

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

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
09-1	For health inspections, OR-OSHA averaged 66 days from opening conference to citation issuance. This is nine days (16%) longer than the corresponding national average of 57 days, but also represents a two-day (3%) decrease in lapse time in comparison to the state's average health lapse time of 68 days in FY 2008. While OSHA commends OR-OSHA for reducing its health lapse time by three percent, additional reduction is needed.	Take remedial actions to reduce the average health lapse time. This is a repeat recommendation.	Oregon OSHA will correct this issue during the current federal fiscal year. We will do this by focused attention on eliminating unnecessary delays in health enforcement activities containing violations, which we expect to allow us to meet the current national average throughout FFY 2011.	For health inspections, OR-OSHA averaged 66 days from opening conference to citation issuance. Performance in this area improved by nine days but OR-OSHA continued to exceed the average for states as a whole by four days; At the end of the first quarter of FY 2011, Oregon OSHA had reduced its lapse time to 5.3 days below the average for states as a whole.	Completed.
09-2	OSHA's average gravity-based penalty [GBP] was about 3.4 times higher than Oregon OSHA's [\$2,323 vs. \$675]. Most of the disparity between OR-OSHA's penalties and those of OSHA can be attributed to the state's low gravity-based penalties for low-probability serious hazards. After penalty adjustment factors were applied, the gap between state and federal penalties narrowed though the disparity remained significant [\$1,046 vs. \$435, 2.4 times greater].	Increase gravity-based penalty amounts significantly in order to encourage employer voluntary compliance and to serve as a strong deterrent. Make policy adjustments to raise penalty averages for serious violations.	OROSHA is in the process of developing a proposed change to its rules on penalty assessments and calculations. As part of that proposed rulemaking, they expect to propose increased penalties for larger employers (primarily by increasing the gravity-based penalty amounts), elimination of its sizable reductions for immediate abatement and for a one-year lower-than-average DART rate, and reductions for good faith and for an employer's overall history of compliance (as well as increases for poor faith and for a poor overall compliance history).	OR-OSHA held a series of public forums to seek input on the agency's penalty structure and ways it might be changed. A "discussion document" was posted on the State's Web site which provided background information and items for further discussion at these forums. In addition, the agency obtained input from the OR-OSHA Partnership Committee. Also in 2010, a new governor took office in Oregon and there was a change in the makeup of the legislature, which made it important for OR-OSHA to be sensitive to the timing of any proposal to alter its penalty policy. As of the second quarter of FY 2011, the state planned to meet with a stakeholder group comprised of about two dozen employers	Continued. OR-OSHA now anticipates filing a formal proposal by mid-summer 2011. OSHA intends to continue monitoring OR-OSHA progress toward increasing their penalties. Oregon OSHA progress will be discussed

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				(private and public sector) and labor representatives to develop a proposal for changing the rules on penalty calculations and assessments.	during quarterly meetings.