



Advancing the safety, health and prosperity of Hoosiers in the workplace.

MITCHELL E. DANIELS, JR., GOVERNOR
Lori A. Torres, Commissioner

402 West Washington St., Room W195
Indianapolis, IN 46204-2751

Phone: (317) 232-2655
Fax (317) 233-3790

July 29, 2011

Michael G. Connors, Regional Administrator
Occupational Safety and Health Administration
230 South Dearborn Street, Room 3244
Chicago, Illinois 60604

Dear Mr. Connors,

The Indiana Department of Labor is in receipt of your July 18, 2011 letter and completed Fiscal Year 2010 Enhanced Federal Annual Monitoring and Evaluation (EFAME) Follow Up Evaluation. IOSHA appreciates that the report acknowledges that the onsite review took place in mid-February, 2011 and that the IOSHA state Corrective Action Plan (CAP) had just been finalized in December of 2010. Accordingly, a number of items that were considered to be outstanding based upon file review have since been completed.

Indiana had 46 recommendations as a result of the EFAME Report. This follow up review found that nine was still outstanding and that two more matters were noted, one providing witnesses with the opportunity to decide if their name or other pertinent information would be included, and secondly, and clear abatement verification for all files where abatement is required. IOSHA agrees with these two recommendations.

With respect to staffing and funding, I would be remiss in not noting that the report is incorrect in stating that the 15% 2010 budget reversion was half state and half federal funds. In fact, the 15% budget reversion was entirely state funds, with deobligation of matching federal grant dollars in addition to that amount. Furthermore, 2011 deobligation is again estimated at \$180,000.

Finally, the report gives due regard to improvements in the number of inspections that Indiana conducted in FFY 2010, the rate of settlement of meritorious Whistleblower complaints, and a slight improvement in violations verified as corrected.

Indiana had six CASPAs noted in the report, of which five were Whistleblower cases. Indiana has undertaken thorough retraining of its Whistleblower staff that will hopefully remedy this deficiency. To date in 2011, there has been only one CASPA.

Thank you for the opportunity to comment.

Very truly yours,

Lori Torres
Commissioner

cc: Kenneth Gilbert
Indianapolis, IN Area Director

LAT/clw