

FY 2010 Federal Annual Monitoring and Evaluation (FAME) Report

On the

ARIZONA DIVISION OF OCCUPATIONAL SAFETY AND HEALTH (ADOSH)



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I. Executive Summary

Introduction

The State of Arizona implemented its Occupational Safety and Health plan under the provisions of Section 18(b) of the Occupational Safety and Health Act in 1974. The State plan was certified as having completed all its developmental steps on September 18, 1981. Arizona was granted final approval and concurrent Federal enforcement authority was relinquished on June 20, 1985.

The Industrial Commission of Arizona (ICA) is the designated State agency for the administration of this program. Ms. Laura L. McGrory is the Director of ICA and the State Plan Designee. Within the ICA, the Arizona Division of Occupational Safety and Health (ADOSH) is responsible for both the enforcement and the voluntary compliance programs of the Arizona occupational safety and health plan. Mr. Darin Perkins administers the ADOSH program. The Arizona program has a central office in Phoenix and a field office in Tucson.

The Arizona plan has jurisdiction over approximately 2.87 million workers in 142,902 private and public administration establishments. The Program covers all occupational safety and health issues within the State except for areas of exclusive Federal jurisdiction, private contractors on Indian National lands, Federal employees, copper smelters, and concrete and batch plants that are physically located within mine property and under jurisdiction of the State Mine Inspector's Office. The Arizona plan also provides free safety and health consultation for public and private employers, including those working on Tribal lands. Arizona's enforcement program policies and procedures are similar to OSHA's. ADOSH generally adopts Federal OSHA's occupational safety and health standards and most of its interpretations and compliance policies.

In FY 2010, the program had a total budget of \$4,794,450 (23(g) \$4,007,670 + 21(d) \$786,780) and 47 authorized staff positions in its central office in Phoenix and Tucson field office. This included 21 compliance officers, who conducted 1,089 enforcement inspections. The Program had 13 vacancies for the year.

Report Summary

The Fiscal Year (FY) 2010 Federal Annual Monitoring Evaluation (FAME) Report is not a comprehensive evaluation, but is focused on the States' response to the recommendations in the FY 2009 Enhanced Federal Annual Monitoring and Evaluation (EFAME) Report. This EFAME Follow-up Report addresses their progress towards achieving the actions specified in their final approved Corrective Action Plan (CAP) and the State's progress towards achieving their annual performance goals established in their FY 2010 Annual Performance Plan and reviews the effectiveness of the programmatic areas related to enforcement activities.

ADOSH has completed many of the issues found in the EFAME—only 14 findings and recommendations (out of 37) are pending, and they continue to work to finalize all issues.

The annual performance plan results, which ADOSH reported in their SOAR, indicate that the program continues to stride towards achieving its two main strategic goals. Evaluation of goal achievement or significant progress toward goal accomplishment has been reviewed and the results are identified in this report.

With respect to ADOSH's first Strategic Goal—*Improve workplace safety and health for all workers through direct intervention methods that result in fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities*—ADOSH focused its enforcement resources in the framing construction, structural steel and precast concrete, wood products manufacturing, and the architectural and structured metals manufacturing industries. Based on the latest Bureau of Labor Statistics (BLS) data, injuries/illnesses and fatalities in the construction and private sector industries are decreasing. The Arizona framing construction injury and illness rates decreased, but the structural steel and precast concrete, wood products manufacturing, and the architectural and structured metals manufacturing industries injury and illness rates are trending upward the last two fiscal years.

ADOSH's second Strategic Goal—*Secure public confidence through excellence in the development and delivery of ADOSH services*—consisted of 2 sub-goals: Obtain first-level decision in 80% of discrimination investigations within 90 calendar days of receipt and reduce citation lapse times by 5%. This strategic goal focused on reducing discrimination investigation decision and citation lapse times for ADOSH enforcement. While there were efforts implemented to improve effectiveness and reduce the lapse time of discrimination and enforcement case files, only 34.48% of discrimination investigations were completed within the targeted 90 days and citation lapse time averaged 57.55 days for safety which is above the National average for safety lapse time by 10 days (47.3 days). ADOSH averages 35.67 days for health lapse time which is below the National average for health lapse time by 26 days (61.9 days).

ADOSH did not ensure timely abatement of Serious/Willful/Repeat (S/W/R) violations in private sector (SMM 6) in all cases. Procedures and oversight in these measures must be accomplished.

In FY 2010 ADOSH's percent of programmed inspections with S/W/R violations was 23.74% for safety and 32.56% for health (SMM 8). Although there was an increase from FY 2009, ADOSH continued to be below national averages for both safety and health inspections with S/W/R violations.

ADOSH did not adopt all new Federal OSHA standards or mandatory Federal Programmed Changes (FPC) in a timely manner. The current legislative action necessary to approve all laws and regulations limits their ability to adopt standards, causing a delay. They will need to work with their legislature to ensure standard adoption and FPC's are completed on time.

While ADOSH's overall performance and accomplishment of the strategic goals is good, several items from the FY 2009 evaluation remain uncorrected. ADOSH needs to address those pending findings and all new findings and recommendations to ensure they are effectively providing safe and healthy workplaces for all workers.

Monitoring Methodology

Information and data referenced in this report are derived from computerized State Activity Mandated Measures (SAMMs), State Indicator Reports (SIRs), ADOSH's FY 2010 State OSHA Annual Report (SOAR), FY 2010 23(g) Grant, Complaints About State Program Administration (CASPs), other Integrated Management Information System (IMIS) reports, State policies and procedures, and discussions with State staff.

Several meetings were held with the ADOSH representatives in addition to the quarterly meetings, to assess the progress made to address the many FY 2009 EFAME findings and recommendations. ADOSH provided documentation to demonstrate completion of a finding and detail its strategy for pending items and those that required further monitoring.

II. Major New Issues

Furloughs

Arizona's budget concerns forced the State to implement mandatory furlough days for all State programs. During these furlough days, non-emergency functions of the Arizona government were suspended. ADOSH was affected by this, closing its office 3 days out of the year.

Vacancies

Arizona's budgetary problems also influenced the hiring practices of ADOSH for FY 2010. Due to the lack of additional staff, ADOSH did not meet all of its secondary outcome goals and overall inspection goals.

III. Assessment of State Actions and Performance Improvements in Response to Recommendations from the FY 2009 Enhanced Federal Annual Monitoring Evaluation (E-FAME)

As a result of the review, several findings and associated recommendations are being made for program improvement. A comprehensive list of all findings and recommendations is included in Appendix B of this report. Any incomplete items have been given new recommendation numbers for FY 2010 and will continued to be monitored in FY 2011.

Finding 09-01: *The 15-day due date for contesting citations and requesting informal conferences was not always entered into the IMIS system.*

Recommendation 09-01: *Ensure that the 15 day due date is entered into IMIS for all cases where citations are issued.*

It is the right of the employer, after an OSHA inspection, to request an informal conference with OSHA to discuss the violations cited or any pertinent information that surrounded the inspection. The employer also has the right to contest the citations and penalties after an OSHA inspection. These rights afforded to the employer are to occur within 15 work days of the receipt of the

notification of citation and penalty and must be entered into the computing system so that employer's rights are upheld. Arizona's program must ensure those same rights to the employer.

Completed Action 09-01: Staff has been trained on the need to enter this data into IMIS. This item is considered completed and closed, however will be monitored throughout the current year.

Finding 09-02: *Information and OSHA forms documenting citations, inspection activity, and contact information were not complete in many cases.*

Recommendation 09-02: *Ensure compliance officers understand the necessary documentation required for violations and completion of OSHA forms. Management should review case files on a regular basis to ensure documentation adequately supports violations and that forms are complete and up to date.*

Completed Action 09-02: Additional training was provided to staff regarding employer knowledge; additional training was provided to supervisors regarding complaint definitions. This item is considered completed and closed, however will be monitored throughout the current year.

Finding 09-03: *Several fatality case file investigations contained limited information and did not appear to be thoroughly documented and investigated. Additionally, it was difficult to determine whether ADOSH communicated with the victim's family concerning the process and results of the investigations.*

Recommendation 09-03: *Ensure a comprehensive and in-depth investigation to fully evaluate the conditions of a fatality in accordance with OSHA instruction CPL 2.113 and CPL 2.94 is completed and that contact with the family is sufficiently documented.*

Completed Action 09-03: ADOSH provided additional training to staff regarding fatality investigations, interviews and case file documentation. ADOSH modified its inspection narrative to document family contact and provided Federal OSHA a copy of the updated form. This item is completed and considered closed.

Finding 09-04: *Employee participation in the inspection process was not adequately documented in several case files.*

Recommendation 09-04: *Ensure union representatives are presented the opportunity to participate in every aspect of the inspection and their involvement is adequately documented.*

The right of employees to have a representative present during an OSHA inspection and for that representative to have the opportunity to participate in the inspection process is mandated by the Occupational Safety & Health Act of 1970. Arizona's safety & health program must afford the same opportunity to employees.

Completed Action 09-04: ADOSH responded that its compliance staff was asking for union involvement but were not documenting the contact in the case files. ADOSH has amended its inspection narrative form to document this contact/opportunity. A copy of the amended form was supplied to federal OSHA. This item is completed and considered closed.

Finding 09-5: *Interview statements were not documented in five fatality investigations.*

Recommendation 09-05: *Ensure employee interviews are obtained and documented in all fatality investigations.*

Completed Action 09-05: ADOSH has provided additional training to staff on the documentation of all interviews related to a workplace fatality. This item is considered completed and closed, however will be monitored throughout the current year.

Finding 09-06: *Inspection files did not contain documentation of the informal conference discussions. Similarly, a complaint case file did not contain documentation of the informal conference discussions and rationale involving a penalty adjustment from \$2,500 to \$75.*

Recommendation 09-6: *Ensure that discussions of the main issues and potential courses of action during the post-citation process are summarized, documented and included in the case file as referenced in Pages 23 and 24 of Chapter IV in the ADOSH FIRM.*

Completed Action 09-06: ADOSH now maintains documentation of post-citation actions in the case file. This item is considered completed and closed, however will be monitored throughout the current year.

Finding 09-7: *Case file documentation in the majority of the files were not organized according to established case file set-up procedures and diary sheets or similar daily/chronological logs were not found in all of the case files reviewed.*

Recommendation 09-7: *Ensure consistent organization of inspection case files as referenced in the ADOSH FIRM or Appendix C of OSHA's Instruction ADM 03-01-005 (previously ADM 12-05.A), OSHA Compliance Records and that diary sheets or similar daily/chronological logs are maintained.*

Completed Action 09-07: ADOSH partially corrected this finding. It has re-instructed staff on the proper order of documents within a file and updated their case file organization plan and provided a copy to Federal OSHA. ADOSH has not ensured that all files are organized accordingly or ensured the use of daily/chronological logs in each file.

Updated to 10-01 (formerly 09-07): Ensure diary sheets or similar daily/chronological logs are maintained. This item will be monitored throughout the year.

Finding 09-08: *The IMMLANG policy is not consistently followed.*

Recommendation 09-08: *Review current procedures for IMMLANG and make a determination whether Arizona will adopt a policy to ensure consistency if followed.*

Completed Action 09-08: The adoption of the use and of the IMMLANG code is optional. Arizona has decided not to implement use of the code. ADOSH has discontinued the use of the IMMLANG code. This item is completed and considered closed.

Finding 09-09: *Citation penalties were not appropriate based on the hazard in three case files.*

Recommendation 09-09: *Ensure that citation penalties are assessed in accordance with Chapter IV in the ADOSH FIRM.*

Completed Action 09-09: ADOSH met with federal OSHA to discuss the findings of the audit that support this finding. After review, ADOSH concluded that closer internal oversight by compliance supervision is needed and additional training has been provided to the staff.

Updated to 10-02 (formerly 09-9): The assessment of citation penalties is under review by ADOSH leadership and will be monitored throughout the year.

Finding 09-10: *Two (2) cases files did not contain adequate abatement documentation to justify closing the case file.*

Recommendation 09-10: *Consider auditing closed fatality case files on occasion to ensure that appropriate documentation is included in the file. Ensure supervisors utilize the IMIS Abatement Tracking report and send appropriate follow-up letters to employers.*

Completed Action 09-10: ADOSH has implemented the use of the abatement tracking report, as well as additional abatement codes and an annual internal audit that is performed every January. This item is completed and considered closed.

Finding 09-11: *The CLAIMS Local Emphasis Program did not demonstrate successful targeting of high hazard, private sector, general industry employers.*

Recommendation 09-11: *Modify the scope and targeting mechanism of the CLAIMS LEP to ensure it is successful.*

Completed Action 09-11: ADOSH has discontinued the use of this LEP and had it removed from the targeting system. Further discussion revealed that although the CLAIMS Local Emphasis Program was still noted in the system, Arizona was not using the LEP as a safety & health inspection targeting tool. This item is completed and considered closed.

Finding 09-12: *ADOSH's programmed inspection system resulted in high in-compliance rates.*

Recommendation 09-12: *Assess all programmed inspection systems and implement measures to improve in-compliance rates to ensure that the most hazardous industries and workplaces are being addressed.*

Completed Action 09-12: Additional targeting methods have been implemented to focus resources on the most hazardous industries. ADOSH reviewed all of their targeting programs and realized that the problem lay in the construction targeting parameters. They have changed the selection parameters. This item is completed and considered closed.

Finding 09-13: *ADOSH did not meet their inspection goals in FY 2009.*

Recommendation 09-13: *Evaluate resources and schedule inspections to ensure inspection goals are met.*

Corrective Action 09-13: Discussions were held with ADOSH to encourage the consideration of staffing and targeting tools to ensure that the inspection goals are met. ADOSH also considered adjusting the goals using historical data to estimate more achievable inspection goals.

Updated to 10-03 (formerly 09-13): Continue to evaluate resources and schedule inspections to ensure inspection goals are met. This item will be monitored throughout the year.

Finding 09-14: *ADOSH's rate of serious violations for programmed planned inspections is the lowest in the last five years.*

Recommendation 09-14: *Ensure the most hazardous industries and workplaces are being inspected in an effective manner to identify serious hazards and consider conducting training on hazard classification to ensure consistency with violation classification.*

Completed Action 09-14: ADOSH has provided additional instruction to staff regarding targeting methods and citation classification. This item is completed and considered closed.

Finding 09-15: *The Commission's review of all cases with proposed penalties in excess of \$1,000 has adversely affected ADOSH's ability to issue citations in a timely manner.*

Recommendation 09-15: *Continue to work closely with the Commission and staff to ensure that citations are issued in a timely manner.*

Completed Action 09-15: ADOSH is now tracking individual compliance officer citation lapse time. ADOSH has instituted a change in Commission procedure which will result in fewer case files in need of their approval which will help to reduce lapse time.

Finding 09-16: *Employers were not always notified of the Abatement Documentation requirements and abatement was not always adequately documented in case files.*

Recommendation 09-16: *Ensure that adequate documentation is obtained from the employer to appropriately address citations. Provide training to Compliance officers regarding the requirement of abatement verification documentation as it relates to field 19 of the OSHA-1B form. Utilize the Default Violation Abatement Standard Report to identify and track cases with abatement outstanding and follow-up as directed under CPL 2-0.114, Abatement Verification Regulation, which may include the issuance of additional citations for violations of 29 CFR 1903.19. When appropriate, they should also expand the use of abatement codes W (not completed, worksite changed) and E (not completed, employer out of business).*

Completed Action 09-16: ADOSH has implemented the use of the abatement tracking report, as well as additional abatement codes and an annual internal audit that is performed every January. This item is completed and considered closed.

Finding 09-17: *A designated IT Backup System Administrator was not designated.*

Recommendation 09-17: *Retain an IT Backup System Administrator to prevent a breakdown in the system in the event the IT Administrator is unable to perform these functions (OSHA ADM 1-1.30, Page II-1, paragraph B).*

Completed Action 09-17: ADOSH checked with federal OSHA Directorate of Information to confirm the IT Backup system administrator's status. It was confirmed that the program does have an IT back up. This item is completed and considered closed.

Finding 09-18: *Appropriate and accurate information was not consistently entered into the IMIS system.*

Recommendation 09-18: *Ensure staff is properly trained on entering appropriate information in IMIS while handling complaints, abatement, and discrimination cases. Management should review case files and use IMIS reports on a regular basis to ensure that data is being entered correctly into IMIS.*

Completed Action 09-18: ADOSH has started using many of the audit reports suggested, in addition to those already used. ADOSH also provided additional training to their employees and added additional oversight by management to ensure that reports are completed properly. This item is completed and considered closed.

Finding 09-19: *ADOSH did not adopt new Federal OSHA standards in a timely manner.*

Recommendation 09-19: *Ensure standard adoption is within six months of the federal promulgation date.*

Completed Action 09-19: Further discussions were held concerning ADOSH seeking a moratorium on the Arizona's standard adoption. Currently, all laws have to go before the Governor for approval. ADOSH is currently looking into trying to obtain a permanent exemption from the moratorium for the adoption of OSHA regulations.

Updated to 10-04 (formerly 09-19): ADOSH did not adopt new Federal OSHA standards in a timely manner. This item will be monitored throughout the year.

Finding 09-20: *Arizona has not submitted an appropriate Plan Change Supplement to OSHA for review of their formal training program for Compliance personnel and for their targeting system which differ from the Federal system.*

Recommendation 09-20: *Adopt a formal training program for compliance personnel and submit a Plan Change Supplement for OSHA's review. Arizona must also submit a State Plan Change Supplement with a description of their targeting systems.*

Completed Action 09-20: ADOSH submitted to OSHA for review a copy of a training plan they have been using. OSHA is currently reviewing the document.

Updated to 10-05 (formerly 09-20): Arizona has not submitted an appropriate Plan Change Supplement to OSHA for review of their formal training program for compliance personnel and for their targeting system which differ from the Federal system. This item will be monitored throughout the year.

Finding 09-21: *Discrimination investigations took an average of 190 days to complete. Only 56.6% of discrimination investigations were completed within the targeted 90 days.*

Recommendation 09-21: *Continue efforts to complete discrimination investigations within 90 days.*

Completed Action 09-21: ADOSH is working to create a “separate” discrimination section that will focus on 11(c) discrimination complaints and processing. The “separate” section will not include the hiring of new employees, just employees dedicated to processing the 11(c) complaints and file management. ADOSH will be presenting its plan to the ICA for approval.

Updated to 10-06 (formerly 09-21): Continue efforts to complete discrimination investigations within 90 days. This item will be monitored throughout the year.

Finding 09-22: *ADOSH did not always send letters to Complainants and Respondents informing them that the investigation has been opened or closed as appropriate.*

Recommendation 09-22: *Ensure policies and procedures are updated and discrimination investigators are appropriately trained and that files are reviewed on a regular basis to ensure that appropriate letters to complainants and respondents are sent informing them that the investigation has been opened and to ensure that both parties receive a closing letter after the investigation is closed.*

Completed Action 09-22: Discussions with ADOSH revealed that due to budget cuts and other constraints they could not send all discrimination investigators to attend training at the Federal OSHA training institute. In the future ADOSH will make provisions for the lead investigator to receive Whistleblower training at the OSHA training institute. ADOSH stated they provide a letter to the respondent at the opening of the investigation and call the complainant to inform them of the opening of the investigation. This contact with the complainant has not been documented on a telephone log that is supposed to be in the case file. These findings will be further monitored in FY 2011.

Updated to 10-07 (formerly 09-22): ADOSH did not always send letters to complainants and respondents informing them that a discrimination investigation has been opened or closed. Discrimination investigators should be provided training to provide opening and closing letters to both complainants and respondents. This item will be monitored throughout the year.

Finding 09-23: *ADOSH did not appropriately accept and docket orally filed discrimination complaints.*

Recommendation 09-23: *Ensure policies and procedures are updated and discrimination investigators are trained to accept and docket orally filed complaints and not require a*

complainant to submit a complaint in writing as referenced in OSHA's whistleblower manual, DIS 0-0.9, Chapter 2 and Chapter 7, Section V(A).

Completed Action 09-23: Arizona state law requires *all* discrimination complaints, regardless of the type, to be in writing. Current discussions are focused on how ADOSH can get this requirement waived because federal policy mandates that orally filed complaints are to be handled the same as written complaints.

Updated to 10-08 (formerly 09-23): ADOSH does not accept and docket orally filed discrimination complaints. This item will be monitored throughout the year.

Finding 09-24: *All discrimination cases were not properly coded in IMIS.*

Recommendation 09-24: *Review discrimination cases on a regular basis to ensure that discrimination complaints are properly coded in IMIS.*

Completed Action 09-24: ADOSH has implemented a review process and conducts audits twice per year (January and July) to ensure proper coding within IMIS. This item is completed and considered closed.

Finding 09-25: *Closing conferences were not documented in the case files.*

Recommendation 09-25: *Review case files on a regular basis to ensure that closing conferences are documented in the case files as referenced in ADOSH's discrimination manual, Chapter 3, Section E.5, and OSHA's whistleblower manual, DIS 0-0.9, Chapter 3, Section IV.J6.*

Completed Action 09-25: ADOSH provided OSHA with a copy of its amended narrative to include the closing conference. The case files are also being reviewed by the supervisor and program director. This item is completed and considered closed.

Finding 09-26: *Interview statements or interview memos detailing the relevant information were not obtained during witness interviews.*

Recommendation 09-26: *Ensure required statements and information are obtained in interview statements as required in ADOSH's discrimination manual, Chapter 3, Section C.5, and OSHA's whistleblower manual, DIS 0-0.9, Chapter 3, Section IV.G.*

Completed Action 09-26: ADOSH provided OSHA with a copy of its amended narrative to include interview statements within the case file. This item is completed and considered closed.

Finding 09-27: *The majority of the case files reviewed were not organized in the manner prescribed in ADOSH's discrimination manual, Chapter 5, Section B, and OSHA's whistleblower manual, DIS 0-0.9, Chapter 5, Section III.*

Recommendation 09-27: *Ensure that the case files contain adequate documentation and the case files are properly organized, in line with the requirements outlined in ADOSH's discrimination manual, Chapters 3 and 5, and OSHA's whistleblower manual, DIS 0-0.9, Chapters 2 and 3.*

Completed Action 09-27: ADOSH provided additional training on case file organization. This item is completed and considered closed.

Finding 09-28: *The Final Investigative Reports that were included in the case files did not follow the identical format prescribed in ADOSH's discrimination manual, Chapter 5, Section C, and OSHA's whistleblower manual, DIS 0-0.9, Chapter 5, Section IV.*

Recommendation 09-28: *The Final Investigative Report template must be amended to follow the identical format prescribed in ADOSH's discrimination manual. The report must be dated and signed by the investigator and the approving supervisor for accountability.*

Completed Action 09-28: ADOSH provided OSHA with an updated investigative report template. The modified template includes a location for the investigator and supervisor to date and sign. This item is completed and considered closed.

Finding 09-29: *ADOSH did not ensure that the Complainants and all relevant witnesses were interviewed and statements were documented in the investigation files.*

Recommendation 09-29: *Instruct investigators and review case files on a regular basis to ensure that the complainants in all cases are interviewed, as well as all relevant witnesses, including management and third parties.*

Completed Action 09-29: ADOSH has retrained investigators to interview each complainant and all relevant witnesses. Files are reviewed regularly by supervisors to ensure this occurs. A new report template was created which includes an area for witness statements. This item is completed and considered closed.

Finding 09-30: *In two (2) cases discrimination investigators did not sufficiently analyze and document factors relating to the final disposition of the case, such as work refusals and nexus.*

Recommendation 09-30: *Provide additional guidance to discrimination investigators on analyzing and documenting pertinent factors relating to discrimination cases, including work refusals and nexus.*

Completed Action 09-30: ADOSH updated the Final Investigative Report template to prompt investigators for the required information and report elements. This item is completed and considered closed.

Finding 09-31: *Of the five worksites reviewed, Medical Access Orders (MAOs) were not provided prior to the onsite visit as required under OSHA's CPL 02-02-072 and ADOSH's policy 2007-1, Access to Employee Medical Records.*

Recommendation 09-31: *Implement a system to ensure Medical Access Orders are obtained prior to the VPP onsite visit.*

Completed Action 09-31: ADOSH implemented a system similar to federal OSHA for obtaining MAO's prior to onsite visits where employees' records will be accessed. This item is completed and considered closed.

Finding 09-32: *ADOSH allowed 23(g) grant funds to be lapsed and failed to timely notify Federal OSHA.*

Recommendation 09-32: *Ensure funds that will not be spent by September 30 are appropriately returned to federal OSHA with adequate time to allocate.*

Completed Action 09-32: ADOSH hired a new accounting representative that will be overseeing the timeliness of funds being returned to federal OSHA and monitoring due dates.

Updated to 10-09 (formerly 09-32): ADOSH allowed 23(g) grant funds to be lapsed and failed to timely notify Federal OSHA. ADOSH will ensure funds that will not be spent by September 30 are appropriately returned to Federal OSHA with adequate time to allocate.

Finding 09-33: *ADOSH was unable to maintain a fully staffed program in that they experienced up to 7 safety and 2 health position vacancies during this evaluation period.*

Recommendation 09-33: *Ensure the inspector positions are fully staffed to the extent possible and develop a plan to address the challenges in hiring and retaining experienced personnel.*

Completed Action 09-33: ADOSH created a hiring plan that will be presented to the ICA for review by July 2011. The plan addresses some of the pay issues that affect maintaining and hiring of qualified employees.

Updated to 10-10 (formerly 09-33): ADOSH was unable to maintain a fully staffed program in that they experienced up to 7 safety and 2 health position vacancies during this evaluation period. ADOSH will ensure the inspector positions are fully staffed to the extent possible and finalize the hiring plan.

Finding 09-34: *Several of the compliance staff have not received all the required classes.*

Recommendation 09-34: *Ensure that compliance staff receives at least the basic required courses as required by federal OSHA's Directive.*

Completed Action 09-34: ADOSH has submitted a training plan to OSHA that they believe meets the intent of the federal directive. Further monitoring is needed for this item.

Updated to 10-11 (formerly 09-34): Several of the compliance staff have not received all the required classes. ADOSH will ensure that compliance staff receives at least the basic required courses as required by Federal OSHA's directive.

Finding 09-35: *Arizona conducted 50 inspections of framing contractors, which was below their goal of 150. This resulted in the identification of 88 hazards, which was below their goal of 300.*

Recommendation 09-35: *Evaluate [Performance Goal 1.1] and implement a plan to ensure that resources are available to meet the targeted number of inspections.*

Completed Action 09-35: ADOSH has met the overall goal of a reduction of injury and illnesses within the framing industry, yet for a secondary outcome measure they did not allot resources to have the inspection goal met.

Updated to 10-12 (formerly 09-35): Arizona conducted 50 inspections of framing contractors, which was below their goal of 150. This resulted in the identification of 88 hazards, which was below their goal of 300. ADOSH will evaluate [Performance Goal 1.1] and implement a plan to ensure that resources are available to meet the targeted number of inspections.

Finding 09-36: *The injury and illness rates in the architectural and structural metals manufacturing industry increased during this evaluation period and from the CY 2006 baseline (11.1%) for the Five Year Strategic Plan goal.*

Recommendation 09-36: *Re-evaluate efforts in reducing injury and illness in the architectural and structural metals manufacturing industry.*

Completed Action 09-36: ADOSH did not meet the performance goal in this area. See section VI of this report. This item will be further monitored in FY 2011.

Updated to 10-13 (formerly 09-36): The injury and illness rates in the architectural and structural metals manufacturing industry increased during this evaluation period and from the CY 2006 baseline (11.1%) for the Five-Year Strategic Plan goal. ADOSH will re-evaluate [Performance Goal 1.4] efforts in reducing injury and illness in the architectural and structural metals manufacturing industry.

Finding 09-37: *Citation lapse time for safety citations remains above the FY 2007 baseline.*

Recommendation 09-37: *Develop a plan to reduce safety citation lapse time.*

Completed Action 09-37: ADOSH is now tracking individual CO citation lapse time. ADOSH has instituted a change in Commission procedure which will result in fewer case files in need of their approval. The presentation of cases before the Commission can add at least 1 week to the citation lapse time.

Updated to 10-14 (formerly 09-37): ADOSH will monitor safety citation lapse time.

IV. FY 2010 State Enforcement

Inspections:

ADOSH conducts both program planned (initiated via an internal scheduling system) and unplanned inspections (initiated via complaints, referrals, accidents or fatalities) to ensure that employers provide safe and healthy workplaces throughout Arizona. In FY 2010, ADOSH conducted 1,089 enforcement inspections. Table 1 compares general ADOSH inspection data to national data. ADOSH programmed and unprogrammed inspections are consistent with Federal

OSHA inspections, but there is a large gap in the percentage of violations classified as serious and percentage of violations classified as Serious, Willful and Repeat.

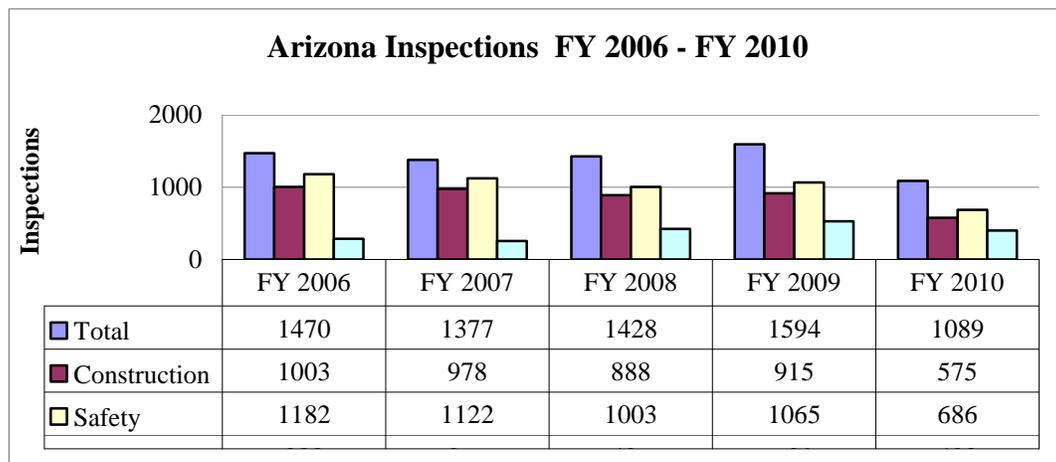
Table 1

| | ADOSH | FEDERAL |
|-----------------------------|-------|---------|
| Total Inspections (FY 2010) | 1,089 | 40,993 |
| % Program Planned | 54% | 60% |
| % Complaint | 30% | 20% |
| % Accident | 2.9% | 2% |
| % Serious | 21% | 77% |
| % SWR | 22% | 82% |

Actual versus Planned Inspection Numbers:

In FY 2010, ADOSH conducted 1,089 inspections (686 safety and 403 health) and fell short of its total goal of 1,589 (1,039 safety and 550 health). Some factors they may have contributed to ADOSH not meeting their inspection goals include; a state-wide hiring freeze, mandatory furlough days and the inability to maintain staffing at authorized levels. ADOSH’s inspection levels declined compared to previous years from 1,594 in FY 2009, 1,428 in FY 2008 and 1,377 in FY 2007. Chart 1 shows ADOSH inspections FY 2006 through FY 2010 (Micro-to-Host Report).

Chart 1



State Activity Mandated Measure (SAMM)

Complaints:

ADOSH met their goal of seven days to initiate complaint inspections (Table 2). In FY 2010, ADOSH averaged 3.21 days (not 11.22 days*) to initiate a complaint inspection as compared to 2.92 days during the previous fiscal period (SAMM 1).

The number of days to initiate complaint investigations, which did not result in inspections, averaged 1.26 days which is below their goal of three days (SAMM 2).

As of September 30, 2010, ADOSH had 6 out of 307 complaints where the complainant was not notified in a timely manner (SAMM 3). Fed/OSHA does not have visibility on the reasons for the delay in notifying complainants but will monitor this issue throughout the year.

Table 2

| Complaints (SAMM 1,2,3) | | | | | | |
|---|-------------------------|-------------------------|-------------------------|------------------------|---------------------------|--------|
| | FY 2006 | FY 2007 | FY 2008 | FY2009 | FY2010 | Goal |
| Days to Initiate Inspection (SAMM 1) | 5.68 days (1528/269) | 5.74 days (1327/231) | 3.08 days (914/296) | 2.92 days (851/291) | 11.22 days* (3436/306) | 7 days |
| Days to Initiate Investigation (SAMM 2) | 3.47 days (1306/376) | 6.12 days (2933/479) | 2.92 days (1218/417) | 0.97 days (387/397) | 1.26 days (581/459) | 3 days |
| Complainants Notified Timely (SAMM 3) | 96.56% (253/262) | 98.29% (230/234) | 98.25% (281/286) | 97.97% (289/295) | 98.05% (301/307) | 100% |

**Due to data entry errors on the part of ADOSH, the November 12, 2010 SAMM Report data initially used to evaluate ADOSH's SAMM measure 1 was later found to be inaccurate. After ADOSH updated their data it was determined that the number of days to initiate an onsite complaint inspection decreased from 11.22 days to 3.21 days. As a result ADOSH actually met the goal of initiating onsite complaint inspections within 7 days.*

Imminent Danger and Denial of Entry:

According to the FY 2010 data for SAMM 4, there were no imminent danger complaints and referrals. Likewise for SAMM 5, ADOSH had no denials of entry.

Abatement:

SAMM 6 data indicated 27 Serious/Willful/Repeat (S/W/R) violations in the private sector were not abated timely; this is a verification rate of 94.26% which falls short of their goal of 100%. For the public sector ADOSH verified 95% of S/W/R violations in a timely manner (Table 3).

Table 3

| Percent S/W/R Violations Timely Verified Abated (SAMM 6) | | | | | | |
|--|---------------------|---------------------|---------------------|---------------------|--------------------|------|
| | FY 2006 | FY 2007 | FY 2008 | FY2009 | FY2010 | Goal |
| Private Sector | 90.64% (668/737) | 89.39% (514/575) | 88.43% (466/527) | 94.03% (425/452) | 94.26 (443/470) | 100% |
| Public Sector | 100% (6/6) | 86.36% (19/22) | 89.29% (25/28) | 100% (15/15) | 95 (19/20) | 100% |

Finding 10-15: *There were 27 S/W/R violations in the private sector where the employer abated after receiving follow-up letters, phone calls and, in some cases, a follow-up inspection.*

Recommendation 10-15: Ensure all managers and compliance personnel know that they can cite an employer for failure to verify abatement rather than continued requests to employers about sending abatement verification.

Citation Lapse Time:

In FY 2010, ADOSH’s citation lapse time averaged 57.55 days for safety and 35.67 days for health, which is a slight decrease for safety and slight increase for health from last year’s results (SAMM 7, Table 4). ADOSH’s lapse time for safety citations is above the National average by 10 days (47.3 days) while health is below by 26 days (61.9 days).

One factor that adds to ADOSH’s overall citation lapse time is the Industrial Commission of Arizona’s obligation to review all cases with total proposed penalties greater than \$1,000. This process is unique to Arizona, where an independent body separate from the ADOSH program reviews the appropriateness of ADOSH’s penalty proposals and either approves, modifies or disapproves the issuance of penalties or violations. Once per week the ADOSH Director and/or his representative meets with the Commission to present such cases and justify why a citation should have a penalty of \$1000 or more. Depending on the volume and complexity of cases, this process can add an additional 7 to 14 days to the lapse time. For FY 2011, lapse time should decrease because the Commission has raised the limit in which the inspection penalty can be reviewed from \$1,000 to \$2,500.

Table 4

| Citation Lapse Time in Calendar Days (SAMM 7) | | | | | | |
|---|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|----------------|
| | FY 2006 | FY 2007 | FY 2008 | FY2009 | FY2010 | FY10 Nat. Avg. |
| Safety | 45.56 days (30939/679) | 56.34 days (39157/695) | 60.08 days (33286/554) | 58.81 days (30113/512) | 57.55 days (23022/400) | 47.3 days |
| Health | 43.91 days (9311/212) | 43.29 days (8096/187) | 34.62 days (7930/229) | 30.83 days (10052/326) | 35.67 days (10025/281) | 61.9 days |

Programmed Inspections with Serious, Willful or Repeat Violations:

ADOSH’s percent of programmed inspections with S/W/R violations was 23.74% for safety and 32.56% for health in FY 2010 (SAMM 8). Although there was an increase from FY 2009, ADOSH continued to be below national averages for both safety and health inspections with S/W/R violations (Table 5).

Table 5

| Percentage of Programmed Inspections with S/W/R Violations (SAMM 8) | | | | | | |
|---|---------------------|---------------------|---------------------|---------------------|---------------------|----------------|
| | FY 2006 | FY 2007 | FY 2008 | FY2009 | FY 2010 | FY10 Nat. Data |
| Safety | 21.80% (182/835) | 26.98% (221/819) | 27.12% (208/767) | 16.42% (131/798) | 23.74% (104/438) | 58.4% |
| Health | 58.42% (59/101) | 50.98% (52/102) | 34.33% (69/201) | 25.81% (64/248) | 32.56% (56/172) | 50.9% |

Finding 10-16: *ADOSH’s policy on classifying violations does not ensure violations that would be considered “Serious” under the Federal FOM are classified as Serious.*

Recommendation 10-16: Adopt Violation Classification policies and procedures equivalent to Federal OSHA regarding descriptions on Supporting “Serious” Classification (Federal FOM, page 4-10 to 4-11), Supporting “Willful” Violations (Federal FOM, page 4-30 to 4-32), and Combining/Grouping Violations (Federal FOM, page 4-37 to 4-39).

Violations Per Inspection:

The average number of violations per inspection was .98 for S/W/R violations and 3.34 for other-than-serious violations (SAMM 9, Table 6).

Table 6

| Violations/Inspection (SAMM 9) | | | | | | |
|---------------------------------------|---------------------------|---------------------------|---------------------------|---------------------------|---------------------------|-----------------------|
| | FY 2006 | FY 2007 | FY 2008 | FY2009 | FY2010 | FY10 Nat. Data |
| S/W/R | 1.05 (939/890) | 0.93 (822/883) | 1.04 (822/783) | 0.87 (730/838) | 0.98 (673/681) | 2.1 |
| Other | 3.13 (2793/890) | 2.66 (2354/883) | 2.85 (2237/783) | 2.70 (2268/838) | 3.34 (2275/681) | 1.2 |

Penalties:

In FY 2010, the average initial penalty for serious violations was \$1,306.12, which is below the National average of \$1,360.40 and down from a FY 2009 average of \$1,429 (SAMM 10).

The Industrial Commission of Arizona approves all cases with total proposed penalties higher than \$1,000 and modifies penalties based on their judgment of the circumstances, exposure and severity of the hazard being addressed. All penalties are unanimously agreed upon by a majority vote of the ICA members.

Table 7

| Average Initial Penalty Per Serious Violation (SAMM 10) | | | | | | |
|--|----------------|----------------|----------------|----------------|----------------|--------------------------|
| | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 | FY 2010 Nat. Data |
| Serious | \$1,554 | \$1,706 | \$1,430 | \$1,429 | \$1,306.12 | \$1360.40 |

Percentage of Total Inspections in Public Sector:

Arizona’s enforcement program for state and local government is identical to that in the private sector. ADOSH schedules inspections and issues citations and penalties for both in the same manner, but state agencies are represented by the Attorney General’s Office if citations are contested. During FY 2010, 2.39% of Arizona’s inspections were conducted in the public sector, down from 11.54% in FY 2009 (SAMM 11).

Table 8

| Percentage of Total Inspections in Public Sector (SAMM 11) | | | | | | |
|---|---------------------------|---------------------------|---------------------------|-----------------------------|---------------------------|--------------------------|
| | FY 2006 | FY 2007 | FY 2008 | FY2009 | FY 2010 | 3-Year State Data |
| | 5.03% (74/1472) | 5.37% (74/1379) | 4.85% (69/1424) | 11.54% (184/1594) | 2.39% (26/1089) | 6.7% |

Contested Case Lapse Time:

During FY 2010, the average lapse time from the date of contest to first level decision slightly increased from 127.60 days (FY 2009) to 132.63 days (Table 9). This is below the National average of 217.8 days (SAMM 12).

Table 9

| Contested Case Lapse Time (SAMM 12) | | | | | | |
|-------------------------------------|--------------------------|--------------------------|---------------------------|--------------------------|--------------------------|-------------------|
| | FY 2006 | FY 2007 | FY 2008 | FY 2009 | FY 2010 | FY 2009 Nat. Avg. |
| | 126.68 days (7981/63) | 127.18 days (5469/43) | 153.05 days (10561/69) | 127.60 days (5487/43) | 132.63 days (5040/38) | 217.8 |

Discrimination:

During FY 2010, the percentage of discrimination cases completed within 90 days decreased from 50% to 34.48% (10/29) which is below the National goal of 100%. The percentage of merit cases increased from 17.11% to 20.69% (6/29) which is slightly below the National average of 21.2%. The percentage of merit cases settled is at 100% (6/6) which is greater than the National average of 86% (SAMM 13, 14, 15).

Table 10

| Discrimination (SAMM 13, 14, 15) | | | | | | |
|--------------------------------------|-------------------|-------------------|-------------------|-------------------|-------------------|-------------------------|
| | FY 2006 | FY 2007 | FY 2008 | FY2009 | FY 2010 | FY 2009 Nat. Data |
| % Completed Within 90 Days (SAMM 13) | 44.68% (21/47) | 77.78% (49/63) | 39.19% (29/74) | 50% (38/76) | 34.48% (10/29) | 100% (National Goal) |
| % Merit Cases (SAMM 14) | 10.64% (5/47) | 4.76% (3/63) | 28.38% (21/74) | 17.11% (13/76) | 20.69% (6/29) | 21.2% |
| % Merit Cases Settled (SAMM 15) | 20.00% (1/5) | 33.33% (1/3) | 47.62% (10/21) | 92.31% (12/13) | 100% (6/6) | 86% |

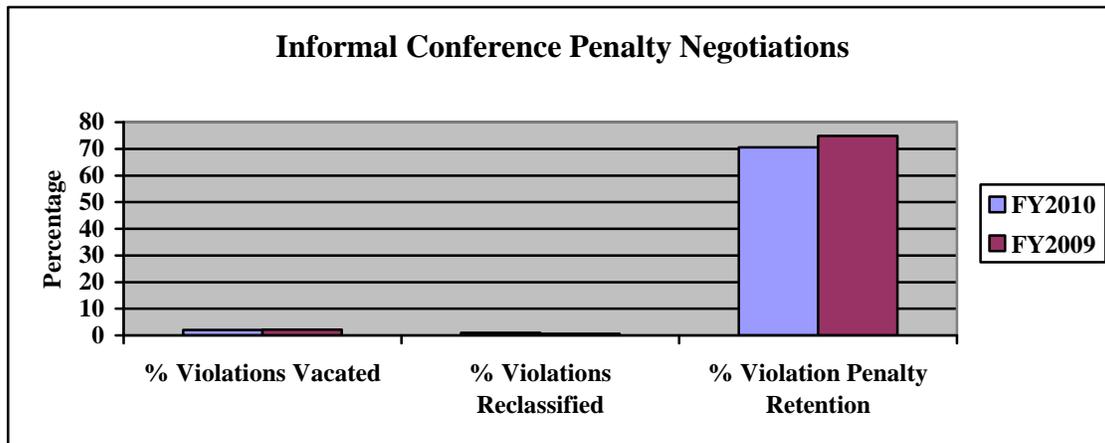
Finding (Repeat of finding 09-21; combined with new 10-06): *Only 34.48% of discrimination investigations were completed within the targeted 90 days.*

Recommendation 10-06: Continue efforts to complete discrimination investigations within 90 days. This item will be monitored throughout the year.

State Indicator Report (SIR):

During FY 2010, ADOSH continued to sustain both violations and penalties during pre-contest procedures (informal conferences). ADOSH's percentage of violations vacated was 2.0%, their percentage of violations reclassified was 0.9% and their percentage of penalty retention was 70.6%. These figures were close to ADOSH's performance in FY 2009 and exceeded the Federal data of 4.7%, 4.0%, and 63.0% respectively. (SIR C-7,8,9)

Chart 2



During the post-contest period, 22.5% of the violations issued were vacated, 10.6% violations reclassified and 22.3% of the penalties retained. While the violations vacated was higher than the Federal data of 21.9%, violations reclassified and penalty retention was comparable at 11.7% and 58.1% respectively. (SIR E-1, 2, 3)

V. Other

Standards:

In FY 2010, Arizona adopted two remaining standards promulgated in FY 2009 (Duty to Provide PPE, Consensus Standards) but did not adopt any of the four standards promulgated in FY 2010 (Acetylene, Hexavalent Chromium, Steel Erection, Cranes and Derricks). Currently the Governor has to approve all laws and regulations limiting ADOSH’s ability to adopt standards within six months of the federal promulgation date.

**Federally Initiated Standards Log and Arizona’s Response
FY 2010**

| Federal Standard Number | Intent to Adopt | Adopt Identical | State Standard Number | Date Promulgated | Effective Date | FR Published Date |
|---|-----------------|-----------------|-----------------------|------------------|----------------|-------------------|
| 29 CFR 1917.1918 2009 35: Long Shoring and Marine Terminals; Vertical Tandem Lifts | NO | N/A | N/A | N/A | N/A | N/A |
| 29 CFR 1910.1915.1917.1926 2009 36: Clarification of Employer Duty to Provide Personal Protective Equipment and Train Each Employee | YES | YES | | | 08/06/2010 | N/A |
| 29 CFR 1910.1915.1917.1918 2009 37: Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment | YES | YES | | | 08/06/2010 | N/A |
| 29 CFR 1910.102 2010 38: Acetylene – Direct Final Rule | YES | YES | | | | N/A |

| | | | | | | |
|--|-----|-----|--|--|--|-----|
| 29 CFR 1910.1926,1915 2010 39: Hexavalent Chromium - Direct Final Rule | YES | YES | | | | N/A |
| 29 CFR 1926.754 2010 40: Safety Standards for Steel Erection Technical Amendment | YES | YES | | | | N/A |
| 29 CFR 1926 (various) Cranes and Derricks in Construction—Final Rule | YES | YES | | | | N/A |

Federal Program Change:

ADOSH had four FY 2009 Federal Program Changes remaining to address. Of those four the Revisions to the FOM 2009, PSM Covered Chemical Facilities NEP, and the Injury and Illness Recordkeeping NEP were adopted. ADOSH still did not adopt Federal OSHA’s Directive, TED 01-00-018 Initial Training Program for OSHA Compliance Personnel. This directive required States to adopt an identical formal program for their Compliance personnel or submit a State Plan Change documenting its program, identifying policies and procedures which are different from Federal OSHA and explaining how its training program will result in adequately trained personnel to conduct effective inspections. This is an outstanding item from both the FY 2008 and FY 2009 FAME Reports.

Due to the State’s economic situation, out of state travel restrictions, and the inability to have several required courses made available through OSHA Training Institute (OTI), ADOSH adopted an alternative approach and is developing a training matrix for Compliance personnel using the University of California San Diego (UCSD) Education Center and other professionals to support their training needs. However, a Plan Change Supplement has not yet been submitted to OSHA for review.

While Arizona generally adopts OSHA’s changes verbatim, any modifications other than their unique structure (*e.g.*, organizational responsibility within a State and corresponding titles or internal State numbering system), must be submitted as a State Plan Change for OSHA’s review as referenced in 29 Code of Federal Regulations 1953.2(e).

In FY 2010 there were ten FPCs with only three required to be adopted by the State (Revisions to the FOM, Revisions to the NEP on Recordkeeping and Severe Violator Enforcement Program). ADOSH untimely adopted the Revisions to the FOM and Revisions to the NEP on Recordkeeping and has not yet adopted the Severe Violator Enforcement Program. In FY 2010, ADOSH adopted three additional FPCs (Enforcement Procedures for Influenza, Hexavalent Chromium NEP and Clarification of OSHA’s Enforcement Policies Relating to Floor/Nets and Shear Connectors) and stated their intent to adopt the latest Injury and Illness Recordkeeping NEP. As mentioned in recommendation 10-04 above, ADOSH should ensure standard and FPC adoption is within six months of federal promulgation.

**Federal Program Change
Summary for AZ Report FY 2010**

| Directive Number | Adoption Required | Intent Required | Intent to Adopt | Adopt Identical | State Adoption Date |
|---|--------------------------|------------------------|------------------------|------------------------|----------------------------|
| Initial Training Program for OSHA Compliance Personnel, TED 01-00-018 (From FY 2009 FPC) | YES | YES | YES | NO | ---- |
| CPL-0200148 2010 374 Revisions to FOM 2009 (From FY 2009 FPC) | YES | YES | YES | NO | 05/01/2010 |
| CPL-02(09-06) 2009 334 NEP -- PSM Covered Chemical Facilities (From FY 2009 FPC) | NO | YES | YES | YES | 12/07/2009 |
| CPL-02-09-08 2010 355 Injury and Illness Recordkeeping National Emphasis Program (From FY 2009 FPC) | NO | YES | YES | YES | 01/01/2010 |
| CPL-03-00-011 2010 376 NEP - Flavorings | NO | YES | NO | N/A | N/A |
| CPL-02-00-148 2009 332 Revisions to Field Operations Manual November 2009 | YES | YES | YES | YES | 05/01/2010 |
| CPL-02-02-075 2010 375 Enforcement Procedures for 2009 H1N1 Influenza | NO | YES | YES | YES | 01/11/2010 |
| CPL-02(10-02) 2010 378 Revisions to NEP on Recordkeeping | YES | YES | YES | YES | 04/28/2010 |
| CPL-02-02-076 2010 377 NEP Hexavalent Chromium | NO | YES | YES | YES | 05/03/2010 |
| CPL 02-00-048 Clarification of OSHA's Enforcement Policies Relating to Floor/Nets and Shear Connectors; Cancellation of CPL 02-01-046 | NO | YES | YES | YES | 06/21/2010 |
| CPL-02-00-149 2010 380 Severe Violator Enforcement Program (SVEP) | YES | YES | ---- | ---- | ---- |
| CPL-02(10-05) 2010 381 Process Safety management (PSM) Covered Chemical Facilities NEP | NO | YES | YES | YES | N/A |
| CPL 02 (10-06) Site-Specific Targeting (SST)—10 | NO | YES | NO | N/A | N/A |
| CPL 02 (10-07) Injury and Illness Recordkeeping National Emphasis Program (NEP) | NO | YES | YES | YES | ---- |

Complaint About State Program Administration (CASPA):

There were two 11c CASPAs received during this fiscal period. Out of the two claims investigated, Federal OSHA recommended that ADOSH reopen one investigation and determined that ADOSH properly dismissed the other investigation, although one of the claims is still on appeal.

CASPA 10/A-01

Allegation: The Complainant alleged that no investigations were ever done for two 11c complaints he filed against his employer and that his issues were washed over and covered up.

Status: Federal OSHA sent opening letters to the Complainant and to the state. Complainant only appealed one of two 11c claims they filed with ADOSH, rendering the un-appealed claim unripe for CASPA review. Regarding the claim they did appeal, after evaluating the state's response and case file, Federal OSHA determined that ADOSH reached the proper conclusion by determining that the Complainant's 11c claims were untimely. Complainant appealed Federal OSHA's determination in this case, and the matter is currently on appeal.

CASPA 10/A-02*

**Incorrect entry logged into ATS system, therefore no CASPA investigation was warranted.*

CASPA 10/A-03

Allegation: The complainant alleged ADOSH did not interview witnesses provided who could have given evidence regarding unsafe exposure on the job.

Status: Federal OSHA sent opening letters to the Complainant and to the state. After evaluating the state's response and case file, Federal OSHA recommended that ADOSH reopen its investigation to analyze all the evidence. Federal OSHA's investigation found that but for Complainant's safety and health complaints, the complainant likely would not have been fired. Moreover, Federal OSHA determined that ADOSH conducted an improper dual motive analysis.

VI. State Progress in Achieving Annual Performance Goals

This sections notes ADOSH's accomplishments toward achieving their FY 2010 Annual Performance Plan goals and progress in meeting their Five-Year Strategic Plan goals. Consistent with the Federal Government Performance and Results Act (GPRA), ADOSH developed a Five-Year Strategic Plan (2008-2012) that commits to the effective and efficient performance of the agency's activities and certain levels of injury and illness rate reductions in Arizona's industries (e.g. North American Industry Classification System (NAICS)) as reported by the Bureau of Labor and Statistics (BLS).

The goals of Arizona's Five Year Strategic Plan are to be incrementally achieved through the implementation of Annual Performance Plans. This is Arizona's third year in working toward their Strategic Goals.

Based on its annual report, Arizona continued to focus its resources and strive to fulfill obligations despite budgetary and personnel constraints. In summary, out of the eight

enforcement goals ADOSH met three goals, partially met three goals and failed to meet two goals.

OSHA’s assessment in this part is largely based on the State’s end of the year report and State program requirements (Mandated State Plan Activities) contained in 29 CFR 1902.3 Criteria for State plans and 29 CFR 1902.4 State Plan Indices of Effectiveness.

ADOSH indicated that the goals would be measured by using primary outcome measures and intermediate outcome measures. The primary outcome measure is the reduction of the total case rate of injury and illness rate for the specified industry. The intermediate outcome measure is the accomplishment of a specified number of compliance inspections performed in the specific industry with a targeted number of serious hazards identified and cited. Goals 1.1 – 1.4 use the above approach.

Strategic Goal 1: Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.

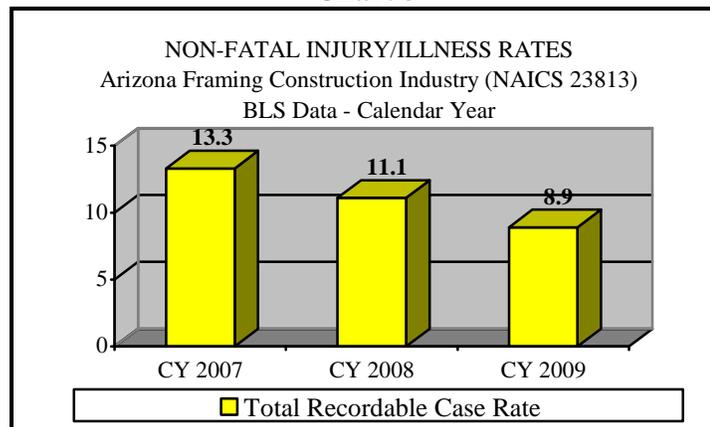
FY 2010 Performance Goal 1.1 (Construction): *Reduce the injury and illness rate by 2% in the framing construction industry (NAICS 23813).*

Results: ADOSH Enforcement met this goal.

Outcome: In FY 2010, ADOSH completed 32 compliance inspections in the framing construction industry and identified 61 hazards. These 32 inspections were part of the total 573 construction inspections ADOSH achieved this year. ADOSH did not meet their construction inspection goal of 843 construction sites meeting only 68% of their goal (See finding 10-12).

Based on available data from the Bureau of Labor Statistics (BLS), ADOSH achieved their goal of reducing injuries and illnesses in the framing construction industry (NAICS 23813). BLS data for this evaluation period shows that the framing construction industry Total Recordable Case Rate (TRCR) continued to decrease from the CY 2007 baseline of 13.3 to 8.9 (Chart 3). Likewise, the TRCR reduced from CY 2008 to CY 2009 by 19.8% which meets annual performance goal 1.1.

Chart 3

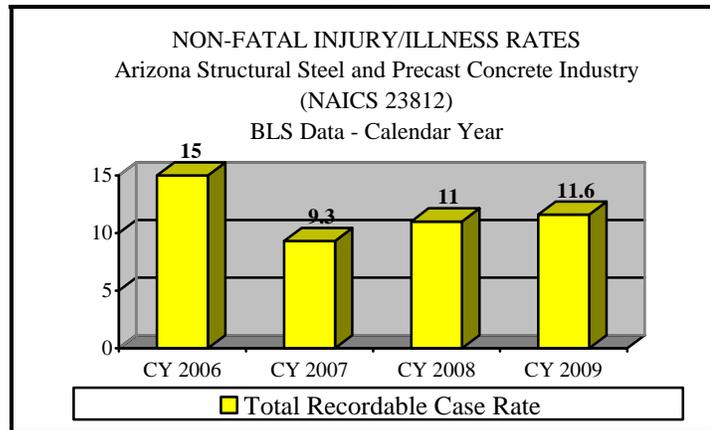


FY 2010 Performance Goal 1.2: *Reduce the injury and illness rate by 2% in the structural steel and precast concrete industry (NAICS 23812).*

Results: ADOSH partially met this goal

Outcome: In FY 2010, ADOSH completed 23 compliance inspections in the structural steel and precast industry and identified 43 hazards. Based on available data from BLS, ADOSH partially achieved their goal of reducing injuries and illnesses in the structural steel and precast concrete construction industry (NAICS 23812). BLS data for this evaluation period shows that the structural steel and precast concrete construction industry TRCR decreased from the CY 2006 baseline of 15 to 11.6 which is a decrease of 22.6%, but has since seen a steady increase in the TRCR from CY 2007 through CY 2009 (Chart 4). ADOSH did not meet FY 2010 annual performance goal 1.2 because their TRCR increased from 11 to 11.6, or by 5.46%.

Chart 4



Finding 10-17: *ADOSH did not meet FY 2010 annual performance goal 1.2 because their TRCR increased from 11 to 11.6, or by 5.46%.*

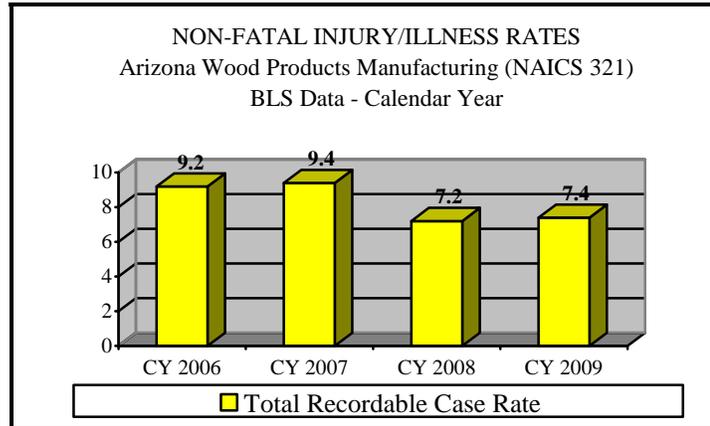
Recommendation 10-17: Implement additional measures to target the structural steel and precast concrete industry to ensure the injury and illness rate turns in a downward direction.

FY 2010 Performance Goal 1.3: *Reduce the injury and illness rate by 2% in the wood products manufacturing industry (NAICS 321).*

Results: ADOSH partially met this goal.

Outcome: In FY 2010, ADOSH completed 33 compliance inspections in the wood products manufacturing industry and identified 263 hazards. Based on available data from BLS, ADOSH partially achieved their goal of reducing injuries and illnesses in the wood products manufacturing industry (NAICS 321). BLS data for this evaluation period shows that the wood products manufacturing industry TRCR decreased from the CY 2006 baseline of 9.2 to 7.4 which is a decrease of 19.6%, but in the last two years has since seen a steady increase in the TRCR from CY 2007 through CY 2009 (Chart 5). ADOSH did not meet FY 2010 annual performance goal 1.3 because their TRCR increased from 7.2 to 7.4, or by 2.8%.

Chart 5



Finding 10-18: ADOSH did not meet FY 2010 annual performance goal 1.3 because their TRCR increased from 7.2 to 7.4, or by 2.8%.

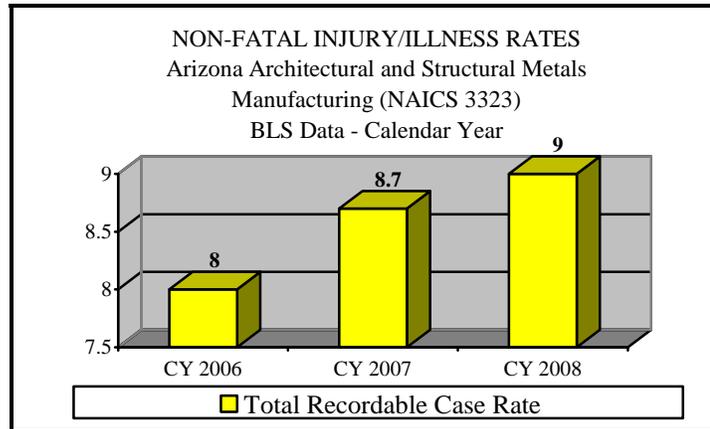
Recommendation 10-18: Implement additional measures to target the wood products manufacturing industry to ensure the injury and illness rate turns in a downward direction.

FY 2010 Performance Goal 1.4: Reduce the injury and illness rate by 2% in the architectural and structural metals manufacturing industry (NAICS 3323).

Results: ADOSH partially met this goal

Outcome: In FY 2010, ADOSH conducted 27 compliance inspections in the architectural and structural metals manufacturing industry and identified 234 hazards. BLS data from CY 2006 through CY 2008 for the architectural and structural metals manufacturing industry (NAICS 3323) shows that the TRCR increased from a baseline of 8.0 to 9.0 (Chart 6). In 2009 BLS eliminated NAICS 3323 and grouped this industry under NAICS 332, therefore there is no BLS TRCR data available for NAICS 3323 in CY 2009. BLS data for NAICS 332 in Arizona shows a downward TRCR trend from CY 2008 to CY 2009 of 5.8 to 5.2, which is an overall decrease of 10.3%. At this time there is not adequate data to formally evaluate this goal. ADOSH should re-evaluate this goal in light of the BLS change or implement additional methods to measure this goal.

Chart 6



Finding (Repeat of finding 09-36; combined with new 10-13): *ADOSH should re-evaluate annual performance goal 1.4 in light of the BLS NAICS change or implement additional methods to measure this goal.*

Recommendation 10-13: Re-evaluate performance goal 1.4 and determine if the BLS data for this industry can be broken out.

FY 2010 Performance Goal 1.5: *Identify at least two workplaces and initiate an intervention at those workplaces. Begin a working relationship with the goal of ultimately reducing injury and illness rates in those workplaces by 25%. Continue working with the three employers identified through the 2008 performance plan.*

This goal is specific to Arizona’s private sector consultation activities and is evaluated in ADOSH’s FY 2010 Regional Annual Consultation Evaluation Report (RACER).

FY 2010 Performance Goal 1.6: *Increase SHARP membership by at least eight new employers.*

This goal is specific to Arizona’s private sector consultation activities and is evaluated in ADOSH’s FY 2010 RACER.

FY 2010 Performance Goal 1.7: *Increase membership in the VPP by at least four new employers.*

Results: ADOSH met this goal.

Outcome: In FY 2010, 6 new employers were added to the Voluntary Protection Program (VPP).

FY 2010 Performance Goal 1.8: *Develop and produce at least one “Hazard Highlight” card for a selected industry/hazard.*

Results: ADOSH met this goal.

Outcome: In FY 2010, ADOSH developed a Hazard Highlight card that provides information on the hazards associated with Latex.

Strategic Goal 2: Secure public confidence through excellence in the development and delivery of ADOSH services.

FY 2010 Performance Goal 2.1: *Obtain first-level decision in 80% of discrimination investigations within 90 calendar days of receipt.*

Results: ADOSH did not meet this goal.

Outcome: ADOSH completed 29 discrimination investigation complaints in FY 2010. Of these, 10 (34.48%) were completed within 90 days. This is a decline from last year's performance of 42.7% (32/74) and the baseline of 55.5% in FY 2007 (State Data).

Table 11

| Discrimination (SAMM 13, 14, 15) | | | | | | |
|---|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| | FY 2006 | FY 2007 | FY 2008 | FY2009 | FY 2010 | FY 2009 Nat. Data |
| % Completed Within 90 Days (SAMM 13) | 44.68% (21/47) | 77.78% (49/63) | 39.19% (29/74) | 50% (38/76) | 34.48% (10/29) | 100% (National Goal) |
| % Merit Cases (SAMM 14) | 10.64% (5/47) | 4.76% (3/63) | 28.38% (21/74) | 17.11% (13/76) | 20.69% (6/29) | 21.2% |
| % Merit Cases Settled (SAMM 15) | 20.00% (1/5) | 33.33% (1/3) | 47.62% (10/21) | 92.31% (12/13) | 100% (6/6) | 86% |

Finding (Repeat of finding 09-21; combined with new 10-06): *Only 34.48% of discrimination investigations were completed within the targeted 90 days.*

Recommendation 10-06: Continue efforts to complete discrimination investigations within 90 days. This item will be monitored throughout the year.

FY 2010 Performance Goal 2.2: *Reduce citation lapse times by 5%.*

Results: ADOSH did not meet this goal.

Outcome: In FY 2010, ADOSH's citation lapse time averaged 57.55 days for safety and 35.67 days for health, which is a 2.14% decrease for safety and 15.7% increase for health from FY 2009 results (SAMM 7). ADOSH's lapse time for safety citations is above the National average by 10 days (47.3 days) while health is below by 26 days (61.9 days). As discussed previously one factor that adds to ADOSH's overall citation lapse time is the Industrial Commission of Arizona's obligation to review all case files with total proposed penalties higher than \$1,000.

Table 12

| Citation Lapse Time in Calendar Days (SAMM 7) | | | | | | |
|--|----------------------------------|----------------------------------|----------------------------------|----------------------------------|----------------------------------|-----------------------|
| | FY 2006 | FY 2007 | FY 2008 | FY2009 | FY2010 | FY10 Nat. Avg. |
| Safety | 45.56 days (30939/679) | 56.34 days (39157/695) | 60.08 days (33286/554) | 58.81 days (30113/512) | 57.55 days (23022/400) | 47.3 days |
| Health | 43.91 days (9311/212) | 43.29 days (8096/187) | 34.62 days (7930/229) | 30.83 days (10052/326) | 35.67 days (10025/281) | 61.9 days |

Appendix A
Arizona State Plan (ADOSH)
FY 2010 Findings and Recommendations

| No. | Findings | Recommendations | Related FY 2009 No. |
|-------|---|--|---------------------|
| 10-01 | Documentation in case files were not organized according to established case file set-up procedures. | Ensure diary sheets or similar daily/chronological logs are maintained. | 09-7 Pending |
| 10-02 | ADOSH did not always ensure that citation penalties were appropriate based on the hazard. | Ensure that citation penalties are assessed in accordance with the FOM. | 09-9 Pending |
| 10-03 | ADOSH did not meet their inspection goals in FY 2009. | Evaluate resources and schedule inspections to ensure inspection goals are met. | 09-13 Pending |
| 10-04 | ADOSH did not adopt new Federal OSHA standards in a timely manner. | Ensure standard adoption is within six months of the federal promulgation date. | 09-19 Pending |
| 10-05 | Arizona has not submitted an appropriate Plan Change Supplement to OSHA for review of their formal training program for compliance personnel and for their targeting system which differ from the Federal system. | Adopt a formal training program for compliance personnel and submit a Plan Change Supplement for OSHA's review. | 09-20 Pending |
| 10-06 | ADOSH took an average of 190 days to complete each discrimination investigation. | Continue efforts to complete discrimination investigations within 90 days. | 09-21 Pending |
| 10-07 | ADOSH did not always send letters to Complainants and Respondents, informing them that the investigation has been opened or closed as appropriate. | Discrimination investigators need to be appropriately trained. Discrimination complainants and respondents of discrimination complaints should be notified when the investigation is opened. | 09-22 Pending |
| 10-08 | ADOSH did not appropriately accept and docket orally filed discrimination complaints. | ADOSH should accept, docket and investigate orally filed discrimination complaints. | 09-23 Pending |
| 10-09 | ADOSH allowed 23(g) grant funds to be lapsed and failed to timely notify Federal OSHA. Arizona again returned unspent funds at the end of FY 2010. | Ensure funds that will not be spent by September 30 are appropriately returned to Federal OSHA with adequate time to allocate. | 09-32 Pending |
| 10-10 | ADOSH was unable to maintain a fully staffed program in that they experienced up to 7 safety and 2 health position vacancies during this evaluation period. | Ensure the inspector positions are fully staffed to the extent possible and develop a plan to address the challenges in hiring and retaining experienced personnel. | 09-33 Pending |
| 10-11 | Several of the compliance staff has not received all the required classes. | Ensure that compliance staff receives at least the basic required courses as required by Federal OSHA's directive. | 09-34 Pending |
| 10-12 | Arizona conducted 50 inspections of framing contractors, which was below their goal of 150. This resulted in the identification of 88 hazards, which was below their goal of 300. | Evaluate [Performance Goal 1.1] and implement a plan to ensure that resources are available to meet the targeted number of inspections. | 09-35 Pending |

| No. | Findings | Recommendations | Related FY 2009 No. |
|-------|---|---|---------------------|
| 10-13 | <p>The injury and illness rates in the architectural and structural metals manufacturing industry increased during this evaluation period and from the CY 2006 baseline (11.1%) for the Five-Year Strategic Plan goal.</p> <p>ADOSH should re-evaluate annual performance goal 1.4 in light of the BLS NAICS change or implement additional methods to measure this goal.</p> | <p>Re-evaluate [Performance Goal 1.4] efforts in reducing injury and illness in the architectural and structural metals manufacturing industry.</p> <p>Re-evaluate performance goal 1.4 and determine if the BLS data for this industry can be broken out.</p> | 09-36 Pending |
| 10-14 | Citation lapse time for safety citations remains above the FY 2007. | Develop a plan to reduce safety citation lapse time. | 09-37 Pending |
| 10-15 | There were 27 S/W/R violations in the private sector where the employer abated after receiving follow-up letters, phone calls and, in some cases, a follow-up inspection. | Ensure all managers and compliance personnel know that they can cite an employer for failure to verify abatement rather than continued requests to employers about sending abatement verification. | New |
| 10-16 | ADOSH's policy on classifying violations does not ensure violations that would be considered "Serious" under the Federal FOM are classified as Serious. | Adopt Violation Classification policies and procedures equivalent to Federal OSHA regarding descriptions on Supporting "Serious" Classification (Federal FOM, page 4-10 to 4-11), Supporting "Willful" Violations (Federal FOM, page 4-30 to 4-32), and Combining/Grouping Violations (Federal FOM, page 4-37 to 4-39). | New |
| 10-17 | ADOSH did not meet FY 2010 annual performance goal 1.2 because their TRCR increased from 11 to 11.6, or by 5.46%. | Implement additional measures to target the structural steel and precast concrete industry to ensure the injury and illness rate turns in a downward direction. | New |
| 10-18 | ADOSH did not meet FY 2010 annual performance goal 1.3 because their TRCR increased from 7.2 to 7.4, or by 2.8%. | Implement additional measures to target the wood products manufacturing industry to ensure the injury and illness rate turns in a downward direction. | New |

Appendix B
Arizona State Plan
Status of FY 2009 EFAME Findings and Recommendations

| No. | Findings | Recommendations | Corrective Action | State Action Taken | Status |
|------|--|--|---|---|-----------|
| 09-1 | The 15-day due date for contesting citations and requesting informal conferences was not always entered into the IMIS system. | <p>Ensure that the 15 day due date is entered into IMIS for all cases where citations are issued.</p> <p>It is the right of the employer, after an OSHA inspection, to request an informal conference with OSHA to discuss the violations cited or any pertinent information that surrounded the inspection. The employer also has the right to contest the citations and penalties after an OSHA inspection. These rights afforded to the employer are to occur within 15 work days of the receipt of the notification of citation and penalty and must be entered into the computing system so that employer's rights are upheld. Arizona's program must ensure those same rights to the employer.</p> | Staff has been trained on the need to enter this data into IMIS. | Staff has been trained on the need to enter this data into IMIS. | Completed |
| 09-2 | Information and OSHA forms documenting citations, inspection activity, and contact information were not complete in many cases. | Ensure compliance officers understand the necessary documentation required for violations and completion of OSHA forms. Management should review case files on a regular basis to ensure documentation adequately supports violations and that forms are complete and up to date. | Additional training was provided to staff regarding employer knowledge; additional training was provided to supervisors regarding complaint definitions. | Additional training was provided to staff regarding employer knowledge; additional training was provided to supervisors regarding complaint definitions. | Completed |
| 09-3 | Several fatality case file investigations contained limited information and did not appear to be thoroughly documented and investigated. Additionally, it was difficult to determine whether ADOSH communicated with the victim's family concerning the process and results of the investigations. | Ensure a comprehensive and in-depth investigation to fully evaluate the conditions of a fatality in accordance with OSHA instruction CPL 2.113 and CPL 2.94 is completed and that contact with the family is sufficiently documented. | ADOSH provided additional training to staff regarding fatality investigations, interviews and case file documentation. ADOSH modified its inspection narrative to document family contact and provided Federal OSHA a copy of the updated form. This item is completed and considered closed. | ADOSH provided additional training to staff regarding fatality investigations, interviews and case file documentation. ADOSH modified its inspection narrative to document family contact and provided Federal OSHA a copy of the updated form. This item is completed and considered closed. | Completed |

| No. | Findings | Recommendations | Corrective Action | State Action Taken | Status |
|------|---|---|---|---|-----------|
| 09-4 | Employee participation in the inspection process was not adequately documented in several case files. | Ensure a comprehensive and in-depth investigation to fully evaluate the conditions of a fatality in accordance with OSHA instruction CPL 2.113 and CPL 2.94 is completed and that contact with the family is sufficiently documented. | ADOSH responded that its compliance staff was asking for union involvement but were not documenting the contact in the case files. ADOSH has amended its inspection narrative form to document this contact/opportunity. A copy of the amended form was supplied to federal OSHA. This item is completed and considered closed. | ADOSH responded that its compliance staff was asking for union involvement but were not documenting the contact in the case files. ADOSH has amended its inspection narrative form to document this contact/opportunity. A copy of the amended form was supplied to federal OSHA. This item is completed and considered closed. | Completed |
| 09-5 | Interview statements were not documented in five fatality investigations. | Ensure employee interviews are obtained and documented in all fatality investigations. | ADOSH has provided additional training to staff on the documentation of all interviews related to a workplace fatality. This item is considered completed and closed, however will be monitored throughout the current year. | ADOSH has provided additional training to staff on the documentation of all interviews related to a workplace fatality. This item is considered completed and closed, however will be monitored throughout the current year. | Completed |
| 09-6 | Inspection files did not contain documentation of the informal conference discussions. Similarly, a complaint case file did not contain documentation of the informal conference discussions and rationale involving a penalty adjustment from \$2,500 to \$75. | Ensure that discussions of the main issues and potential courses of action during the post-citation process are summarized, documented and included in the case file as referenced in Pages 23 and 24 of Chapter IV in the ADOSH FIRM. | ADOSH now maintains documentation of post-citation actions in the case file. This item is considered completed and closed, however will be monitored throughout the current year. | ADOSH now maintains documentation of post-citation actions in the case file. This item is considered completed and closed, however will be monitored throughout the current year. | Completed |
| 09-7 | Case file documentation in the majority of the files were not organized according to established case file set-up procedures and diary sheets or similar daily/chronological logs were not found | Ensure consistent organization of inspection case files as referenced in the ADOSH FIRM or Appendix C of OSHA's Instruction ADM 03-01-005 (previously ADM 12-05.A), OSHA Compliance Records and that diary sheets or similar daily/chronological logs are maintained. | ADOSH partially corrected this finding. It has re-instructed staff on the proper order of documents within a file and updated their case file organization plan and provided a copy to Federal OSHA. ADOSH has not ensured that all files are organized accordingly or ensured the use of | ADOSH partially corrected this finding. It has re-instructed staff on the proper order of documents within a file and updated their case file organization plan and provided a copy to Federal OSHA. | Pending |

| No. | Findings | Recommendations | Corrective Action | State Action Taken | Status |
|-------|--|---|---|--|-----------|
| | in all of the case files reviewed. | | daily/chronological logs in each file. | ADOSH has not ensured that all files are organized accordingly or ensured the use of daily/chronological logs in each file. | |
| 09-8 | The IMMLANG policy is not consistently followed. | Review current procedures for IMMLANG and make a determination whether Arizona will adopt a policy to ensure consistency if followed | The adoption of the use and of the IMMLANG code is optional. Arizona has decided not to implement use of the code. ADOSH has discontinued the use of the IMMLANG code. | The adoption of the use and of the IMMLANG code is optional. Arizona has decided not to implement use of the code. ADOSH has discontinued the use of the IMMLANG code. | Completed |
| 09-9 | Citation penalties were not appropriate based on the hazard in three case files. | Ensure that citation penalties are assessed in accordance with Chapter IV in the ADOSH FIRM. | ADOSH met with federal OSHA to discuss the findings of the audit that support this finding. After a review, ADOSH has decided that closer internal oversight by compliance supervision is needed and additional training has been provided to the staff. | ADOSH met with federal OSHA to discuss the findings of the audit that support this finding. After a review, ADOSH has decided that closer internal oversight by compliance supervision is needed and additional training has been provided to the staff. | Pending |
| 09-10 | Two (2) cases files did not contain adequate abatement documentation to justify closing the case file. | Consider auditing closed fatality case files on occasion to ensure that appropriate documentation is included in the file. Ensure supervisors utilize the IMIS Abatement Tracking report and send appropriate follow-up letters to employers. | ADOSH has implemented the use of the abatement tracking report, as well as additional abatement codes and an annual internal audit that is performed every January. This item is completed and considered closed. | ADOSH has implemented the use of the abatement tracking report, as well as additional abatement codes and an annual internal audit that is performed every January. This item is completed and considered closed. | Completed |
| 09-11 | The CLAIMS Local Emphasis Program did not demonstrate successful targeting of high hazard, private sector, general industry employers. | Modify the scope and targeting mechanism of the CLAIMS LEP to ensure it is successful. | ADOSH has discontinued the use of this LEP and had it removed from the targeting system. Further discussion revealed that although the CLAIMS Local Emphasis Program was still noted in the system, Arizona was not using the LEP as a safety & health inspection targeting tool. | ADOSH has discontinued the use of this LEP and had it removed from the targeting system. Further discussion revealed that although the CLAIMS Local Emphasis Program was still noted in the system, Arizona was not using the LEP as a safety & health | Completed |

| No. | Findings | Recommendations | Corrective Action | State Action Taken | Status |
|-------|---|---|---|--|-----------|
| | | | | inspection targeting tool. | |
| 09-12 | ADOSH's programmed inspection system resulted in high in-compliance rates. | Assess all programmed inspection systems and implement measures to improve in-compliance rates to ensure that the most hazardous industries and workplaces are being addressed. | Additional targeting methods have been implemented to focus resources on the most hazardous industries. ADOSH reviewed all of their targeting programs and realized that the problem lied in the construction targeting parameters. They have changed the selection parameters. | Additional targeting methods have been implemented to focus resources on the most hazardous industries. ADOSH reviewed all of their targeting programs and realized that the problem lay in the construction targeting parameters. They have changed the selection parameters. | Completed |
| 09-13 | ADOSH did not meet their inspection goals in FY 2009. | Evaluate resources and schedule inspections to ensure inspection goals are met. | Discussions were held with ADOSH to encourage the consideration staffing and targeting tools to ensure that the inspection goals are. ADOSH also considered adjusting the goals using historical data to estimate more achievable inspection goals. | Discussions were held with ADOSH to encourage the consideration staffing and targeting tools to ensure that the inspection goals are. ADOSH also considered adjusting the goals using historical data to estimate more achievable inspection goals. | Pending |
| 09-14 | ADOSH's rate of serious violations for programmed planned inspections is the lowest in the last five year | Ensure the most hazardous industries and workplaces are being inspected in an effective manner to identify serious hazards and consider conducting training on hazard classification to ensure consistency with violation classification. | ADOSH has provided additional instruction to staff regarding targeting methods and citation classification. This item is completed and considered closed. | ADOSH has provided additional instruction to staff regarding targeting methods and citation classification. This item is completed and considered closed. | Completed |
| 09-15 | The Commission's review of all cases with proposed penalties in excess of \$1,000 has adversely affected ADOSH's ability to issue citations in a timely manner. | Continue to work closely with the Commission and staff to ensure that citations are issued in a timely manner. | ADOSH is now tracking individual compliance officer citation lapse time. ADOSH has instituted a change in Commission procedure which will result in fewer case files in need of their approval which will help to reduce lapse time. | ADOSH is now tracking individual compliance officer citation lapse time. ADOSH has instituted a change in Commission procedure which will result in fewer case files in need of their approval which will help to reduce lapse time. | Completed |

| No. | Findings | Recommendations | Corrective Action | State Action Taken | Status |
|-------|--|---|--|--|-----------|
| 09-16 | Employers were not always notified of the Abatement Documentation requirements and abatement was not always adequately documented in case files. | Ensure that adequate documentation is obtained from the employer to appropriately address citations. Provide training to Compliance officers regarding the requirement of abatement verification documentation as it relates to field 19 of the OSHA-1B form. Utilize the Default Violation Abatement Standard Report to identify and track cases with abatement outstanding and follow-up as directed under CPL 2-0.114, Abatement Verification Regulation, which may include the issuance of additional citations for violations of 29 CFR 1903.19. When appropriate, they should also expand the use of abatement codes W (not completed, worksite changed) and E (not completed, employer out of business). | ADOSH has implemented the use of the abatement tracking report, as well as additional abatement codes and an annual internal audit that is performed every January. | ADOSH has implemented the use of the abatement tracking report, as well as additional abatement codes and an annual internal audit that is performed every January. | Completed |
| 09-17 | A designated IT Backup System Administrator was not designated. | Retain an IT Backup System Administrator to prevent a breakdown in the system in the event the IT Administrator is unable to perform these functions (OSHA ADM 1-1.30, Page II-1, paragraph B). | ADOSH checked with federal OSHA Directorate of Information to confirm the IT Backup system administrator's status. It was confirmed that the program does have an IT back up. | ADOSH checked with federal OSHA Directorate of Information to confirm the IT Backup system administrator's status. It was confirmed that the program does have an IT back up. | Completed |
| 09-18 | Appropriate and accurate information was not consistently entered into the IMIS system. | Ensure staff is properly trained on entering appropriate information in IMIS while handling complaints, abatement, and discrimination cases. Management should review case files and use IMIS reports on a regular basis to ensure that data is being entered correctly into IMIS. | ADOSH has started using many of the audit reports suggested, in addition to those already used. ADOSH also provided additional training to their employees and added additional oversight by management to ensure that reports are completed properly. | ADOSH has started using many of the audit reports suggested, in addition to those already used. ADOSH also provided additional training to their employees and added additional oversight by management to ensure that reports are completed properly. | Completed |
| 09-19 | ADOSH did not adopt new Federal OSHA standards in a timely manner. | Ensure standard adoption is within six months of the federal promulgation date. | Further discussions were held concerning ADOSH seeking a moratorium on the Arizona's standard adoption. Currently, all | Further discussions were held concerning ADOSH seeking a moratorium on the | Pending |

| No. | Findings | Recommendations | Corrective Action | State Action Taken | Status |
|-------|---|--|--|--|---------|
| | | | laws have to go before the Governor for approval. ADOSH is currently looking into trying to obtain a permanent exemption from the moratorium for the adoption of OSHA regulations. | Arizona's standard adoption. Currently, all laws have to go before the Governor for approval. ADOSH is currently looking into trying to obtain a permanent exemption from the moratorium for the adoption of OSHA regulations. | |
| 09-20 | Arizona has not submitted an appropriate Plan Change Supplement to OSHA for review of their formal training program for Compliance personnel and for their targeting system which differ from the Federal system. | Adopt a formal training program for compliance personnel and submit a Plan Change Supplement for OSHA's review. Arizona must also submit a State Plan Change Supplement with a description of their targeting systems. | ADOSH submitted to OSHA for review a copy of a training plan they have been using. OSHA is currently reviewing the document. | Arizona has not submitted an appropriate Plan Change Supplement to OSHA for review of their formal training program for compliance personnel and for their targeting system which differ from the Federal system. This item will be monitored throughout the year. | Pending |
| 09-21 | Discrimination investigations took an average of 190 days to complete. Only 56.6% of discrimination investigations were completed within the targeted 90 days. | Continue efforts to complete discrimination investigations within 90 days. | ADOSH is working to create a "separate" discrimination section that will focus on 11c discrimination complaints and processing. The "separate" section will not include the hiring of new employees, just dedicated employees to processing the 11c complaints and file management. ADOSH will be presenting its plan to the ICA for approval. | ADOSH is working to create a "separate" discrimination section that will focus on 11c discrimination complaints and processing. The "separate" section will not include the hiring of new employees, just dedicated employees to processing the 11c complaints and file management. ADOSH will be presenting its plan to the ICA for approval. | Pending |
| 09-22 | ADOSH did not always send letters to Complainants and Respondents informing them that the investigation has been opened or closed as appropriate. | Ensure policies and procedures are updated and discrimination investigators are appropriately trained and that files are reviewed on a regular basis to ensure that appropriate letters to complainants and respondents are sent informing them that the investigation has | Discussions with ADOSH revealed that due to budget cuts and other constraints they could not send all discrimination investigators to attend training at the Federal OSHA training institute. In the future ADOSH will make | Discussions with ADOSH revealed that due to budget cuts and other constraints they could not send all discrimination investigators to attend training at the | Pending |

| No. | Findings | Recommendations | Corrective Action | State Action Taken | Status |
|-------|--|--|--|---|-----------|
| | | <p>been opened and to ensure that both parties receive a closing letter after the investigation is closed.</p> | <p>provisions for the lead investigator to receive Whistleblower training at the OSHA training institute. ADOSH stated they provide a letter to the respondent at the opening of the investigation and call the complainant to inform them of the opening of the investigation. This contact with the complainant has not been documented on a telephone log that is supposed to be in the case file. These findings will be further monitored in FY 2011.</p> | <p>Federal OSHA training institute. In the future ADOSH will make provisions for the lead investigator to receive Whistleblower training at the OSHA training institute. ADOSH stated they provide a letter to the respondent at the opening of the investigation and call the complainant to inform them of the opening of the investigation. This contact with the complainant has not been documented on a telephone log that is supposed to be in the case file. These findings will be further monitored in FY 2011.</p> | |
| 09-23 | <p>ADOSH did not appropriately accept and docket orally filed discrimination complaints.</p> | <p>Ensure policies and procedures are updated and discrimination investigators are trained to accept and docket orally filed complaints and not require a complainant to submit a complaint in writing as referenced in OSHA's whistleblower manual, DIS 0-0.9, Chapter 2 and Chapter 7, Section V(A).</p> | <p>Arizona state law requires <i>all</i> discrimination complaints, regardless of the type, to be in writing. Current discussions are focused on how ADOSH can get this requirement waived because federal policy mandates that orally filed complaints are to be handled the same as written.</p> | <p>Arizona state law requires <i>all</i> discrimination complaints, regardless of the type, to be in writing. Current discussions are focused on how ADOSH can get this requirement waived because federal policy mandates that orally filed complaints are to be handled the same as written.</p> | Pending |
| 09-24 | <p>All discrimination cases were not properly coded in IMIS.</p> | <p>Review discrimination cases on a regular basis to ensure that discrimination complaints are properly coded in IMIS.</p> | <p>ADOSH has implemented a review process and conduct audits twice per year (January and July) to ensure proper coding within IMIS.</p> | <p>ADOSH has implemented a review process and conduct audits twice per year (January and July) to ensure proper coding within IMIS.</p> | Completed |

| No. | Findings | Recommendations | Corrective Action | State Action Taken | Status |
|-------|--|---|---|---|-----------|
| 09-25 | Closing conferences were not documented in the case files. | Review case files on a regular basis to ensure that closing conferences are documented in the case files as referenced in ADOSH's discrimination manual, Chapter 3, Section E.5, and OSHA's whistleblower manual, DIS 0-0.9, Chapter 3, Section IV.J6. | ADOSH provided OSHA with a copy of its amended narrative to include the closing conference. The case files are also being reviewed by the supervisor and program director. | ADOSH provided OSHA with a copy of its amended narrative to include the closing conference. The case files are also being reviewed by the supervisor and program director. | Completed |
| 09-26 | Interview statements or interview memos detailing the relevant information were not obtained during witness interviews. | Ensure required statements and information are obtained in interview statements as required in ADOSH's discrimination manual, Chapter 3, Section C.5, and OSHA's whistleblower manual, DIS 0-0.9, Chapter 3, Section IV.G. | ADOSH provided OSHA with a copy of its amended narrative to include interview statements within the case file. | ADOSH provided OSHA with a copy of its amended narrative to include interview statements within the case file. | Completed |
| 09-27 | The majority of the case files reviewed were not organized in the manner prescribed in ADOSH's discrimination manual, Chapter 5, Section B, and OSHA's whistleblower manual, DIS 0-0.9, Chapter 5, Section III. | Ensure that the case files contain adequate documentation and the case files are properly organized, in line with the requirements outlined in ADOSH's discrimination manual, Chapters 3 and 5, and OSHA's whistleblower manual, DIS 0-0.9, Chapters 2 and 3. | ADOSH provided additional training on case file organization. | ADOSH provided additional training on case file organization. | Completed |
| 09-28 | The Final Investigative Reports that were included in the case files did not follow the identical format prescribed in ADOSH's discrimination manual, Chapter 5, Section C, and OSHA's whistleblower manual, DIS 0-0.9, Chapter 5, Section IV. | The Final Investigative Report template must be amended to follow the identical format prescribed in ADOSH's discrimination manual. The report must be dated and signed by the investigator and the approving supervisor for accountability. | ADOSH provided OSHA with an updated investigative report template. The modified template includes a location for the investigator and supervisor to date and sign. | ADOSH provided OSHA with an updated investigative report template. The modified template includes a location for the investigator and supervisor to date and sign. | Completed |
| 09-29 | ADOSH did not ensure that the Complainants and all relevant witnesses were interviewed and statements were documented in the investigation files. | Instruct investigators and review case files on a regular basis to ensure that the complainants in all cases are interviewed, as well as all relevant witnesses, including management and third parties | ADOSH has retrained investigators to interview each complainant and all relevant witnesses. Files are reviewed regularly by supervisors to ensure this occurs. A new report template was created which includes an area for witness statements. This item is completed and considered | ADOSH has retrained investigators to interview each complainant and all relevant witnesses. Files are reviewed regularly by supervisors to ensure this occurs. A new report | Completed |

| No. | Findings | Recommendations | Corrective Action | State Action Taken | Status |
|-------|--|---|--|--|-----------|
| | | | closed. | template was created which includes an area for witness statements. This item is completed and considered closed. | |
| 09-30 | In two (2) cases discrimination investigators did not sufficiently analyze and document factors relating to the final disposition of the case, such as work refusals and nexus. | Provide additional guidance to discrimination investigators on analyzing and documenting pertinent factors relating to discrimination cases, including work refusals and nexus. | ADOSH has updated the Final Investigative Report template to prompt investigators for the required information and report elements. | ADOSH has updated the Final Investigative Report template to prompt investigators for the required information and report elements. | Completed |
| 09-31 | Of the five worksites reviewed, Medical Access Orders (MAOs) were not provided prior to the onsite visit as required under OSHA's CPL 02-02-072 and ADOSH's policy 2007-1, Access to Employee Medical Records. | Implement a system to ensure Medical Access Orders are obtained prior to the VPP onsite visit. | ADOSH has implemented a system similar to federal OSHA for obtaining MAO's prior to onsite visits where employees' records will be accessed. | ADOSH has implemented a system similar to federal OSHA for obtaining MAO's prior to onsite visits where employees' records will be accessed. | Completed |
| 09-32 | ADOSH allowed 23(g) grant funds to be lapsed and failed to timely notify Federal OSHA. | Ensure funds that will not be spent by September 30 are appropriately returned to federal OSHA with adequate time to allocate | ADOSH hired a new accounting representative that will be overseeing the timeliness of funds being returned to federal OSHA and monitoring due dates. | ADOSH hired a new accounting representative that will be overseeing the timeliness of funds being returned to federal OSHA and monitoring due dates. | Pending |
| 09-33 | ADOSH was unable to maintain a fully staffed program in that they experienced up to 7 safety and 2 health position vacancies during this evaluation period. | Ensure the inspector positions are fully staffed to the extent possible and develop a plan to address the challenges in hiring and retaining experienced personnel. | ADOSH was unable to maintain a fully staffed program in that they experienced up to 7 safety and 2 health position vacancies during this evaluation period. ADOSH will ensure the inspector positions are fully staffed to the extent possible and finalize the hiring plan. | ADOSH was unable to maintain a fully staffed program in that they experienced up to 7 safety and 2 health position vacancies during this evaluation period. ADOSH will ensure the inspector positions are fully staffed to the extent possible and finalize the hiring plan. | Pending |
| 09-34 | Several of the compliance staff have not received all the required classes | Ensure that compliance staff receives at least the basic required courses as required by federal OSHA's Directive | ADOSH has submitted a training plan to OSHA that they believe meets the intent of the federal directive. Further monitoring is needed for | ADOSH has submitted a training plan to OSHA that they believe meets the intent of the federal directive. | Pending |

| No. | Findings | Recommendations | Corrective Action | State Action Taken | Status |
|-------|---|---|---|---|---------|
| | | | this item. | Further monitoring is needed for this item. | |
| 09-35 | Arizona conducted 50 inspections of framing contractors, which was below their goal of 150. This resulted in the identification of 88 hazards, which was below their goal of 300. | Evaluate [Performance Goal 1.1] and implement a plan to ensure that resources are available to meet the targeted number of inspections. | ADOSH has met the overall goal of a reduction of injury and illnesses within the framing industry, yet for a secondary outcome measure they did not allot resources to have the inspection goal met. | ADOSH has met the overall goal of a reduction of injury and illnesses within the framing industry, yet for a secondary outcome measure they did not allot resources to have the inspection goal met. This item will be further monitored in FY 2011. | Pending |
| 09-36 | The injury and illness rates in the architectural and structural metals manufacturing industry increased during this evaluation period and from the CY 2006 baseline (11.1%) for the Five Year Strategic Plan goal. | Re-evaluate efforts in reducing injury and illness in the architectural and structural metals manufacturing industry. | ADOSH did not meet the performance goal in this area. | ADOSH did not meet the performance goal in this area. This item will be further monitored in FY 2011. | Pending |
| 09-37 | Citation lapse time for safety citations remains above the FY 2007 | Develop a plan to reduce safety citation lapse time. | ADOSH is now tracking individual CO citation lapse time. ADOSH has instituted a change in Commission procedure which will result in fewer case files in need of their approval. The presentation of cases before the Commission can add at least 1 week to the citation lapse time. | ADOSH is now tracking individual CO citation lapse time. ADOSH has instituted a change in Commission procedure which will result in fewer case files in need of their approval. The presentation of cases before the Commission can add at least 1 week to the citation lapse time. This will continued to be monitored in FY 2011. | Pending |

Appendix C
Arizona State Plan (ADOSH)
FY 2010 Enforcement Comparison

| | AZ | State Plan Total | Federal OSHA |
|--|-------------------|----------------------|-----------------------|
| Total Inspections | 1,089 | 57,124 | 40,993 |
| Safety | 686 | 45,023 | 34,337 |
| <i>% Safety</i> | 63% | 79% | 84% |
| Health | 403 | 12,101 | 6,656 |
| <i>% Health</i> | 37% | 21% | 16% |
| Construction | 575 | 22,993 | 24,430 |
| <i>% Construction</i> | 53% | 40% | 60% |
| Public Sector | 26 | 8,031 | N/A |
| <i>% Public Sector</i> | 2% | 14% | N/A |
| Programmed | 586 | 35,085 | 24,759 |
| <i>% Programmed</i> | 54% | 61% | 60% |
| Complaint | 323 | 8,986 | 8,027 |
| <i>% Complaint</i> | 30% | 16% | 20% |
| Accident | 32 | 2,967 | 830 |
| Insp w/ Viols Cited | 609 | 34,109 | 29,136 |
| <i>% Insp w/ Viols Cited (NIC)</i> | 56% | 60% | 71% |
| <i>% NIC w/ Serious Violations</i> | 44.0% | 62.3% | 88.2% |
| Total Violations | 2,858 | 120,417 | 96,742 |
| Serious | 612 | 52,593 | 74,885 |
| <i>% Serious</i> | 21% | 44% | 77% |
| Willful | 6 | 278 | 1,519 |
| Repeat | 12 | 2,054 | 2,758 |
| Serious/Willful/Repeat | 630 | 54,925 | 79,162 |
| <i>% S/W/R</i> | 22% | 46% | 82% |
| Failure to Abate | 1 | 460 | 334 |
| Other than Serious | 2,227 | 65,031 | 17,244 |
| <i>% Other</i> | 78% | 54% | 18% |
| Avg # Violations/ Initial Inspection | 4.3 | 3.4 | 3.2 |
| Total Penalties | \$ 815,943 | \$ 72,233,480 | \$ 183,594,060 |
| Avg Current Penalty / Serious Violation | \$1,026.90 | \$ 870.90 | \$ 1,052.80 |
| Avg Current Penalty / Serious Viol- Private Sector Only | \$1,037.50 | \$ 1,018.80 | \$ 1,068.70 |
| % Penalty Reduced | 39.2% | 47.7% | 40.9% |
| % Insp w/ Contested Viols | 6.7% | 14.4% | 8.0% |
| Avg Case Hrs/Insp- Safety | 19.6 | 16.2 | 18.6 |
| Avg Case Hrs/Insp- Health | 26.5 | 26.1 | 33 |
| Lapse Days Insp to Citation Issued- Safety | 44.1 | 33.6 | 37.9 |
| Lapse Days Insp to Citation Issued- Health | 28.0 | 42.6 | 50.9 |
| Open, Non-Contested Cases w/ Incomplete Abatement >60 days | 2 | 1,715 | 2,510 |

Appendix D – FY 2010 State Activity Mandated Measures (SAMM) Report

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)

NOV 12, 2010
 PAGE 1 OF 2

State: ARIZONA

RID: 0950400

| MEASURE | From: 10/01/2009 To: 09/30/2010 | CURRENT FY-TO-DATE | REFERENCE/STANDARD |
|--|------------------------------------|-----------------------|--|
| 1. Average number of days to initiate Complaint Inspections | 3436 11.22 306 | 119 7.43 16 | Negotiated fixed number for each State |
| 2. Average number of days to initiate Complaint Investigations | 581 1.26 459 | 100 2.00 50 | Negotiated fixed number for each State |
| 3. Percent of Complaints where Complainants were notified on time | 301 98.05 307 | 16 100.00 16 | 100% |
| 4. Percent of Complaints and Referrals responded to within 1 day -ImmDanger | 0 0 | 0 0 | 100% |
| 5. Number of Denials where entry not obtained | 0 | 0 | 0 |
| 6. Percent of S/W/R Violations verified | | | |
| Private | 443 94.26 470 | 14 58.33 24 | 100% |
| Public | 19 95.00 20 | 1 100.00 1 | 100% |
| 7. Average number of calendar days from Opening Conference to Citation Issue | | | |
| Safety | 23022 57.55 400 | 2362 71.57 33 | 2624646 47.3 55472 National Data (1 year) |
| Health | 10025 35.67 281 | 867 36.12 24 | 750805 61.9 12129 National Data (1 year) |

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)

NOV 12, 2010
 PAGE 2 OF 2

State: ARIZONA

RID: 0950400

| 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 | | | |
| | 104 | 7 | 93201 |
| Safety | 23.74 | 41.18 | 58.4 National Data (3 years) |
| | 438 | 17 | 159705 |
| | 56 | 11 | 10916 |
| Health | 32.56 | 64.71 | 50.9 National Data (3 years) |
| | 172 | 17 | 21459 |
| 9. Average Violations per Inspection with Vioations | | | |
| | 673 | 90 | 428293 |
| S/W/R | .98 | 1.52 | 2.1 National Data (3 years) |
| | 681 | 59 | 201768 |
| | 2275 | 306 | 240266 |
| Other | 3.34 | 5.18 | 1.2 National Data (3 years) |
| | 681 | 59 | 201768 |
| 10. Average Initial Penalty per Serious Violation (Private Sector Only) | 816325 | 95500 | 509912690 |
| | 1306.12 | 1073.03 | 1360.4 National Data (3 years) |
| | 625 | 89 | 374823 |
| 11. Percent of Total Inspections in Public Sector | 26 | 1 | 275 |
| | 2.39 | 2.22 | 6.7 Data for this State (3 years) |
| | 1089 | 45 | 4111 |
| 12. Average lapse time from receipt of Contest to first level decision | 5040 | 314 | 3826802 |
| | 132.63 | 104.66 | 217.8 National Data (3 years) |
| | 38 | 3 | 17571 |
| 13. Percent of 11c Investigations Completed within 90 days | 10 | 3 | 100% |
| | 34.48 | 60.00 | |
| | 29 | 5 | |
| 14. Percent of 11c Complaints that are Meritorious | 6 | 1 | 1461 |
| | 20.69 | 20.00 | 21.2 National Data (3 years) |
| | 29 | 5 | 6902 |
| 15. Percent of Meritorious 11c Complaints that are Settled | 6 | 1 | 1256 |
| | 100.00 | 100.00 | 86.0 National Data (3 years) |
| | 6 | 1 | 1461 |

Appendix E – State Indicator Report (SIR)

Q4 SIR 04 SIR04 101007 093241 PROBLEMS - CALL Yvonne Goodhall 202 693-1734

1101007

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

PAGE 1

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CURRENT MONTH = SEPTEMBER 2010

INTERIM STATE INDICATOR REPORT (SIR)

STATE = ARIZONA

| 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 | 73 | 11403 | 147 | 21912 | 407 | 43788 | 1134 |
| | 62.4 | 56.6 | 63.8 | 53.6 | 65.1 | 62.9 | 65.9 | 70.0 |
| | 8493 | 129 | 17860 | 274 | 33647 | 647 | 66434 | 1621 |
| B. HEALTH | 488 | 33 | 1094 | 63 | 2232 | 146 | 4202 | 359 |
| | 30.6 | 44.0 | 33.7 | 37.1 | 35.0 | 39.4 | 35.1 | 44.3 |
| | 1597 | 75 | 3249 | 170 | 6378 | 371 | 11960 | 811 |
| 2. PROGRAMMED INSPECTIONS WITH VIOLATIONS (%) | | | | | | | | |
| A. SAFETY | 4663 | 52 | 9421 | 117 | 17649 | 225 | 34350 | 528 |
| | 72.7 | 63.4 | 71.2 | 68.8 | 69.1 | 53.2 | 67.1 | 45.0 |
| | 6413 | 82 | 13232 | 170 | 25525 | 423 | 51214 | 1173 |
| B. HEALTH | 451 | 22 | 880 | 45 | 1756 | 123 | 3238 | 256 |
| | 57.8 | 75.9 | 53.9 | 77.6 | 55.4 | 79.4 | 53.4 | 72.5 |
| | 780 | 29 | 1632 | 58 | 3168 | 155 | 6066 | 353 |
| 3. SERIOUS VIOLATIONS (%) | | | | | | | | |
| A. SAFETY | 17341 | 138 | 33678 | 195 | 62211 | 399 | 117447 | 826 |
| | 81.6 | 31.9 | 81.5 | 26.0 | 81.0 | 27.6 | 80.1 | 28.5 |
| | 21261 | 432 | 41304 | 751 | 76839 | 1445 | 146593 | 2896 |
| B. HEALTH | 3233 | 48 | 6183 | 106 | 11743 | 182 | 21554 | 370 |
| | 69.6 | 19.8 | 70.5 | 18.3 | 70.2 | 15.7 | 69.6 | 16.0 |
| | 4645 | 242 | 8776 | 579 | 16725 | 1156 | 30947 | 2319 |
| 4. ABATEMENT PERIOD FOR VIOLS | | | | | | | | |
| A. SAFETY PERCENT >30 DAYS | 3054 | 5 | 6515 | 9 | 12732 | 20 | 25040 | 54 |
| | 15.0 | 3.4 | 16.3 | 4.3 | 17.2 | 4.5 | 17.7 | 5.8 |
| | 20398 | 145 | 39855 | 208 | 74010 | 445 | 141219 | 935 |
| B. HEALTH PERCENT >60 DAYS | 255 | 0 | 633 | 2 | 1406 | 7 | 2977 | 10 |
| | 5.6 | .0 | 7.3 | 1.4 | 8.5 | 3.0 | 9.6 | 2.1 |
| | 4548 | 68 | 8681 | 145 | 16580 | 236 | 30862 | 467 |

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CURRENT MONTH = SEPTEMBER 2010

INTERIM STATE INDICATOR REPORT (SIR)

STATE = ARIZONA

| PERFORMANCE MEASURE | ----- 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 | 4650 | 1106734 | 5750 | 2038916 | 6550 | 3500911 | 7550 |
| OTHER-THAN-SERIOUS | 837.5 | 387.5 | 803.1 | 383.3 | 894.3 | 385.3 | 967.6 | 419.4 |
| | 701 | 12 | 1378 | 15 | 2280 | 17 | 3618 | 18 |
| B. HEALTH | | | | | | | | |
| | 249175 | 2450 | 434447 | 3350 | 732953 | 3350 | 1039303 | 4150 |
| OTHER-THAN-SERIOUS | 817.0 | 408.3 | 801.6 | 335.0 | 835.8 | 335.0 | 842.2 | 345.8 |
| | 305 | 6 | 542 | 10 | 877 | 10 | 1234 | 12 |
| 6. INSPECTIONS PER 100 HOURS | | | | | | | | |
| A. SAFETY | | | | | | | | |
| | 9778 | 130 | 20529 | 276 | 38849 | 657 | 76136 | 1726 |
| | 5.8 | 5.0 | 5.7 | 4.8 | 5.5 | 5.0 | 5.5 | 5.3 |
| | 1679 | 26 | 3593 | 58 | 7112 | 131 | 13925 | 324 |
| B. HEALTH | | | | | | | | |
| | 1864 | 81 | 3844 | 181 | 7547 | 396 | 14276 | 928 |
| | 2.1 | 4.1 | 2.0 | 3.9 | 1.9 | 3.6 | 1.8 | 4.5 |
| | 908 | 20 | 1940 | 46 | 3898 | 110 | 8070 | 207 |
| 7. VIOLATIONS VACATED % | | | | | | | | |
| | 1123 | 16 | 2474 | 26 | 5103 | 54 | 10425 | 119 |
| | 3.7 | 2.4 | 4.3 | 1.9 | 4.7 | 2.0 | 5.0 | 2.2 |
| | 29962 | 662 | 57441 | 1367 | 108213 | 2659 | 207527 | 5306 |
| 8. VIOLATIONS RECLASSIFIED % | | | | | | | | |
| | 844 | 3 | 1978 | 8 | 4276 | 25 | 9196 | 42 |
| | 2.8 | .5 | 3.4 | .6 | 4.0 | .9 | 4.4 | .8 |
| | 29962 | 662 | 57441 | 1367 | 108213 | 2659 | 207527 | 5306 |
| 9. PENALTY RETENTION % | | | | | | | | |
| | 15767907 | 136569 | 30073309 | 227769 | 57457651 | 429961 | 111052615 | 836708 |
| | 64.5 | 66.9 | 63.9 | 66.8 | 63.0 | 70.6 | 62.8 | 73.2 |
| | 24439885 | 204100 | 47032897 | 340925 | 91194322 | 609225 | 176868726 | 1143775 |

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CURRENT MONTH = SEPTEMBER 2010

INTERIM STATE INDICATOR REPORT

STATE = ARIZONA

| 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 % | | | | | | | | |
| | 73 | 1 | 147 | 1 | 407 | 3 | 1134 | 88 |
| A. SAFETY | 56.6 | 100.0 | 53.6 | 50.0 | 62.9 | 50.0 | 70.0 | 90.7 |
| | 129 | 1 | 274 | 2 | 647 | 6 | 1621 | 97 |
| | 33 | 1 | 63 | 1 | 146 | 1 | 359 | 66 |
| B. HEALTH | 44.0 | 25.0 | 37.1 | 12.5 | 39.4 | 5.6 | 44.3 | 61.7 |
| | 75 | 4 | 170 | 8 | 371 | 18 | 811 | 107 |
| 2. SERIOUS VIOLATIONS (%) | | | | | | | | |
| | 138 | 0 | 195 | 7 | 399 | 15 | 826 | 40 |
| A. SAFETY | 31.9 | .0 | 26.0 | 63.6 | 27.6 | 10.6 | 28.5 | 14.0 |
| | 432 | 0 | 751 | 11 | 1445 | 141 | 2896 | 285 |
| | 48 | 4 | 106 | 7 | 182 | 13 | 370 | 14 |
| B. HEALTH | 19.8 | 21.1 | 18.3 | 30.4 | 15.7 | 13.7 | 16.0 | 6.2 |
| | 242 | 19 | 579 | 23 | 1156 | 95 | 2319 | 226 |

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CURRENT MONTH = SEPTEMBER 2010

COMPUTERIZED STATE PLAN ACTIVITY MEASURES

STATE = ARIZONA

| 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 | 3 30.0 10 | 1134 23.2 4888 | 13 36.1 36 | 2052 21.9 9366 | 32 22.5 142 | 3827 23.0 16668 | 83 26.0 319 |
| 2. VIOLATIONS RECLASSIFIED % | 306 11.3 2709 | 0 .0 10 | 585 12.0 4888 | 2 5.6 36 | 1100 11.7 9366 | 15 10.6 142 | 2217 13.3 16668 | 33 10.3 319 |
| 3. PENALTY RETENTION % | 4940512 65.3 7563023 | 22687 98.6 23000 | 7526155 62.3 12074308 | 48962 80.9 60550 | 12856359 58.1 22143463 | 172687 22.3 776050 | 23378285 58.4 40052611 | 431535 35.4 1219250 |

APPENDIX F

ARIZONA STATE OSHA ANNUAL REPORT (FY 2010)

(available separately)

Appendix G—Acronyms

| | |
|---------|--|
| ADOSH | Arizona Division of Occupational Safety and Health |
| ADM | OSHA Instruction - Administrative |
| BLS | Bureau of Labor Statistics |
| CASPA | Complaint About State Program Administration |
| CPL | OSHA Instruction – Compliance |
| CSHO | Compliance Safety and Health Officer |
| FAME | Federal Annual Monitoring Evaluation |
| FIRM | Field Inspection Reference Manual |
| FOM | Field Operations Manual |
| FY | Federal Fiscal Year |
| IH | Industrial Hygienist |
| IMIS | Integrated Management Information System |
| IMMLANG | Immigrant/Language |
| NAICS | North American Industrial Classification System |
| NIC | Not In Compliance |
| OSHA | Occupational Safety and Health Administration |
| SAMM | State Activity Mandated Measures |
| SHARP | Safety and Health Achievement Recognition Program |
| SOAR | State OSHA Annual Report |
| SST | Site Specific Targeting |
| S/W/R | Serious/Willful/Repeat |
| VPP | Voluntary Protection Program |

OSHA Forms

| | |
|----------|--------------------------------|
| OSHA-1 | Inspection Form |
| OSHA-1B | Violation Worksheet |
| OSHA-7 | Complaint Form |
| OSHA-36 | Accident Form |
| OSHA-170 | Accident Investigation Summary |
| OSHA-90 | Referral |
| OSHA-31 | Weekly Activity Report |