OSHA obtained the inspection files and found minor corrections to be made for future health inspections to which AKOSH agreed.

6. Other Program Elements

Personnel-Benchmark Positions Authorized and Filled. Track the state's authorized field safety and health enforcement positions at or above benchmark levels and actual safety and health enforcement positions filled.

Alaska's safety enforcement benchmark is four positions with eight positions identified and seven positions filled. Alaska has allocated eight positions of which seven are filled. For health enforcement staffing, the benchmark is 5, and 3.5 are filled.

Laboratory. Accredited and participates in quality assurance program.

In FY 2010, AKOSH continued to use the OSHA Salt Lake City Technical Center to analyze samples.

Summary Assessment of AKOSH's Performance of Mandated and Related Activities

AKOSH has the necessary policies and procedures in place to fulfill its mandated responsibilities. Although OSHA is seeking some enforcement and discrimination performance improvements, the state's performance with respect to mandated activities and its FY 2010 performance was satisfactory.

B. ASSESSMENT OF AKOSH'S PROGRESS IN ACHIEVING ITS ANNUAL PERFORMANCE GOALS

In 2009, AKOSH established a five-year strategic plan covering the period from FY 2009 through FY 2013. The plan includes outcome and performance goals which were approved by OSHA. Also in 2009, the state developed an annual performance plan for FY 2010 as part of its grant application for federal funds. AKOSH's report on its accomplishments with respect to its FY 2010 performance plan goals is contained in its State OSHA Annual Report (SOAR), attached as Appendix F. The following is OSHA's assessment of AKOSH's progress in achieving its annual performance goals.

FY 2010 Performance Goal 1: Improve workplace safety and health in both the public and private sectors as evidenced by a reduction in the rate of injuries, illnesses and fatalities.

FY 2010 Performance Goal 1.1 – Concentrate on the primary causes of fatalities and the industries where fatalities take place by focusing AKOSH efforts to Goals 1.2 and 1.3.

Results – In developing its 2010 performance goals to reduce injuries, illnesses, and fatalities, AKOSH used workers' compensation data to determine that the construction and transportation/warehousing industries had above-average injury/illness rates as well as the potential for fatal accidents. Goal 1.1 linked AKOSH's focused activity in these industries to fatality reduction, while goals 1.2 and 1.3 addressed injury/illness reductions.

Although this performance goal was met by AKOSH, the desired outcome – a decrease in the rate of Alaska workplace fatalities – cannot be measured at this time. The BLS fatality rate in Alaska, although high relative to many other states, is influenced primarily by transportation-related deaths which occur outside of AKOSH's jurisdiction. The desired outcome associated with this goal is a 10% reduction in the number of fatalities occurring in the state's jurisdiction over the five-year period of its strategic plan. Because the number of fatalities within AKOSH's jurisdiction each year is relatively small, however, there is no annual fatality reduction goal.

AKOSH will have difficulty meeting the overall goal of 10% reduction due to the fact that as of the end of FY 2010, in the first two years of this strategic plan, there have already been 15 fatalities. The five-year period referenced for this reduction over the period from 2004 to 2008 was 17.

OSHA's Assessment – This goal was met in that AKOSH focused successfully on fatality reduction via performance goals 1.2 and 1.3.

FY 2010 Performance Goal 1.2 – Reduce the lost time injury and illness rate in the construction industry, as determined by the number of lost time injuries and illnesses per hundred employees, by 2%.

Results – AKOSH focused its compliance, consultation, and outreach efforts in the construction industry in an effort to reduce lost time injuries, illnesses, fatalities in that industry sector. The state further concentrated its efforts on construction work sites where “struck by” and “fall” incidents were most likely to occur. Approximately 50% of all inspections were construction inspections. Additionally, 18 23(g) and 181 21(d) consultation interventions occurred during the evaluation period. The resulting reduction in lost time injuries and illnesses exceeded AKOSH’s performance goal.

OSHA’s Assessment – This goal was exceeded. Injury and illness rates in the construction industry trades declined by 4% in this evaluation period.

FY 2010 Performance Goal 1.3 – Reduce the rate of lost time injuries and illnesses in the transportation and warehousing industry sector by 2%.

Results – AKOSH focused on this industry by conducting compliance inspections and consultation interventions in transportation and warehousing establishments. The resulting reduction in lost time injuries and illnesses exceeded AKOSH’s performance goal.

OSHA’s Assessment – This goal was exceeded. Injury and illness rates in the transportation and warehousing industries declined by 3.9% in this evaluation period.

FY 2010 Performance Goal 1.4 – Reduce the lost time injury and illness rate in the seafood processing industry as determined by the number of lost time injuries and illnesses per hundred employees by 3%.

Results – Injury and illness rates in the seafood processing industries have declined by 5.9 percent in this evaluation period.

OSHA’s Assessment – This goal was exceeded.

FY 2010 Performance Goal 1.5a – Initiate inspections of fatalities and catastrophes (three or more hospitalizations) within one working day and for two or less hospitalizations within seven working days for 90% of occurrences to prevent further injuries or deaths.

Results – AKOSH responded to 100% of the fatalities/catastrophes and hospitalizations within the one working day and seven working day time frames, respectively, as stated in the goal. Ten fatalities/catastrophes and 18 hospitalization cases occurred within AKOSH’s jurisdiction during the evaluation period.

OSHA's Assessment – This goal was exceeded.

FY 2010 Performance Goal 1.5b – Initiate inspections within seven working days or investigations within one working day of worker complaints for 90% of the cases.

Results – AKOSH responded to all 68 complaints by initiating inspections within one working day of receipt. The state also responded with “investigations” (also known as “phone/fax”) within seven working days in four out of four complaint investigations.

OSHA's Assessment – This goal was exceeded.

FY 2010 Performance Goal 1.5c – Resolve 75% of all discrimination cases within 90 days.

Results – AKOSH completed 10 of 17 cases (59%) within 90 days.

OSHA's Assessment – This goal was not met; however, OSHA does not feel that it is appropriate to make a recommendation at this time.

Summary Assessment of Strategic Goal 1 – AKOSH resolved about 59% (10 out of 17) of its cases within 90 days thus falling short of its goal of 75% of all discrimination cases within 90 days. Except for performance goal 1.5c, AKOSH met or exceeded all of its annual performance goals related to strategic goal 1. OSHA commends AKOSH's performance relating to strategic goal 1.

FY 2010 Performance Goal 2: Promote a safety and health culture in the Alaskan workplace (both public and private sectors) through compliance assistance, cooperative programs, and consultation assistance.

FY 2010 Performance Goal 2.1a – Develop and deliver training to workers and employers in the construction industry that target the most likely causes of injuries, illnesses, and fatalities.

Results – AKOSH continued its formal outreach and training plan for delivering safety and health training to workers and employers in the construction industry. In FY 2010, AKOSH held a total of 139 formal and informal training events where 2,020 individuals from the construction industry received training.

OSHA's Assessment – This goal was met.

FY 2010 Performance Goal 2.1b – Develop and deliver training to workers and employers in the transportation and warehousing industry sector (NAICS codes

48xxxx – 49xxxx) that targets the most likely causes of injuries, illnesses, and fatalities.

Results – AKOSH conducted 48 formal and informal training events affecting 234 employees in the transportation and warehousing industry sector.

OSHA's Assessment – This goal was met.

FY 2010 Performance Goal 2.1c – Develop and deliver training to workers and employers in the seafood processing industry that targets the most likely causes of injuries, illnesses, and fatalities.

Results – AKOSH conducted 29 formal and informal training events affecting 323 employees in the seafood processing industry sector.

OSHA's Assessment – This goal was met.

FY 2010 Performance Goal 2.2a – Maintain, at a minimum, 15 VPP participants with the intent to increase by two by end of FY 2013.

Results – AKOSH began FY 2010 with 15 VPP participants and did not add any new sites during the evaluation period.

OSHA's Assessment – This goal was met.

FY 2010 Performance Goal 2.2b – While maintaining, at a minimum, a level of sixteen SHARP participants, increase the number of SHARP participants by one.

Results – AKOSH lost one SHARP member due to a disqualifying injury and illness rate. No new SHARP companies were added. AKOSH continues to publicize this program and should have been able to meet this goal in FY 2010. Although the state did not meet this goal, OSHA does not believe a recommendation is warranted at this time. The region plans to have additional discussions with AKOSH about its recognition and exemption programs.

OSHA's Assessment – This goal was not met.

Summary Assessment of Strategic Goal 2 – With the exception of goal 2.2b, AKOSH met or exceeded all of its annual performance goals related to strategic goal 2. Goal 2.2b proposed increasing by one the number of SHARP sites in Alaska while maintaining a minimum of 16 participants. Since no new SHARP sites were added and one SHARP site became disqualified, the state fell short of that goal.

FY 2010 Performance Goal 3: Secure public confidence through excellence in the development and delivery of AKOSH's programs and services.

FY 2010 Performance Goal 3.1a – Work with OSHA Training Institute (OTI) and Region X to address the issue of establishing regional training to assure that compliance and consultation staff receives basic and specialized training necessary to effectively carry out this strategic plan.

Results – During the evaluation period, eight enforcement staff and one consultant attended courses through the OSHA Training Institute. Nineteen consultation staff attended courses from the University of Washington OSHA Education Center. Twelve enforcement staff members participated in *Oil & Gas Well Safety* (provided in-house). In addition, two consultants completed 40-hour required training for *Asbestos Abatement Certification*.

OSHA's Assessment – This goal was met.

FY 2010 Performance Goal 3.1b – In cooperation with Region X staff, conduct annual reviews of enforcement and consultation case files to evaluate the effectiveness and consistency of services.

Results – OSHA randomly selected and reviewed 39 of AKOSH's inspection files in September 2010. Findings, which primarily centered on case file documentation, were discussed with AKOSH's Chief of Enforcement after the review was completed.

OSHA's Assessment – This goal was met.

Summary Assessment of Strategic Goal 3 – AKOSH met both of its annual performance goals related to strategic goal 3.

Appendix A
FY 2010 Alaska State Plan (AKOSH) Enhanced FAME Follow-up Report
Summary of New and Continuing Findings and Recommendations

Rec #	Findings	Recommendations	Related FY 09 Rec #
10-1	Case file reviews of two fatal accidents revealed that AKOSH is not sending out the second letter of the investigation results to the families of the deceased victims.	Ensure that at the conclusion of fatality investigations, AKOSH apprises the next of kin, in writing, of investigation outcomes and provide copies of citations. Insert copies of all such correspondence in the case file.	Repeated. 09-03
10-2	The state conducted a total of 375 inspections in FY 2010, representing an increase of five percent compared to the 355 inspections it conducted in FY 2009. Of the 375 inspections, 176 (47%) were programmed and 199 (53%) were unprogrammed. Although these numbers reflect an increase in enforcement activity in comparison to the previous year, the state fell short of its FY 2010 goal of 465 inspections.	Ensure an effective presence in private and public sector workplaces by increasing the number of programmed enforcement inspections using targeting tools such as the High Hazard Targeting plan, the Construction List, and Special Emphasis Programs.	Repeated. 09-04
10-03	Documentation of employer knowledge was deficient because AKOSH's compliance officers relied, in most cases, on the term "reasonable diligence" to establish that the employer knew the hazardous condition existed. In every instance, there was sufficient evidence to develop knowledge through demonstrated "actual," "imputed," or "constructive" actions on the part of the employer.	Factually document employer knowledge in case files with as much specificity as feasible.	Repeated. 09-01
10-04	OSHA determined that in 24 of the 39 reviewed case files, there were violations that were classified as "Other than Serious", where information in the case file indicated the hazard should have been classified as "Serious". Examples of hazards identified in the case files were fall hazards in general industry of up to 16 feet, chemical exposures where the hazard was listed as cancer, amputation hazards, and electrical shock where it would have been appropriate to group similar "Other than Serious" conditions into a "Serious" Violation.	Review case files and classify conditions as "serious" based on the hazard and in accordance with the FOM.	New.
10-05	Severity and probability were consistently not completed for "Other than Serious" violations in a majority of the reviewed cases.	Require complete documentation of probability and Severity on the OSHA 1-B to include "Other than Serious" violations.	New.

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Rec #	Findings	Recommendations	Related FY 09 Rec #
10-06	Timely hazard abatement verification (within 14 days of the abatement date) for the state was 49% for private industries and 27% for Public Industries.	Ensure that citation abatement verification is completed and updated in a timely manner.	New.
10-07	The alleged violation description (AVD) for numerous citations listed the hazards on the AVD as “safety hazards” or “health hazards”. The appropriate terminology should reflect the direct hazard such as “burns”, “fire hazards”, or “amputations”. In addition, the AVD’s in several case files did not include measurements of fall hazards or voltage of electrical hazards where the information was readily available in the case file.	Document measurements if appropriate and accurately describe the safety or health hazard in the alleged violation description.	New.
10-08	In two reviewed health case files it was noted that the Compliance Officer did not conduct sampling where it would have been appropriate. One case involved noise citations where the employer was cited for not providing sampling for noise where work conditions created a change in noise, but no sampling was conducted by AKOSH to document an alleged violation. In another case, the Compliance Officer did not conduct air sampling for formaldehyde on a complaint involving a funeral home. Citations were proposed for exposure to formaldehyde but no sampling was conducted to show if there were overexposures.	Conduct health sampling to confirm violations of health standards.	New.
10-09	On one case file reviewed, a complaint inspection was initiated on an AKOSH VPP site. The inspection was conducted without coordination between the VPP manager and the Chief of Enforcement to ensure they were both aware of the complaint and the resultant inspection. Citations were issued in the case involving amputation hazards. There was no follow up between the VPP manager and the Enforcement section regarding trends identified in the inspection process. OSHA interviewed both the AKOSH Enforcement and Consultation Chiefs and it was apparent that no formal	Ensure that inspection information of enforcement activities and resultant citations, if any, is shared with the consultation manager for VPP approved worksites and then a determination made as to that worksite’s existing status in VPP.	New.

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Summary of New and Continuing Findings and Recommendations

Rec #	Findings	Recommendations	Related FY 09 Rec #
10-10	<p>communication exists to ensure coordination between the Consultation and Enforcement branches. In addition, after the notice is made of an enforcement inspection, the results of the inspection are required to be forwarded to the VPP Program Manager for review. Upon receipt of the final enforcement report, the VPP Manager must determine if there are deficiencies within the safety and health management system that might affect the status of the VPP site.</p> <p>During FY 2010, AKOSH's citation lapse times was 56.3 days for safety inspections and 75.3 days for health. Compared to FY 2009, this represents a 12-day increase in the safety lapse time (43.88 days in FY 2009), and an increase of over twenty two (22) days in the health lapse time (53.58 in FY 2009). AKOSH's FY 2010 lapse times compare unfavorably to the averages for state plans as a whole. Those lapse times were 47.3 and 61.9 days for safety and health cases, respectively.</p>	Reduce citation issuance lapse times.	New.
10-11	<p>AKOSH uses an 11c prima facie screening sheet in most cases. In at least five cases, however, no screening form could be located. That makes it difficult to know whether the complaint had been properly screened. AKOSH also does not send screen out letters. In one case, there may have been jurisdiction for the employee to file under the National Transit Systems Security Act (NTSSA).</p>	Ensure that proper documentation is maintained to explain AKOSH's reasons for screening out discrimination complaints especially since screen out letters are not provided to those who inquire about filing complaints.	New.
10-12	<p>During 11c case file reviews, a complaint was identified as not timely filed. Although the case was dismissed, it should have been dismissed for being untimely or the reasons for tolling the statute of limitations should have been discussed in the Final Investigative Report (FIR).</p>	Ensure that discrimination complaints are dismissed if they are not timely filed or that the FIR adequately explains the reason for tolling the statute of limitations, i.e., explains why AKOSH is accepting a late filing.	New.

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Rec #	Findings	Recommendations	Related FY 09 Rec #
10-13	AKOSH continues to allow written statements submitted by the parties to substitute for formal interviews in 11c cases. In one case, AKOSH relied on an unsigned written statement provided by the employer instead of interviewing a key witness. This situation is particularly troubling when complainant interviews are missing. The investigator sends correspondence between the parties as one rebuts what the other has submitted. The investigator should take more control of the investigation by cutting off the endless written rebuttals by scheduling interviews of the parties and witnesses.	Interview all relevant 11c witnesses, especially all complainants, and don't accept written statements as a substitute for a formal interview. If it is impossible to interview a complainant or a key witness, an effort should be made to receive a signed affidavit. The situation should be documented in the file and an explanation should be included in the FIR. Once AKOSH receives the written complaint and written response from the employer, it should schedule interviews instead of allowing written rebuttals.	Repeated. 09-08
10-14	11c complaint FIRs sometimes did not explain the evidence clearly and specifically. In one case, the FIR failed to mention which individual fired the complainant and what incident directly led to the complainant's termination to clearly show why the complaint lacked merit. In three cases, more information about employer knowledge was needed. A CASPA was filed in two of these cases. AKOSH should have discussed inferred employer knowledge, i.e., the Small Workplace Doctrine. Employer knowledge of one protected activity was discussed, but there were other protected activities. Also the case was dismissed even though the employer failed to follow its progressive disciplinary policy.	Ensure the most relevant evidence is documented in the 11c FIR with sufficient specificity (e.g., dates, times, individuals involved, etc.) instead of relying on general statements (e.g., "the complainant's performance was lacking").	New.
10-15	In three 11c cases, more information about employer knowledge was needed. A CASPA was filed in two of these cases. AKOSH should have discussed inferred employer knowledge, i.e., the Small Workplace Doctrine. Employer knowledge of one protected activity was discussed, but there were other protected activities. Also the case was dismissed even though the employer failed to follow its progressive disciplinary policy.	Document in the FIR that AKOSH considered evidence of inferred knowledge (i.e., Small Workplace Doctrine) if there is no evidence of actual employer knowledge.	New.

Appendix A
FY 2010 Alaska State Plan (AKOSH) Enhanced FAME Follow-up Report
Summary of New and Continuing Findings and Recommendations

Rec #	Findings	Recommendations	Related FY 09 Rec #
10-16	In three 11c cases, more information about employer knowledge was needed. A CASPA was filed in two of these cases. AKOSH should have discussed inferred employer knowledge, i.e., the Small Workplace Doctrine. Employer knowledge of one protected activity was discussed, but there were other protected activities. Also the case was dismissed even though the employer failed to follow its progressive disciplinary policy.	Analyze employer knowledge, nexus, and the employer's reasons for the adverse action for each protected activity in cases in which the complainant alleges more than one protected activity.	New.
10-17	In one 11c case, the settlement agreement included an employment waiver . This is contrary to OSHA's guidelines for approving settlement agreements.	Ensure that AKOSH follows OSHA's policy for approving settlement agreements that include waivers of future employment.	New.

Appendix B
Alaska State Plan
FY 2010 Enhanced FAME Follow-up Report Prepared by Region X
Status of FY 2009 Findings, Recommendations, and Corrective Actions

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
09-1	Documentation of employer knowledge [in fatality and accident case files] was deficient because AKOSH's compliance officers relied, in most cases, on the term "reasonable diligence" to establish that the employer knew the hazardous condition existed. In every instance, there was sufficient evidence to develop knowledge through demonstrated "actual", "imputed", or "constructive" actions on the part of the employer.	Factually document employer knowledge in case files with as much specificity as feasible.	AKOSH has instructed Enforcement Officers to work harder to collect and document available evidence, such as witness statements and/or documents, to demonstrate employer knowledge of an alleged hazardous condition. Enforcement Officers will be instructed to avoid reliance solely on the "reasonable diligence" standard to establish employer knowledge of an alleged hazardous condition. AKOSH has not experienced significant problems with adequate support for citations. The AKOSH contest rate is relatively low and AKOSH has a very high success rate with cases that go before the Alaska Occupational Safety and Health Review Board.	Credible employer knowledge documented on OSHA 1B forms.	Repeated in FY2010.
09-2	AKOSH did not adequately document settlement agreement decisions.	Use a structured informal conference worksheet to document the employer's position with regard to cited violations as well as the Chiefs rationale for proposing settlement	The need for a structured informal conference worksheet is unclear. OSHA's evaluation of AKOSH's informal conference process reflected that, "For cases where informal conferences were held, adequate notes were in the file to document the decision-making process behind violation deletions, abatement date revisions, or penalty reductions." The only issue appears to be that OSHA found it difficult, in some cases, to determine the employer's position	State is using the informal conference worksheet provided by Region X.	Completed.

Appendix B
Alaska State Plan
FY 2010 Enhanced FAME Follow-up Report Prepared by Region X
Status of FY 2009 Findings, Recommendations, and Corrective Actions

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
09-03	Four of [the] five fatality-related cases included the initial condolence letter from AKOSH to the victim's next of kin, and there were no indications in any of the files that the citation or a letter had been sent by AKOSH to the next of kin explaining the outcome of the investigation. In only one instance did the state include the family in communication after the citation was issued; this was achieved by a telephone call in lieu of a letter.	Ensure that condolence letters are sent in every fatality case. At the conclusion of fatality investigations, apprise next of kin, in writing, of investigation outcomes and provide copies of citations. Insert copies of all such correspondence in case file.	with respect to the citation and the rationale for proposing settlement. This recommendation does not appear to produce a critical impact on the effectiveness of the AKOSH program in terms of the primary goal to reduce workplace illnesses, injuries and fatalities, but is aimed more at improving the efficiency of OSHA's ability to review AKOSH performance. AKOSH has implemented this recommendation. In FY2010 the Regional Office sent Region X instructions to Area Directors for dealing with family members.	Condolence letters included in all FAT/CAT files.	Repeated in FY2010
09-04	For the past three years, AKOSH did not meet its inspection goals [due to staffing problems]. The state conducted a total of 355 inspections in FY 2009, ...an increase of 24% compared to the 266 inspections it conducted in FY 2008, ...[but] the state still fell short of its FY 2009 goal of 465 inspections.	Ensure an effective presence in private and public sector workplaces by increasing the number of programmed enforcement inspections using targeting tools such as the High Hazard Targeting plan, the Construction List, and Special Emphasis Programs.	AKOSH will strive to implement this recommendation. However, staff turnover and other issues with human resources or mandated changes in policies or procedures may have a negative impact on efforts to increase inspections in the future.	Monitor and discuss progress at each quarterly meeting.	Repeated in FY2010.

Appendix B
Alaska State Plan
FY 2010 Enhanced FAME Follow-up Report Prepared by Region X
Status of FY 2009 Findings, Recommendations, and Corrective Actions

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
09-05	Complainant filed concurrent 11(c) complaints with AKOSH and federal OSHA, and there was miscommunication between the agencies.	In cases where a complainant files discrimination complaints concurrently with AKOSH and OSHA, the State and OSHA should communicate regularly and share information about their respective investigations.	AKOSH supports this recommendation. The State will communicate and share information with OSHA about its investigation when complaints are filed concurrently with both agencies.	Pending further discussion and Federal review.	Completed.
09-06	AKOSH's settlement agreements continue to allow for unemployment benefits to be deducted. The OSHA Whistleblower Investigations Manual states that "unemployment compensation benefits may never be considered as a back pay offset."	AKOSH should refrain from including provisions in its settlement agreements that allow for deducting unemployment benefits.	AKOSH has implemented this recommendation.	Improved settlement agreements.	Completed.
09-07	Closing letters to the parties [are not stating] that the complaint was settled and copies of the letters [are not being] maintained in the case file.	Closing letters to the parties should state that the complaint was settled and copies should be kept in the file.	AKOSH has implemented this recommendation.	Closing letters conform to policy.	Completed.
09-08	AKOSH continues to use statements submitted by a complainant and/or a witness to substitute for an interview even after the complaint has been docketed and filed.	Discontinue the practices of using statements submitted by complainants and witnesses as substitutes for interviews.	AKOSH will vigorously pursue witness interviews in lieu of using statements submitted by complainants and witnesses. When conditions prohibit witness interviews, AKOSH will use statements submitted by complainants and/or witnesses as evidence.	Interview statements in investigative files.	Repeated in FY2010
09-09	[Witness interviews are not covering the four prima facie elements, and are not indicating if one element is missing.]	Ensure that witness interviews cover the four prima facie elements.	AKOSH has implemented this recommendation.	Interview statements in investigative files.	Completed.
09-10	The Final Investigative Reports (FIR) do not state the date that the discrimination complaint was filed.	The FIR should include the date the complaint was filed with AKOSH. The date should be written on the first page of the	AKOSH has included this date in the chronology in the past but will add the complaint date to the first page of the FIR in accordance with this	Properly documented FIRs.	Completed.

Appendix B
Alaska State Plan
FY 2010 Enhanced FAME Follow-up Report Prepared by Region X
Status of FY 2009 Findings, Recommendations, and Corrective Actions

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
09-11	The state's FIRs include a section on coverage; however, they do not describe how the employer is covered by the Act in order to establish jurisdiction.	FIR. The coverage description in the FIR should include information that is similar to what is described in a safety and health inspection report, i.e., the number of employees, whether the employer is private or public, and union status, (along with a brief description of the company.)	recommendation. AKOSH will implement this recommendation and include background information about the respondent.	Properly documented FIRs.	Completed.

**Appendix C
Alaska State Plan
FY 2010 Enforcement Activity**

	AK	State Plan Total	Federal OSHA
Total Inspections	372	57,124	40,993
Safety	304	45,023	34,337
% Safety	82%	79%	84%
Health	68	12,101	6,656
% Health	18%	21%	16%
Construction	179	22,993	24,430
% Construction	48%	40%	60%
Public Sector	39	8,031	N/A
% Public Sector	10%	14%	N/A
Programmed	173	35,085	24,759
% Programmed	47%	61%	60%
Complaint	68	8,986	8,027
% Complaint	18%	16%	20%
Accident	12	2,967	830
Insp w/ Viols Cited	267	34,109	29,136
% Insp w/ Viols Cited (NIC)	72%	60%	71%
% NIC w/ Serious Violations	57.7%	62.3%	88.2%
Total Violations	1,259	120,417	96,742
Serious	296	52,593	74,885
% Serious	24%	44%	77%
Willful	1	278	1,519
Repeat	34	2,054	2,758
Serious/Willful/Repeat	331	54,925	79,162
% S/W/R	29%	46%	82%
Failure to Abate	-	460	334
Other than Serious	928	65,031	17,244
% Other	74%	54%	18%
Avg # Violations/ Initial Inspection	4.1	3.4	3.2
Total Penalties	\$441,097	\$ 72,233,480	\$ 183,594,060
Avg Current Penalty / Serious Violation	\$ 857.70	\$ 870.90	\$ 1,052.80
Avg Current Penalty / Serious Viol- Private Sector Only	\$ 848.50	\$ 1,018.80	\$ 1,068.70
% Penalty Reduced	39.7%	47.7%	40.9%
% Insp w/ Contested Viols	3.2%	14.4%	8.0%
Avg Case Hrs/Insp- Safety	25.1	16.2	18.6
Avg Case Hrs/Insp- Health	36.1	26.1	33
Lapse Days Insp to Citation Issued- Safety	40.6	33.6	37.9
Lapse Days Insp to Citation Issued- Health	57	42.6	50.9
Open, Non-Contested Cases w/ Incomplete Abatement >60 days	12	1,715	2,510

Appendix D State Activity Mandated Measures (SAMM)

NOV 12, 2010

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U. S. D E P A R T M E N T O F L A B O R

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

STATE ACTIVITY MANDATED MEASURES (SAMMs)

State: ALASKA

RID: 1050200

MEASURE	From: 10/01/2009 To: 09/30/2010	CURRENT FY-TO-DATE	REFERENCE/STANDARD
1. Average number of days to initiate for each State	325	42	Negotiated fixed number
Complaint Inspections	4.77 68	4.20 10	
2. Average number of days to initiate for each State	4	0	Negotiated fixed number
Complaint Investigations	1.00 4	0	
3. Percent of Complaints where Complainants were notified on time	66 98.51 67	6 100.00 6	100%
4. Percent of Complaints and Referrals responded to within 1 day -ImmDanger	60 96.77 62	0 0 0	100%
5. Number of Denials where entry not obtained	0	0	0
6. Percent of S/W/R Violations verified			
Private	118 48.76 242	0 .00 124	100%
Public	7 26.92 26	0 .00 19	100%
7. Average number of calendar days from Opening Conference to Citation Issue			
Safety Data (1 year)	13728 56.26	1457 76.68	2624646 47.3 National
Health Data (1 year)	244 5345 75.28	19 456 76.00	55472 750805 61.9 National
	71	6	12129

*AK 11.12

**PRELIMINARY DATA SUBJECT TO ANALYSIS AND REVISION

Appendix D State Activity Mandated Measures (SAMM)

NOV 12, 2010

PAGE 2 OF 2

U. S. D E P A R T M E N T O F L A B O R
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
STATE ACTIVITY MANDATED MEASURES (SAMMs)

State: ALASKA

RID: 1050200

MEASURE	From: 10/01/2009 To: 09/30/2010	CURRENT FY-TO-DATE	REFERENCE/STANDARD

8. Percent of Programmed Inspections with S/W/R Violations			
Safety Data (3 years)	63 48.46	8 88.89	93201 58.4 National
Health Data (3 years)	130 22 64.71	9 1 100.00	159705 10916 50.9 National
9. Average Violations per Inspection with Vioations			
S/W/R Data (3 years)	34 385 1.22	1 30 1.20	21459 428293 2.1 National
Other Data (3 years)	937 2.97	55 2.20	240266 1.2 National
10. Average Initial Penalty per Serious Violation (Private Sector Only)			
Data (3 years)	315 365850 1143.28	25 17650 706.00	201768 509912690 1360.4 National
11. Percent of Total Inspections in Public Sector this State (3 years)			
Data (3 years)	320 39 10.48	25 5 21.74	374823 90 9.1 Data for
12. Average lapse time from receipt of Contest to first level decision			
Data (3 years)	372 1174 293.50	23 0	984 3826802 217.8 National
13. Percent of 11c Investigations Completed within 90 days			
Data (3 years)	4 8 47.06 17	0 1 100.00 1	17571 100%
14. Percent of 11c Complaints that are Meritorious			
Data (3 years)	3 17.65	0 .00	1461 21.2 National
15. Percent of Meritorious 11c			
Data (3 years)	17 2	1 0	6902 1256

Appendix D
State Activity Mandated Measures (SAMM)

Complaints that are Settled		66.67				86.0	National
Data (3 years)		3				0	1461

*AK 11.12
ANALYSIS AND REVISION

**PRELIMINARY DATA SUBJECT TO

Appendix E State Indicator Report (SIR)

Q4 SIR02 101007 093239 PROBLEMS - CALL Yvonne Goodhall 202 693-1734

1101007

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OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CURRENT MONTH = SEPTEMBER 2010

INTERIM STATE INDICATOR REPORT (SIR)

STATE = ALASKA

-- PERFORMANCE MEASURE	----- 3 MONTHS-----		----- 6 MONTHS-----		-----12 MONTHS-----		-----24 MONTHS----	
	FED	STATE	FED	STATE	FED	STATE	FED	STATE
C. ENFORCEMENT (PRIVATE SECTOR)								
1. PROGRAMMED INSPECTIONS (%)								
A. SAFETY	5298	34	11403	62	21912	116	43788	212
	62.4	46.6	63.8	41.9	65.1	45.7	65.9	43.4
	8493	73	17860	148	33647	254	66434	489
B. HEALTH	488	3	1094	5	2232	18	4202	57
	30.6	21.4	33.7	16.1	35.0	31.6	35.1	39.9
	1597	14	3249	31	6378	57	11960	143
2. PROGRAMMED INSPECTIONS WITH VIOLATIONS (%)								
A. SAFETY	4663	17	9421	51	17649	93	34350	161
	72.7	85.0	71.2	86.4	69.1	86.1	67.1	82.1
	6413	20	13232	59	25525	108	51214	196
B. HEALTH	451	4	880	6	1756	26	3238	51
	57.8	80.0	53.9	85.7	55.4	83.9	53.4	81.0
	780	5	1632	7	3168	31	6066	63
3. SERIOUS VIOLATIONS (%)								
A. SAFETY	17341	49	33678	95	62211	186	117447	316
	81.6	28.8	81.5	26.2	81.0	26.1	80.1	30.6
	21261	170	41304	363	76839	712	146593	1031

Appendix E State Indicator Report (SIR)

	3233	19	6183	35	11743	86	21554	168	
B. HEALTH	69.6	26.0	70.5	24.3	70.2	22.0	69.6	19.1	
	4645	73	8776	144	16725	391	30947	878	
4. ABATEMENT PERIOD FOR VIOLS									
	3054	5	6515	19	12732	68	25040	98	
A. SAFETY PERCENT >30 DAYS	15.0	5.5	16.3	11.2	17.2	20.3	17.7	17.5	
	20398	91	39855	170	74010	335	141219	561	
	255	4	633	19	1406	30	2977	46	
B. HEALTH PERCENT >60 DAYS	5.6	9.3	7.3	21.8	8.5	14.7	9.6	10.5	
	4548	43	8681	87	16580	204	30862	437	
1101007	U. S. D E P A R T M E N T O F L A B O R						PAGE 2		
	OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION								
	CURRENT MONTH = SEPTEMBER 2010				INTERIM STATE INDICATOR REPORT (SIR)				STATE = ALASKA
	----- 3 MONTHS-----		----- 6 MONTHS-----		-----12 MONTHS-----		-----24 MONTHS---		
--	FED	STATE	FED	STATE	FED	STATE	FED	STATE	
C. ENFORCEMENT (PRIVATE SECTOR)									
5. AVERAGE PENALTY									
A. SAFETY									
	587112	1750	1106734	3550	2038916	14150	3500911	23650	
OTHER-THAN-SERIOUS	837.5	583.3	803.1	710.0	894.3	1088.5	967.6	1244.7	
	701	3	1378	5	2280	13	3618	19	
B. HEALTH									
	249175	5450	434447	7700	732953	16700	1039303	23750	
OTHER-THAN-SERIOUS	817.0	908.3	801.6	855.6	835.8	1192.9	842.2	989.6	
	305	6	542	9	877	14	1234	24	
6. INSPECTIONS PER 100 HOURS									
	9778	78	20529	156	38849	285	76136	539	
A. SAFETY	5.8	15.6	5.7	9.8	5.5	6.8	5.5	6.6	

Appendix E
State Indicator Report (SIR)

	1679	5	3593	16	7112	42	13925	82
	1864	16	3844	34	7547	66	14276	168
B. HEALTH	2.1	4.0	2.0	3.8	1.9	2.8	1.8	2.8
	908	4	1940	9	3898	24	8070	60
	1123	18	2474	42	5103	80	10425	130
7. VIOLATIONS VACATED %	3.7	5.5	4.3	6.3	4.7	5.6	5.0	5.1
	29962	327	57441	672	108213	1435	207527	2534
	844	5	1978	18	4276	29	9196	49
8. VIOLATIONS RECLASSIFIED %	2.8	1.5	3.4	2.7	4.0	2.0	4.4	1.9
	29962	327	57441	672	108213	1435	207527	2534
	15767907	49019	30073309	124639	57457651	210583	111052615	395926
9. PENALTY RETENTION %	64.5	58.5	63.9	57.2	63.0	58.5	62.8	60.6
	24439885	83830	47032897	217855	91194322	360210	176868726	653470

Appendix E State Indicator Report (SIR)

U. S. D E P A R T M E N T O F L A B O R

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OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CURRENT MONTH = SEPTEMBER 2010

INTERIM STATE INDICATOR REPORT

STATE = ALASKA

PERFORMANCE MEASURE	----- 3 MONTHS-----		----- 6 MONTHS-----		----- 12 MONTHS-----		----- 24 MONTHS-----	
	PRIVATE	PUBLIC	PRIVATE	PUBLIC	PRIVATE	PUBLIC	PRIVATE	PUBLIC
D. ENFORCEMENT (PUBLIC SECTOR)								
1. PROGRAMMED INSPECTIONS %								
A. SAFETY	34 46.6 73	2 40.0 5	62 41.9 148	2 25.0 8	116 45.7 254	22 71.0 31	212 43.4 489	30 61.2 49
B. HEALTH	3 21.4 14	0 .0 2	5 16.1 31	0 .0 3	18 31.6 57	2 25.0 8	57 39.9 143	8 33.3 24
2. SERIOUS VIOLATIONS (%)								
A. SAFETY	49 28.8 170	3 60.0 5	95 26.2 363	6 25.0 24	186 26.1 712	9 12.5 72	316 30.6 1031	18 19.1 94
B. HEALTH	19 26.0 73	3 60.0 5	35 24.3 144	4 33.3 12	86 22.0 391	15 18.1 83	168 19.1 878	20 15.9 126

Appendix E State Indicator Report (SIR)

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U. S. D E P A R T M E N T O F L A B O R

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OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CURRENT MONTH = SEPTEMBER 2010

COMPUTERIZED STATE PLAN ACTIVITY MEASURES

STATE = ALASKA

PERFORMANCE MEASURE	----- 3 MONTHS-----		----- 6 MONTHS-----		----- 12 MONTHS-----		----- 24 MONTHS-----	
	FED	STATE	FED	STATE	FED	STATE	FED	STATE
E. REVIEW PROCEDURES								
1. VIOLATIONS VACATED %	610 22.5 2709	0 .0 5	1134 23.2 4888	1 11.1 9	2052 21.9 9366	7 33.3 21	3827 23.0 16668	67 42.1 159
2. VIOLATIONS RECLASSIFIED %	306 11.3 2709	0 .0 5	585 12.0 4888	0 .0 9	1100 11.7 9366	2 9.5 21	2217 13.3 16668	10 6.3 159
3. PENALTY RETENTION %	4940512 65.3 7563023	0 .0 225	7526155 62.3 12074308	1487 63.3 2350	12856359 58.1 22143463	5324 59.5 8950	23378285 58.4 40052611	74391 61.0 121875

Appendix F
State OSHA Annual Report (SOAR)

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(Available separately)