

**Federal Annual Monitoring and Evaluation (FAME)
(FY 2010 EFAME Follow-up Report)**

Virginia Occupational Safety and Health Program

October 1, 2009 to September 30, 2010

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**Occupational Safety
and Health Administration**

U. S. Department of Labor
Region III
Philadelphia, Pennsylvania

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(MARC)

I. EXECUTIVE SUMMARY

A. Introduction

Virginia's Department of Labor and Industry is the State agency designated by the Governor to administer the Virginia Occupational Safety and Health Plan. The Virginia Occupational Safety and Health (VOSH) Plan was approved on September 8, 1976, pursuant to Section 18 of the Occupational Safety and Health Act. The Plan achieved operational status on October 1, 1981. Under Virginia's State Plan, VOSH has jurisdiction over 3.5 million employees in approximately 225,918 establishments. The Virginia State Plan applies to all public and private sector places of employment in the state, with the exception of federal employees, the United States Postal Service, private sector maritime, federal military facilities, and other federal enclaves where the state has ceded jurisdiction to the federal government. On August 21, 1984, a Notice was published in the Federal Register certifying that the State had completed all developmental commitments contained in the Plan. Final approval of the Virginia State Plan was published in the Federal Register on November 30, 1988.

The Virginia Department of Labor and Industry, headquartered in Richmond, consists of separate program groups with representatives stationed in different regional and field offices located in Abingdon, Lynchburg, Manassas, Norfolk, Richmond, Roanoke, Verona, and Winchester. Each group has been delegated certain powers by the Commissioner to carry out the specific statutory mandates of the Department.

The VOSH program consists of three major units: enforcement, consultation, training and education, and is supported by 95.72 full time management, administrative, 21(d) consultation, and 23(g) enforcement employee positions. The enforcement unit inspects places of work, issues citations and penalties for violations of established occupational standards, and responds to fatalities, accidents, and employee complaints about workplace safety and health hazards. The consultation unit provides assistance to Virginia public and private sector employers to voluntarily comply with applicable requirements without the issuance of citations and penalties. The VOSH consultation program provides free on-site surveys and technical assistance to Virginia businesses, especially small ones and to public sector employers under the State Plan grant. The VOSH program also provides free educational and training programs for employers and employees to assist them in achieving voluntary compliance.

VOSH's approach for achieving its long-term strategic goals is to identify significant problems, determine the most effective ways to address them, use the best mix of available tools, and then measure the results. The VOSH program has adopted two interdependent strategic goals in the Annual Performance Plan. These goals are to reduce occupational injuries, illnesses and fatalities through direct intervention in Virginia's workplaces, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities and to promote a safety and healthy workplace culture. In addition to these goals, VOSH utilized Worker's Compensation First Reports of Accidents to promptly investigate amputations and other serious accidents. Other local emphasis programs on scaffolding, heavy equipment, overhead high voltage line safety, fall protection, lumber and wood products, public workshops, silicosis, tree felling and tree de-limbing operations,

wastewater treatment plants, lead, combustible dust, amputations, spray on truck bed lining and trenching resulted in increased awareness of safety and health in these related industries.

The vast majority of VOSH standards are identical to Federal OSHA standards. Any new or unique standard adopted by Virginia for which no Federal OSHA counterpart exists shall apply as specified by the terms of that standard. The VOSH Administrative Regulations, 16 VAC 25-60, et seq., set forth rules defining the applicability of occupational safety and health standards in Virginia. There are thirteen (13) standards unique to the VOSH Program, e.g. reverse signal operation, confined space in the telecommunication industry, overhead high voltage line safety act, confined space standard for the construction industry, Virginia excavation standard, fall protection for steel erection, underground construction standard, general clearance requirements in the power transmission and distribution for the construction industry, construction standard for sanitation, general approach distances in the telecommunications industry, and tree trimming operations.

B. Summary of the Report

The Federal Annual Monitoring and Evaluation (FAME) Report for Fiscal Year (FY) 2010 focused on follow-up monitoring and evaluation activities regarding the findings and recommendations detailed in Virginia Occupational Safety and Health (VOSH) responses to the FY 2009 Enhanced Federal Annual Monitoring and Evaluation Report (EFAME). The FY 2010 EFAME follow-up report details VOSH's progress in achieving the actions as specified in their approved Corrective Action Plan (CAP).

The FY 2010 EFAME follow-up report is not a comprehensive report due to the late submission and approval of VOSH's CAP which did not occur until late November 2010. The majority of the corrective actions regarding EFAME findings and recommendations were implemented during the First Quarter of FY2011, with the majority of the corrective actions to be fully implemented by January 20, 2011. Federal monitors met with 23(g) Enforcement Program Directors, during this evaluation period, to determine the ongoing progress of the CAP, which is reflected in this report.

The FY 2009 Virginia EFAME report contained eighteen (18) findings and recommendations. In its formal response to the EFAME and CAP, Virginia noted that the majority of the deficiencies identified in the report were largely procedural, were often based on only a few instances, were geographically limited to one or two of the four regions, and had no impact on program effectiveness. Two (2) of the eighteen (18) findings were deleted by Federal OSHA based upon further information provided by VOSH.

This report also addressed VOSH's progress towards achieving their annual performance goals as established in their FY 2010 Annual Performance Plan as well as the effectiveness of their five-year strategic plan. Through effective resource utilization, partnership development, outreach activities, and an overall commitment to performance goal achievements, the majority of goals have been met or exceeded. The primary goal of

VOSH's strategic plan is to reduce occupational injuries, illnesses and fatalities through direct intervention. This primary goal has been met as indicated by the steady decrease in workplace fatalities for the last six (6) calendar years. In 2005 there were sixty-four (64) workplace fatalities, in 2010 there were twenty-four (24) workplace fatalities.

C. Monitoring Methodology

The monitoring and evaluation activities for this year's follow-up FAME report concentrated on determining the status of the corrective actions implemented by VOSH, regarding the sixteen (16) findings identified during the FY 2009 EFAME. Throughout the evaluation process, Virginia was cooperative, shared information and ensured staff was available to discuss cases, policies, and procedures and to answer questions. Data contained in the Integrated Management Information System (IMIS), OSHA's database system used by the Commonwealth to administer its program, was also utilized as a means to monitor and evaluate the State's 23(g) enforcement program activities.

Region III's Labor Liaison contacted multiple labor organizations within Virginia to survey as to whether there were any concerns with the state-plan administration of the Occupational Safety and Health program. The parties consisted of Director for the United Steel Workers Sub-District 8, who also is a member of the State of Virginia AFL-CIO Executive Committee, the President of the VA Pipe trades, and the President of the United Steelworkers Local 1023. No specific issues or concerns were raised about the Virginia State Plan. In fact, two of the parties reported that the relationship between VOSH and labor organizations has improved dramatically during FY 2010, and VOSH has been more responsive to the needs of the union representatives.

II. MAJOR NEW ISSUES

Federal OSHA received one Complaint About State Program Administration (CASPA) during FY 2010. The CASPA alleged that VOSH did not properly respond to a complaint which was originally filed in July 2009, and the CASPA investigation continued during this FY2010 evaluation period. The complainant also contacted his congressional representative with regards to this CASPA. Federal OSHA determined VOSH did not follow appropriate procedures, per their Field Operations Manual (FOM) with regards to notifying the complainant of the results subsequent to an on-site inspection. Appropriate actions were taken, by VOSH, to correct this deficiency and to ensure proper complaint procedures are being followed by all VOSH Regional Offices with regards to notification of inspection results being sent to the complainant in a timely manner.

During this evaluation period, the Commonwealth of Virginia elected a new governor in November 2009. In addition, all state agencies were included in furlough actions taken by the previous governor to ease the current deficits facing the Commonwealth. During FY 2010, all state employees were furloughed one day as a cost saving measure for overall expenditures throughout the Commonwealth. The Assistant Commissioner indicated the VOSH Safety and Health Program continued to provide safety and health coverage for the Commonwealth, responding to all fatalities and complaints as required by VOSH's policies and procedures. Additionally, there have been no pay increases for state employees since

November 2007, and there are none forecasted for the next two years. This has had an effect on the retention rate of some benchmark positions, particularly in the Northern Virginia Regional Offices which are in close proximity to Washington D.C. Budget constraints have also impacted funding available for training and conferences and the travel expenses associated with each. During this evaluation period, as a means to decrease operating expenses, VOSH considered closing its Winchester, VA satellite office, with all personnel relocating to the Manassas Regional Office. Final determination of this cost saving measure did not occur during this evaluation period. Although budget constraints continued during FY 2010, they did not adversely impact the overall required benchmark positions. VOSH has fifty-nine (59) allocated benchmark positions; they met the required benchmark allocation having 87% of their safety benchmark positions, and 81% of their health benchmark positions filled during FY 2010. The benchmark allocation is comprised of thirty-eight (38) safety specialist positions, and twenty-one (21) industrial hygienist positions. There are currently eight (8) vacancies.

VOSH will be participating in the new OSHA Information System (OIS), scheduled for deployment in Region 3 during June 2011. Currently, VOSH's computer network access is provided through the use of digital subscriber lines (DSL), rather than T1 fiber optic lines, which provide faster internet service. VOSH is concerned their DSL lines will not provide adequate internet service to support the new OIS. Due to the VOSH budget constraints there are no additional funds available to install T1 lines in the Regional Offices. VOSH will monitor OIS performance, upon deployment, during FY 2011.

III. ASSESSMENT OF STATE ACTIONS AND PERFORMANCE IMPROVEMENTS IN RESPONSE TO RECOMMENDATIONS FROM THE FY 2009 EFAME

As a result of the FY 2009 EFAME, several recommendations and suggestions were made to enhance and improve the VOSH program. The FY 2009 EFAME report originally contained eighteen (18) findings and recommendations. Item #13, failure to gather bulk samples for combustible dust, was deleted as this was a single instance of the deficiency. Item #11, Informal settlement agreements were not in case files, was deleted due to information provided by VOSH's response to the EFAME, wherein Informal Settlement Agreements (ISA) were not required to be placed in the case file, specifically, in those instances where the employer agreed to the citation and penalty issued, and therefore, no ISA was required.

The FY 2009 EFAME findings and recommendations were included in the CAP, and the following corrective actions were implemented, and will continue to be reviewed through ongoing federal monitoring activities during FY 2011.

In addition, the VOSH State Internal Evaluation Program (SIEP) continued to serve as an integral monitoring activity of their ongoing enforcement activities throughout the FY 2010 evaluation period resulting in immediate corrective action of some noted deficiencies regarding case file documentation.

FY 2009 EFAME Special Study Findings:

Complaints:

EFAME Finding #09-01: Case files lacked written documentation of why a non-formal complaint resulted in an inspection.

Recommendation 1: Written documentation should be contained in case files to justify why a non-formal.

Action to date: VOSH enforcement staff, including Regional and Program Directors, Compliance Managers and Engineers, were provided refresher training regarding complaints and referrals. All non-formal complaints converted to formal complaints will require a statement in the case file to justify why the complaint resulted in an inspection. This information will appear on the Case File Diary Sheet. All refresher training was completed January 20, 2011.

Status: Continue to monitor during FY 2011 as FY 2010 EFAME Finding #10-01

EFAME Finding #09-02: Standard language was not being used in response letters to complainants. For example, some letters gave a lot of detailed information to the complainant regarding the outcome of the inspection while others simply responded “complaint was confirmed.”

Recommendation 2: Response letters must include an appropriate response detailing the outcome of the inspection or investigation activity for each alleged complaint item as outlined in VOSH’s FOM.

Action to date: All response letters to complainants, subsequent to an onsite inspection, will now include specific information on the findings of the inspection including alleged violation descriptions, and will be sent to the complainants in a timely manner. Refresher training was provided to all VOSH enforcement staff, including Regional and Program Directors, Compliance Managers and Engineers to ensure complaint response letters include appropriate information detailing the outcome of an inspection or investigation for each alleged complaint item. All refresher training was completed January 20, 2011.

Status: Continue to monitor during FY 2011 as FY 2010 EFAME Finding #10-02

Fatalities:

EFAME Finding #09-3: Families of fatality victims were not kept up-to-date about investigations and/or informed of the outcome of investigations.

Recommendation 3: Families of fatality victims must be kept up-to date about investigations and informed of the outcome of VOSH investigations.

Action to date: VOSH offered refresher training to Regional and Program Directors as well as Compliance Managers to ensure victims' next-of-kin are contacted, and are offered copies of citations and settlement agreements subsequent to fatality investigations. Compliance Managers and Regional Directors are responsible for establishing and maintaining contact. All refresher training was completed January 20, 2011.

Status: Continue to monitor during FY 2011 as FY 2010 EFAME Finding #10-03

EFAME Finding #09-4: Interviews with employer representatives and employees were not always documented.

Recommendation 4: Ensure interviews with employer representatives and employees are documented in case files.

Action to date: VOSH provided refresher training to ensure interviews with employer representatives and employees are properly documented, and the documentation is included in the case file. VOSH has altered the IW-1 form, to be used as an employer's representative interview sheet and has added a signature line to the document, to be placed in each case file. All refresher training was completed by January 20, 2011.

Status: Continue to monitor during FY 2011 as FY 2010 EFAME Finding #10-04

Case File Documentation:

EFAME Finding #09-5: Case file documentation is not in conformance with the requirements of VOSH's FOM.

Recommendation 5: The requirements for case file documentation are outlined in Chapter III of VOSH's FOM. These policies and procedures should be reviewed with all management and compliance staff to assure that all employees are following these procedures and understand what specifically is required to be contained in a case file.

Action to date: VOSH provided training to ensure all compliance staff followed established procedures, as defined in Chapter III of their Field Operations Manual, regarding proper case file documentation. All refresher training was completed by January 20, 2011.

Status: Continue to monitor during FY 2011 as FY 2010 EFAME Finding #10-05

EFAME Finding #09-06: Case file diary sheets were not found in inspection files.

Recommendation 06: Case file diary sheets must be used in accordance with VOSH's FOM procedures. This form needs to be kept at the top of the case file so that a reviewer can tell at first glance the status of that case.

Action to date: VOSH administrative, compliance and supervisory staff have received additional instruction to ensure Case File Diary Sheets are included in all case files and

utilized for documenting all activities regarding the case file. All refresher training was completed by January 20, 2011.

Status: Continue to monitor during FY 2011 as FY 2010 EFAME Finding #10-06

EFAME Finding #09-7: Employee exposure was not always adequately documented on OSHA 1B forms.

Recommendation 7: VOSH must ensure that OSHA 1Bs are adequately documented. Provide additional training to investigators on case file documentation and the importance of having each OSHA 1B fully documented.

Action to date: VOSH provided refresher training to ensure all compliance staff include adequate documentation for employee exposure when completing the OSHA 1B worksheet form, with emphasis on documentation required to support citations issued. All refresher training was completed by January 20, 2011.

Status: Continue to monitor during FY 2011 as FY 2010 EFAME Finding #10-07

EFAME Finding #09-8: Alleged violation descriptions (AVDs) on OSHA-2 forms were not specific enough to address hazardous condition.

Recommendation 8: Alleged violation descriptions should reflect specific hazards noted on OSHA-2 forms for each violation.

Action to date: VOSH provided training to ensure all compliance staff, safety specialists and industrial hygienists, properly document alleged violations/hazard descriptions on both the OSHA 1B and OSHA-2 forms. All refresher training was completed by January 20, 2011.

Status: Continue to monitor during FY 2011 as FY 2010 EFAME Finding #10-08

EFAME Finding #09-9: OSHA-300 logs were not always obtained from employers and reviewed by compliance officers during on-site inspection activity.

Recommendation 9: OSHA-300 logs for three years must be obtained from employer while on-site during inspection activity and reviewed by compliance officers, pursuant to VOSH's FOM.

Action to date: VOSH provided refresher training to compliance staff to ensure OSHA-300 logs, for those employers required to maintain the log of injuries and illnesses, are obtained and copies included in the case file. All refresher training was completed by January 20, 2011.

Status: Continue to monitor during FY 2011 as FY 2010 EFAME Finding #10-09

EFAME Finding #09-10: Proper documentation to justify violation severity classification was not always contained in inspection files.

Recommendation 10: VOSH must retrain compliance staff in the proper type of documentation needed to justify violation severity classification in accordance with VOSH FOM procedures.

Action to date: VOSH provided refresher training for compliance staff to ensure violations are properly classified in accordance with their Field Operations Manual and VOSH Directives. Severity classifications will be fully documented on the OSHA 1B worksheet forms. All refresher training was completed by January 20, 2011.

Status: Continue to monitor during FY 2011 as FY 2010 EFAME Finding #10-10

FAME Finding #09-11: Copies of signed informal settlement agreements were not always contained in case files.

Recommendation 11: Copies of signed settlement agreements must be maintained in case files.

Action to date: This finding was determined to be a single incident; therefore, Federal OSHA agreed to delete this item during the review process of the Corrective Action Plan (CAP); no further action is required.

Status: DELETED

EFAME Finding #09-12: Case files did not always contain documentation of how penalty reduction factors were granted to employers where minimal abatement was required to come into compliance.

Recommendation 12: Case files must be documented by Regional Directors to explain why the maximum penalty reduction of 40% was granted to employers where minimal abatement was required to come into compliance. Penalty reduction factors should be reviewed in detail with Regional Directors.

Action to date: VOSH provided training to all Regional Directors, and Compliance Managers to ensure actions taken during Informal Conferences with regards to penalty reductions are fully documented in case files. In addition, Regional Directors and Compliance Managers were provided instruction to fully review penalty adjustment factors (size, good faith, and history) to ensure proper penalty reductions are taken, and fully documented in the case file prior to citation issuance. All refresher training was completed by January 20, 2011.

Status: Continue to monitor during FY 2011 as FY 2010 EFAME Finding #10-11

Sampling:

EFAME Finding #09-13: Bulk samples were not always taken when suspected combustible dust was identified in a work place.

Recommendation 13: Bulk samples should be taken by industrial hygienists whenever suspected combustible dust is encountered in a work place.

Status: DELETED

Abatement Verification:

FAME FY 2010 Finding #10-12: Abatement Verification continues to be an outlier on the State Activity Mandated Measures Report, with similar contributing factors as those addressed in the FY 2009 EFAME report.

Recommendation: During FY 2011 evaluation period, quarterly reviews of the SAMM report will be conducted to determine progress towards meeting this mandated measure.

Status: Continue to monitor during FY 2011 as FY 2010 EFAME Finding #10-12

EFAME Finding #09-14: OSHA-166 forms were not being entered into the database to track abatement verification.

Recommendation 14: Promptly enter OSHA-166 (particularly item 22) data into database.

Action to date: OSHA 166 forms (or an equivalent thereof) will be kept in all case files in which violations were not immediately abated or corrected on site during the inspection. Compliance managers were provided refresher training to ensure abatement verification dates were being entered into the database; all refresher training was completed by January 20, 2011.

Status: Continue to monitor during FY 2011 as FY 2010 EFAME Finding #10-12

EFAME Finding #09-15: VOSH was not calling employers or sending abatement letters on all cases where abatement had not been received by VOSH.

Recommendation 15: VOSH must, in accordance with its own procedures as outlined in its FOM, call employers for outstanding abatement documentation and/or send abatement letters on all cases where abatement documentation has not been received by VOSH.

Action to date: VOSH provided refresher training and additional instruction to Regional Directors, and Compliance Managers to follow procedures as outlined in its Field Operations Manual (FOM) and VOSH Directives regarding abatement documentation and verification. All refresher training was completed by January 20, 2011.

Status: Continue to monitor during FY 2011 as FY 2010 EFAME Finding #10-13

IMIS

EFAME Finding #09-16: OSHA 91 data is not being entered into the IMIS system. The forms were contained in case files; however, the forms were never entered into the database and could therefore not be tracked by running a report from the IMIS system.

Recommendation 16: OSHA 91 data should be entered into the IMIS system for all sampling.

Action to date: As agreed upon in the CAP, VOSH administrative personnel in the Regional Offices began entering all OSHA 91 data into the IMIS system, beginning April 2010, and entered all OSHA 91 data, retroactively, from October 1, 2009.

Status: Continue to monitor during FY 2011 as FY 2010 EFAME Finding #10-14

Federal Program Changes:

EFAME Finding #09-17: Not all Federal Program Changes are adopted within the six month period.

Recommendation 17: VOSH must adopt Federal Program Changes within the six month period.

Action to date: The only federal program change noted during the FY 2009 EFAME that was not finalized within six months was the revised VOSH Field Operations Manual. It took several years for OSHA to revise their FOM, and Virginia had only six months to do so. As addressed in the FY 2009 EFAME, VOSH continued working on the finalization of their Field Operations Manual during FY 2010, using the Federal OSHA FOM as a template. The new FOM will be issued as a VOSH Directive during the 3rd Quarter of FY 2011...

Status: Continue to monitor during FY 2011 as FY 2010 EFAME Finding #10-15

Whistleblower Investigations:

EFAME Finding #09-18: VOSH is using an outdated Discrimination manual that needs to be updated, which lacks guidance for proper organization of cases and documentation required to support actions taken by investigators.

Recommendation 18: VOSH must update its current directive. Chapter 2 should list all current whistleblower acts that are referred to Federal OSHA or reference Chapter 1 of Federal OSHA's Discrimination manual, which lists the current whistleblower acts to include ones that need to be referred to Federal OSHA for investigation.

Action to date: VOSH's Discrimination Manual has been rewritten using Federal OSHA's Discrimination manual as guidance. The new VOSH Discrimination Manual will be issued as a VOSH Directive during the 3rd Quarter of FY 2011. Discrimination investigator activities will be verified during FY 2011 monitoring activities.

Status: Continue to monitor during FY 2011 as FY 2010 EFAME Finding #10-16

IV. FY 2010 STATE ENFORCEMENT

A statistical review of Virginia OSHA Program was conducted utilizing the IMIS State Activities Mandated Measures (SAMM) Report and the State Interim Report (SIR). During the evaluation period of this study (October 1, 2009 through September 30, 2010), the Virginia OSHA Program conducted 3,220 inspections of its projected inspection goal of 3,725. There were several factors which impacted VOSH's inability to meet its inspection goal in FY 2010. These factors included several senior compliance officers were on extended medical absences, new compliance officers were in training, and two compliance officers were promoted to management positions.

Of the 3,220 inspections conducted by Virginia during FY 2010, 2,476 were safety-related (77%) while 774 (23%) were health-related. Total programmed inspections were 2,312 (72%) and 908 (28%) were unprogrammed inspections, which represented fatality investigations, complaints, referrals, follow-up inspections, monitoring inspections and other unprogrammed related activities. A total of 2,981 inspections were conducted at private establishments while 239 were conducted at public sector agencies.

The following table is a statistical comparison of Virginia to other state plans and Federal OSHA during FY 2010:

**Virginia State Plan
FY 2010 Enforcement Activity**

	VA	State Plan Total	Federal OSHA
Total Inspections	3,220	57,124	40,993
Safety	2,476	45,023	34,337
% Safety	77%	79%	84%
Health	744	12,101	6,656
% Health	23%	21%	16%
Construction	2,035	22,993	24,430
% Construction	63%	40%	60%
Public Sector	239	8,031	N/A
% Public Sector	7%	14%	N/A
Programmed	2,312	35,085	24,759
% Programmed	72%	61%	60%
Complaint	399	8,986	8,027
% Complaint	12%	16%	20%
Accident	37	2,967	830
Insp w/ Viols Cited	1,871	34,109	29,136
% Insp w/ Viols Cited (NIC)	58%	60%	71%
% NIC w/ Serious Violations	82%	62.3%	88.2%
Total Violations	5,562	120,417	96,742
Serious	3,379	52,593	74,885
% Serious	61%	44%	77%
Willful	24	278	1,519
Repeat	100	2,054	2,758
Serious/Willful/Repeat	3,503	54,925	79,162
% S/W/R	65%	46%	82%
Failure to Abate	102	460	334
Other than Serious	1,957	65,031	17,244
% Other	35%	54%	18%
Avg # Violations/ Initial Inspection	3.2	3.4	3.2
Total Penalties	\$5,152,654	\$ 72,233,480	\$ 183,594,060
Avg Current Penalty / Serious Violation	\$ 674.50	\$ 870.90	\$ 1,052.80
Avg Current Penalty / Serious Viol- Private Sector Only	\$ 787.30	\$ 1,018.80	\$ 1,068.70
% Penalty Reduced	46.8%	47.7%	40.9%
% Insp w/ Contested Viols	9.9%	14.4%	8.0%
Avg Case Hrs/Insp- Safety	13.6	16.2	18.6
Avg Case Hrs/Insp- Health	20.0	26.1	33
Lapse Days Insp to Citation Issued- Safety	31.6	33.6	37.9
Lapse Days Insp to Citation Issued- Health	31.3	42.6	50.9
Open, Non-Contested Cases w/ Incomplete Abatement >60 days	4	1,715	2,510

A. Assessment of State Mandated Measures (SAMM)

The following is a summary of State performance on the major issues covered in the SAMM. Six (6) of fifteen (15) mandated measures were not met. The SAMM Report for Virginia covering the period October 1, 2009 through September 30, 2010 is also found in Appendix D.

Mandated Measure		State Data FY 2010	Reference Data	Comment
1. Average number of days to initiate complaint inspections		2.00	5	Goal is met.
2. Average number of days to initiate complaint investigations.		.13	1	Goal is met.
3. Percent of complaints where complainants were notified on time.		95.01	100%	Goal is not met. VOSH will continue to monitor this measure on a quarterly basis.
4. Percent of complaints and referrals responded to within 1 day- Imminent Danger		66.67	100%	Goal is not met. VOSH will continue to monitor this measure on a quarterly basis.
5. Number of denials where entry was not obtained.		0	0	Not applicable.
6. Percent of S/W/R violations verified.	Private	93.71%	100%	Goal is not met. Private sector violations verified improved by 7% over FY 2009 and public sector verification improved by almost 4%. Both are below the reference of 100%. VOSH requires abatement verification for all serious violations.
	Public	87.76%		
7. Average number of calendar days from opening conference to citation issuance.	Safety	41.53	47.3	Goal is met.
	Health	43.50	61.9	Goal is met.
8. Percent of programmed inspections with	Safety	53.83%	58.4%	Goal is not met; however, it is within 5% of the Federal level.

S/W/R violations	Health	51.57%	50.9%	Goal is met.
9. Average violations per inspection with violations.	S/W/R	2.31	2.1	Goal is met.
	Other	.87	1.2	Goal is considered met. It is slightly under the reference.
10. Average initial penalty per serious violation – private sector only.		\$1184.16	\$1360.4	Goal is not met due to the large number of small employers inspected, yet, an indicated 22% increase from last year. VOSH increased its penalty structure October 2009.
11. Percent of total inspections in public sector.		7.42%	6.5%	Goal is met.
12. Average lapse time from receipt of contest to first level of decision.		123.69	217.8	Goal is met.
13. Percent of 11C investigations completed within 90 days.		97.62%	100%	Goal is not met; however, accomplishment is viewed as positive.
14. Percent of 11C complaints that are meritorious.		2.3%	21.2%	Goal is not met; however, accomplishment is viewed as positive.
15. Percent of meritorious 11C complaints that are settled.		100%	86.1%	Goal is met.

B. Assessment of the VOSH Interim State Indicator Report (SIR)

Appendix E is the Interim State Indicator Report (SIR) for Virginia covering the period October 1, 2009 through September 30, 2010. The following is a summary of State performance on these measures. Twelve (12) of the twenty-one (21) measures outlined below met or exceeded the Federal measure (four measures have no Federal OSHA comparisons because they are in the public sector where OSHA has no jurisdiction), there were eight (8) measures that did not meet the Federal measure.

Measure	State Data FY 2010	Federal Data FY 2010	Comment
Private Sector Programmed Inspections Safety	80.2%	65.1%	Standard set by Federal OSHA is exceeded.
Private Sector Programmed Inspections Health	49.2%	35%	Standard set by Federal OSHA is exceeded.
Private Sector Programmed Inspections with Safety Violations	51.1%	69.1%	Standard set by Federal OSHA is not met.
Private Sector Programmed Inspections with Health Violations	41.5%	55.4%	Standard set by Federal OSHA is not met.
Private Sector Serious Safety Violations	64.3%	81%	Standard set by Federal OSHA is not met.
Private Sector Serious Health Violations	55.8%	70.2%	Standard set by Federal OSHA is met.
Private Sector Abatement Greater Than 30 Days for Safety Violations	14.4%	17.2%	Standard set by Federal OSHA is exceeded.
Private Sector Abatement Greater Than 60 Days for Health Violations	3.1%	8.5%	Standard set by Federal OSHA is exceeded.
Private Sector Average Penalty for Other-than-Serious Safety Violations	\$856.1	\$894.3	Standard set by Federal OSHA is considered met.
Private Sector Average Penalty for Other-than-Serious Health Violations	\$1030.50	\$835.80	Standard set by Federal OSHA is exceeded.
Private Sector Safety Inspections Per 100 Hours	8.4	5.5	Standard set by Federal OSHA is exceeded.
Private Sector Health Inspections Per 100 Hours	5.0	1.9	Standard set by Federal OSHA is exceeded.
Private Sector Violations Vacated	8.1	4.7	Standard set by Federal OSHA is not met.
Private Sector Violations Reclassified	5.3%	4.0%	Standard set by Federal OSHA is not met.
Private Sector Penalty Retention	68.3%	63.0%	Standard set by Federal OSHA is exceeded.
Public Sector Programmed Safety Inspections	72.3%	Not Applicable	Standard set by Federal OSHA is met.
Public Sector Programmed Health Inspections	42.9%	Not Applicable	Standard set by Federal OSHA is met.
Public Sector Serious Safety Violations	70.8%	Not Applicable	Standard set by Federal OSHA is met.
Public Sector Serious	70.3%	Not	Standard set by Federal

Health Violations		Applicable	OSHA is met.
Percent of Violations Vacated After Contest	32.1%	21.9%	Standard set by Federal OSHA is not met.
Percent of Violations Reclassified After Contest	20.5%	11.7%	Standard set by Federal OSHA is not met.
Percent of Penalty Retention After Contest	36.6%	58.1%	Standard set by Federal OSHA is not met.

V. OTHER FY 2010 PROGRAM ELEMENTS

A. Program Administration

The VOSH program is allocated fifty-nine (59) benchmark positions in accordance with their State Plan. They are allocated thirty-eight (38) safety specialist positions and twenty-one (21) industrial hygienist positions. Currently, they are staffed with thirty-three (33) safety specialists, thirty-one (31) are required, and eighteen (18) industrial hygienists, sixteen (16) are required by the State Plan; therefore, VOSH meets their benchmark requirement. There are eight (8) benchmark positions vacant, five (5) safety, and three (3) industrial hygienist positions. Budget constraints throughout the Commonwealth continue to impact the filling of these vacancies.

During FY 2010, all state employees were furloughed one day as a cost saving measure for overall expenditures throughout the Commonwealth. The Assistant Commissioner indicated that the VOSH Safety and Health Program continued to provide safety and health coverage for the Commonwealth, responding to all fatalities and complaints as required by VOSH's policies and procedures. Additionally, there have been no pay increases for state employees since November 2007 and there are none forecasted for the next two years. This has had an effect on the retention rate of some benchmark positions, particularly in the Northern Virginia Regional Offices which are in close proximity to Washington D.C. Budget constraints have also impacted funding available for training and conferences and the travel expenses associated with each.

During this evaluation period VOSH implemented a new standard that addressed reverse signal operation safety requirements for vehicles, machinery and equipment in general industry and construction. This new standard targets a reduction of fatal accidents involving reverse operation of construction and general industry vehicles.

Virginia is currently promulgating unique regulations in the areas of Tree Trimming and First Aid in Construction and General Industry. During this evaluation period, VOSH also proposed a revision to the Gravity Based Penalty which would increase penalty amounts. The proposed increase of the gravity based penalty amount for all citations became effective on October 1, 2009.

B. State Internal Evaluation Program (SIEP)

During this evaluation period, VOSH conducted mandatory audits on randomly selected case files in four Regional Offices as a monitoring measure to ensure the FY 2009 findings and recommendations for corrective action had a positive effect on their overall program. These audits were conducted as part of the State Internal Evaluation Program (SIEP).

Over 1,900 case file audits were conducted by Regional Directors, and as a result of these audits, VOSH identified various issues ranging from incorrect penalty calculations, insufficient documentation of employee exposure, insufficient case file diary entries, incorrect standards being cited, and grammatical errors.

Refresher training provided to VOSH compliance staff, subsequent to the implementation of the VOSH Corrective Action Plan (CAP), has significantly improved case file documentation, and VOSH's overall enforcement program. VOSH Regional Directors and Program Managers will continue to review case files to ensure all documentation is included, and guidelines provided in the VOSH Field Operations Manual (FOM), and VOSH Program Directives are followed.

C. Federal Standard Changes and Federal Program Changes

During FY 2010, there were four (4) Federal Standards promulgated, and published in the Federal Register, for which six month adoption of the Federal Program Changes (FPCs) were required by VOSH. These federal standards included Revised Standards Referenced in the Acetylene Standard, Revised Notification Requirements in the Exposure Determination Provisions of the Hexavalent Chromium Standards, Technical Amendment concerning Safety Standards for Steel Erection, and Cranes and Derricks in Construction. VOSH provided timely responses for these FPC's, and met the six month adoption requirement for these regulations.

A total of ten (10) Federal Program Changes (FPC) were issued by OSHA during this evaluation period that required VOSH to respond with a notice of intent to adopt the program changes. Three (3) of the ten (10) Federal Program Changes required six month adoption of the identical Federal Program Change, or to provide alternative language 'as effective as' the Federal Program Change.

VOSH notified OSHA through the Automated Tracking System (ATS) their intent to adopt these three (3) required FPCs. VOSH will adopt the identical FPC for revisions to the National Emphasis Program for Recordkeeping originally issued February 19, 2010, and again, on September 28, 2010.

VOSH provided notification they will not adopt the identical FPC for the Severe Violator Enforcement Program (SVEP), issued on June 18, 2010. VOSH will provide an "as effective as" measure to accommodate the Commonwealth's Office of the Attorney General procedures for obtaining a warrant for a denial of entry which differs from those required by the Office of the United States Attorney General.

In addition, VOSH provided notification they will not adopt the identical FPC for the Field Operations Manual (FOM), issued November 9, 2009; VOSH will incorporate FOM changes specific to their approved program plan.

Two (2) of VOSH's responses exceeded the intent response due dates, however, this could be attributed to several factors. The Director of Legal Support was on an extended medical leave of absence, and the Virginia Safety and Health Codes Boards meets on a quarterly basis which also contributed to the delay in some FPCs being presented before the Board, and adopted in a timely manner.

These delays did not adversely affect the overall effectiveness of the Virginia State Plan.

D. Apprenticeship Program

VOSH established an Apprentice Program for Safety Compliance Officers in April 2005. The first graduate of this program was in August 2006. A total of twenty-six (26) participants have graduated since that time. There are currently nineteen (19) apprentices in this program. This formal training program includes extensive on-the-job training as well as excellent classroom training, preparing compliance officers in all aspects of hazard recognition and abatement verification. Additionally, this helps to improve the overall safety and health of the State's workforce and also reduces the bottom line business costs by helping to reduce injuries and illnesses to persons, equipment, and property. VOSH also established an Apprentice Program for Industrial Hygienists and Safety & Health Consultants in September 2005, and the first graduate of this program was in January 2007; there are currently six (6) industrial hygienists and six (6) safety and health consultants participating in this apprenticeship program.

VOSH gained approval through the United States Department of Veterans' Affairs and the Virginia Department of Veterans' Services for its Apprentice Program as an authorizing agency for benefits under the Montgomery and Webb GI bills. This approval was granted in April 2006. Seven (7) of VOSH's apprentices have enjoyed the GI bill benefits.

VOSH currently has a program directive that outlines its professional development training for compliance personnel, which is in addition to its apprenticeship program mentioned above. VOSH's Apprenticeship Program, which was developed in 2005, is approved by the US Department of Labor Office of Apprenticeship. Although required to adopt the Federal OSHA directive, TED 01-00-018, Initial Training Program for OSHA Compliance Personnel, the VOSH Apprenticeship Program meets the intent of the CSHO training requirements consistent with the OSHA Program Directive.

E. 21(d) Public Sector Consultation

The Virginia FY 2010 Mandated Activity Report for Consultation (MARC) for the public sector is attached hereto in Appendix G. The VOSH Consultation Program conducted twelve (12) public sector visits in FY 2010. MARC measures 1 and 2 do not apply to the public sector, although data is included in the printout in Appendix G.

MARC 3 Percent of Visits where Consultant Conferred with Employees.

Consultants conferred with employees during 100% (12/12) of initial visits.

MARC 4.A Percent of Serious Hazards Verified Corrected in a Timely Manner (within 14 days of latest correction due date).

All of the 42 serious hazards identified during the period (100%) were verified corrected within 14 days of the latest correction due date. This is outstanding performance on ensuring employees are removed from exposure to serious hazards.

MARC 4.B Percent of Serious Hazards Not Verified Corrected in a Timely Manner (within 14 days of latest correction due date).

All of the 42 serious hazards identified during the period (100%) were verified corrected within 14 days of the latest correction due date.

MARC 4.C Percent of Serious Hazards Referred to Enforcement.

No serious hazards identified during the period were referred to enforcement.

MARC 5 Number of Uncorrected Serious Hazards with Correction Date more than 90 Days Past Due.

There were no serious hazards with a correction due date more than 90 days past due.

F. Compliance Assistance

In support of their goal to promote a safety and health workplace culture, VOSH hosted the 15th Annual Virginia Safety and Health Conference, June 1-4, 2010, at The National Conference Center, located in Lansdowne, VA. The purpose of the VOSH Annual Conference is to provide information, training and outreach opportunities for employees, employers and safety and health professionals from around the Commonwealth. There were one hundred fifty-two (152) attendees, and thirty (30) participating vendors at the 15th Annual VOSH Conference.

Virginia's Voluntary Protection Program (VPP) currently has a total of forty-one (41) STAR participants, including the only two (2) State Correctional Institutions in the country. During this evaluation period, four (4) participants met the qualifications for STAR status within the VPP guidelines.

VOSH also has forty-three (43) SHARP participants. For FY 2010, one (1) new site was added and two (2) re-certifications were conducted and nine (9) sites withdrew because of the economy and other reasons reducing the SHARP sites to forty-three (43).

The 16th Annual Virginia Safety and Health Conference is scheduled for October 4-7, 2011, and will be held in Portsmouth, VA.

VI. Assessment of State Progress in Achieving Annual Performance Goals

Through its State OSHA Annual Report (SOAR), and State Internal Evaluation Program (SIEP) the Commonwealth of Virginia has provided information that supports positive performance in the accomplishment of meeting their five-year strategic plan. Through effective resource utilization, partnership development, outreach activities, and an overall commitment to performance goal achievements, the majority of goals have been met or exceeded. The primary goal of VOSH's strategic plan is to reduce occupational injuries, illnesses and fatalities through direct intervention, and promote a safety and health workplace culture.

VOSH was also able to achieve a reduction in workplace fatalities over the last 5 calendar years: 2005: 64; 2006: 55; 2007: 44; 2008: 39; 2009: 33; and 2010: 24. Based on the statistics available to OSHA, it is evident that workplace fatalities have been steadily decreasing in Virginia over the last six (6) years. Workplace fatalities declined in FY 2010 by 15%; there were thirty-nine (39) fatalities investigated in FY 2008, and thirty-three (33) investigated in FY 2009. VOSH was also able to successfully initiate inspections in 100% of fatalities and catastrophes within one working day of notification.

The FY 2010 Annual Performance plan for the Virginia Occupational Safety and Health Administration (VOSH) fully supports Virginia's long-term strategic goals while at the same time addressing state-specific issues and concerns. Promoting a safe and healthful workplace culture in order to improve workplace safety is the central theme of the VOSH strategic plan. The FY 2010 Annual Performance Plan recognized the interconnection and importance of the various program tools (enforcement, consultation, training, partnerships) available to the State, and the Annual Performance Plan was designed to make full use of these tools.

VOSH's approach for achieving its long-term strategic goals is to identify significant problems, determine the most effective ways to address them, use the best mix of available tools, and then measure the results. The VOSH program has adopted two interdependent strategic goals in their Annual Performance Plan. These goals are to reduce occupational injuries, illnesses and fatalities through direct intervention in Virginia's workplaces, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities and to promote a safe and healthy workplace culture. In addition to these goals, VOSH utilized Worker's Compensation First Reports of Accidents to promptly investigate amputations and other serious accidents. Other emphasis programs on scaffolding, heavy equipment, overhead high voltage line safety, fall protection, lumber and wood products, public workshops, silicosis, tree felling and tree delimiting operations, wastewater treatments plants, lead, combustible dust, amputations, spray on truck bed lining and trenching resulted in increased awareness of safety and health in these related industries. VOSH continues to participate in all applicable National Emphasis Programs (NEPs), and applicable Region III Special Emphasis Programs (SEPs).

The following summarizes the activities and/or accomplishments for each of the FY 2010 VOSH performance goals. The State OSHA Annual Report (SOAR) can be found in Appendix F.

Strategic Goal 1: Reduce occupational injuries, illnesses and fatalities through direct intervention.

Performance Goal 1.1A: By 2011, decrease injuries and illnesses per 100 workers in the workplace by 5%.

Result: VOSH met this goal.

Discussion: Review of the BLS data shows that a the VOSH program, through direct intervention activities, continued to work towards the 5% performance goal of the baseline rate of recordable injury and illness rates as follows: 2007 (4.40) , 2008 (4.35), 2009 (4.30) and 2010 (4.25) .

Performance Goal 1.1B: Annually initiate investigations of 100% of worker complaints within one working day or conduct an on-site inspection within five working days.

Result: VOSH met this goal.

Discussion: VOSH received 390 complaints in FY 2009 and 381 were investigated within one day for a response rate of 97.69%. State and Federal holidays affect the 100% performance goal from being met, yet, it is not indicative of the overall performance goal. VOSH conducted on-site inspections within five working days for all 381 worker complaints for a response rate of 100%.

Performance Goal 1.2A: By 2011 decrease fatalities in the workplace per 100,000 workers by 5%.

Result: VOSH met the goal.

Discussion: The performance data for this particular measure has not yet been released by BLS, however, workplace fatalities have decreased in Virginia over the last 5 calendar years: 2006: 55; 2007: 44; 2008: 39; 2009: 33 and 2010: 24. Based on the statistics available to OSHA, it is evident that workplace fatalities have been steadily decreasing in Virginia over the last five years. In addition, workplace fatalities have declined in FY 2010 by 43% since FY 2006. The impact of VOSH's compliance inspections has had a positive effect through its increased support in strengthening its relationships with both public and private organizations that represent safety and health best practices. One way that VOSH has been able to strengthen its relationships is through its Annual Occupational Safety and Health Conference, the goal of which is to help educate employers and employees in developing safe and healthy work environments and to provide affordable safety and health training opportunities to employers, employees and safety and health professional.

Performance Goal 1.2B: Annually initiate inspections of 100% of fatalities and catastrophes within one working day of notification.

Result: VOSH met this goal.

Discussion: VOSH has been successful over the last 4 years in increasing its fatality response rate from 96% in 2004 to 100% in the following years.

Performance Goal 1.3.A: Reduce the rate of workplace injuries and illness in worksites through participation in the VPP Programs.

Result: VOSH met this goal.

Discussion: VOSH has added four (4) new VPP sites for a total of forty-one (41) VPP sites in FY 2010. The Virginia Voluntary Protection Program is designed to recognize and promote exceptional safety and health management programs. VOSH verifies that employer programs meet VPP criteria and also reassesses employer programs periodically to confirm that the site continues to meet VPP criteria. A detailed analysis of employer injury and illness rates is performed annually to confirm that rates are in compliance with program requirements. Any employer whose rates are increasing will be removed from the VOSH VPP program.

Strategic Goal 2: Promote a Safety and Health Workplace Culture

Performance Goal 2.1: One-hundred percent (100%) of VOSH on-site activities (e.g., inspections or consultation visits) will include a worker involvement component annually, such as interviews, informal conferences, and walk-around inspections.

Result: VOSH met this goal.

Discussion: VOSH has been monitoring this aspect of its public sector consultation visits and its inspection activities for a number of years to ensure that employees are involved during all aspects of VOSH on-site activities. All twelve (12) public sector consultation visits had employee involvement. These consultation visits resulted in forty-two (42) recognized serious hazards, and corrective action was verified on all hazards observed. The consultation project manager reviews public sector reports and compliance managers review inspection data on a regular basis to ensure this goal continues to enhance worker involvement in all aspects of VOSH's safety and health activities. Therefore, this goal was met.

Performance Goal 2.2: Increase consultant time during consultation activities while reducing request lag time and issuance of employer reports.

Result: VOSH did not meet this goal.

Discussion: Consultation activity time during on-site evaluations increased from 23.34% to 25.42% during this evaluation period, while reducing lag time from 3.12 days to 2.26 days. The report issuance time increased from 10.95 days to 12.62 days. VOSH did not meet this goal in

its entirety. However, it has made great strides in increasing its consultation on-site activity and reducing its lag time from receipt of consultation request to actual visit. The increase in report issuance was the result of a change of the consultation application on new computers which created installation difficulties relating to increased time in getting reports issued to employers in a shorter period of time. While VOSH did not meet the goal of reducing its report issuance time, it is within the 20 calendar days after the closing conference permitted for report issuance.

VII. Conclusions and FY 2010 Recommendations

The Commonwealth continues to strive for improvements in their program. While the Commonwealth did not meet all their performance goals, or mandated measures for Fiscal Year 2010, they continue to make significant progress as determined by the reduction in the fatalities during FY 2010.

Appendix A

FY 2010 Virginia State Plan (VOSH) EFAME Follow-up Report Prepared by Region III

FY 2010 Findings & Recommendations & Corrective Action Taken

	Special Study Findings - Complaints	Recommendations	Corrective Action Taken/Pending
10-1	Case files lacked written documentation of why a nonformal complaint resulted in an inspection.	Written documentation should be contained in case files to justify why a non-formal complaint resulted in an inspection.	Refresher training was provided to Compliance Managers during FY 2010. Effectiveness of the training will be verified during FY 2011 monitoring activities.
10-2	Standard language was not being used in response letters to complainants. For example, some letters gave a lot of detailed information to the complainant regarding the outcome of the inspection while others simply responded "complaint was confirmed."	Response letters must include an appropriate response detailing the outcome of the inspection or investigation activity for each alleged complaint item as outlined in VOSH's FOM.	Refresher training was provided to Compliance Managers during FY 2010. Effectiveness of the training will be verified during FY 2011 monitoring activities.
	Special Study Findings – Victim Rights	Recommendations	Corrective Action Taken/Pending
10-3	Families of fatality victims were not kept up-to-date about investigations and/or informed of the outcome of investigations.	Families of fatality victims must be kept up-to date about investigations and informed of the outcome of VOSH investigations.	Refresher training was provided to Regional Directors and Compliance Managers during FY 2010. Effectiveness of the training will be verified during FY 2011 monitoring activities.
	Special Study Findings – Fatalities	Recommendations	Corrective Action Taken/Pending
10-4	Interviews with employer representatives and employees were not always documented.	Ensure that interviews with employer representatives and employees are documented in case files.	CSHOs received refresher training during FY 2010. Effectiveness of the training will be verified during FY 2011 monitoring activities.

	Special Study Findings – Case File Documentation	Recommendations	Corrective Action Taken/Pending
10-5	Case file documentation is not in conformance with the requirements of VOSH's FOM.	The requirements for case file documentation are outlined in Chapter III of VOSH's FOM. These policies and procedures should be reviewed with all management and compliance staff to assure that all employees are following these procedures and understand what specifically is required to be contained in a case file.	CSHOs received refresher training on the VOSH FOM during FY 2010. Effectiveness of the training will be verified during FY 2011 monitoring activities.
10-6	Case file diary sheets were not found in inspection files.	Case file diary sheets must be used in accordance with VOSH's FOM procedures. This form needs to be kept at the top of the case file so that a reviewer can tell at first glance the status of that case.	CSHOs received refresher training during FY 2010. Effectiveness of the training will be verified during FY 2011 monitoring activities.
	Special Study Findings – Hazard Identification	Recommendations	Corrective Action Taken/Pending
10-7	Employee exposure was not always adequately documented on OSHA 1B forms.	VOSH must ensure that OSHA 1Bs are adequately documented. Provide additional training to investigators on case file documentation and the importance of having each OSHA 1B fully documented.	CSHOs received refresher training during FY 2010. Effectiveness of the training will be verified during FY 2011 monitoring activities.
10-8	Alleged violation descriptions (AVDs) on OSHA-2 forms were not specific enough to address hazardous condition.	Alleged violation descriptions should reflect specific hazards noted on OSHA-2 forms for each violation.	CSHOs received refresher training during FY 2010. Effectiveness of the training will be verified during FY 2011 monitoring activities.

	Special Study Findings – Records Review	Recommendations	Corrective Action Taken/Pending
10-9	OSHA-300 logs were not always obtained from employers and reviewed by compliance officers during on-site inspection activity.	OSHA-300 logs for three years must be obtained from employer and reviewed by compliance officers, pursuant to VOSH’s FOM, while on-site during inspection activity.	CSHOs received refresher training during FY 2010. Effectiveness of this training will be verified during FY 2011 monitoring activities.
	Special Study Findings – Violation Classification	Recommendations	Corrective Action Taken/Pending
10-10	Proper documentation to justify violation severity classification was not always contained in inspection files.	VOSH must retrain compliance staff in the proper type of documentation needed to justify violation severity classification in accordance with VOSH FOM procedures.	CSHOs received refresher training during FY 2010. Effectiveness of this training will be verified during FY 2011 monitoring activities.
	Special Study Findings – Penalties	Recommendations	Corrective Action Taken/Pending
10-11	Case files did not always contain documentation of how penalty reduction factors were granted to employers where minimal abatement was required to come into compliance.	Case files must be documented by Regional Directors to explain why the maximum penalty reduction of 40% was granted to employers where minimal abatement was required to come into compliance. Penalty reduction factors should be reviewed in detail with Regional Directors.	Regional Directors and Compliance Managers received refresher training during FY 2010. Effectiveness of this training will be verified during FY 2011 monitoring activities.
	Special Study Findings – Abatement Verification	Recommendations	Corrective Action Taken/Pending
10-12	OSHA-166 forms were not being entered into the database to track abatement verification.	Promptly enter OSHA-166 (particularly item 22) data into database.	Compliance Managers received refresher training during FY 2010. Effectiveness of this training will be verified during FY 2011 monitoring activities.

10-13	VOSH was not calling employers or sending abatement letters on all cases where abatement had not been received by VOSH.	VOSH must, in accordance with its own procedures as outlined in its FOM, call employers for outstanding abatement documentation and/or send abatement letters on all cases where abatement documentation has not been received by VOSH.	Regional Directors and Compliance Managers received refresher training during FY 2010. Effectiveness of this training will be verified during FY 2011 monitoring activities.
	Special Study Findings – Data Entry	Recommendations	Corrective Action Taken/Pending
10-14	OSHA 91 sampling data is not being entered into the IMIS system. The forms were contained in case files; however, the forms were never entered into the database and could therefore not be tracked by running a report from the IMIS system.	OSHA 91 data should be entered into the IMIS system for all sampling.	OSHA 91 data was retroactively entered into the IMIS system during FY 2010, and will be verified during FY 2011 monitoring activities.
	Special Study Findings – Federal Program Changes	Recommendations	Corrective Action Taken/Pending
10-15	Not all Federal Program Changes are adopted within the six month period. (The State has not yet adopted the new Federal FOM.)	VOSH must adopt Federal Program Changes within the six month period.	During FY 2010, VOSH proceeded with the finalization of their FOM. The new FOM will be issued as a VOSH Directive during the 3 rd Quarter of FY 2011, and will be verified during FY 2011 monitoring activities.
	Special Study Findings – Whistleblower	Recommendations	Corrective Action Taken
10-16	VOSH is using an outdated Discrimination manual that needs to be updated, which lacks guidance for proper organization of cases and documentation required to support actions taken by investigators.	VOSH must update its current directive. Chapter 2 should list all current whistleblower acts that are referred to Federal OSHA or reference Chapter 1 of Federal OSHA's Discrimination manual, which lists the current whistleblower acts to include ones that need to be referred to	VOSH's Discrimination Manual has been rewritten using Federal OSHA's Discrimination manual as guidance. The new VOSH Discrimination Manual will be issued as a VOSH Directive during the 3 rd Quarter of FY 2011. Discrimination investigator activities will be verified during FY 2011 monitoring activities.

	<p>Federal OSHA for investigation:</p> <p>(a) Use Chapter 5 of the Federal Whistleblower manual to describe the organization of its investigation files.</p> <p>(b) Adopt Chapter 2, Section III – E of the Federal Whistleblower manual, which states that the notification to respondents can initially be done via letter.</p> <p>(c) Adopt Chapter 2, Section III – B of the Federal Whistleblower manual which indicates that a memorandum will be prepared documenting the screening interview and sending a letter to the complainant verifying the administrative closure of the case.</p> <p>(d) Adopt Chapter 3, Section IV, G-2 of the Federal Whistleblower manual which indicates that in the event that a signed statement cannot be obtained from a witness, interview notes should be taken and a memorandum to the file should be prepared by the investigator setting forth all of the pertinent information that was received from the witness.</p> <p>(e) Adopt Chapter 3, Section IV, E and G of the Federal</p>	
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		<p>Whistleblower manual which indicates what evidence should be obtained during the course of the investigation.</p> <p>(f) Files must be documented to demonstrate why a case is being dismissed and what the proper grounds are for that dismissal. It is recommended that VOSH adopt Chapter 3, Section IV, E and G of the Federal Whistleblower manual which outlines the basis for dismissing a complaint.</p>	
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Appendix B
FY 2010 Virginia State Plan (VOSH) EFAME Follow-up Report
Prepared by Region III
FY 2009 Findings & Recommendations & Corrective Action Taken

	Special Study Findings - Complaints	Recommendations	Corrective Action Taken
09-1	Case files lacked written documentation of why a nonformal complaint resulted in an inspection.	Written documentation should be contained in case files to justify why a non-formal complaint resulted in an inspection.	Refresher training was provided, and completed by January 20, 2011. Case file diary sheets will be placed in all case files. Remarks concerning changes in the status/classification of complaints will appear on the Case File Diary Sheet. The Compliance Managers will be responsible for this entry. In addition to this entry, the same or supporting information may also be found on the OSHA 167 (c) form and/or the inspection narrative.
09-2	Standard language was not being used in response letters to complainants. For example, some letters gave a lot of detailed information to the complainant regarding the outcome of the inspection while others simply responded "complaint was confirmed."	Response letters must include an appropriate response detailing the outcome of the inspection or investigation activity for each alleged complaint item as outlined in VOSH's FOM.	Refresher training was provided, and completed by January 20, 2011. In all response letters to complainants, the CSHOs will incorporate and the Compliance Manager will approve appropriate AVD language or other descriptive language into the letter to clarify the inspection findings for each complaint item.
	Special Study Findings – Victim Rights	Recommendations	Corrective Action Taken
09-3	Families of fatality victims were not kept up-to-date about investigations and/or informed of the outcome of investigations.	Families of fatality victims must be kept up-to date about investigations and informed of the outcome of VOSH investigations.	Refresher training was provided, and completed by January 20, 2011. VOSH will continue to contact victims' next-of-kin and will also maintain follow-up contact with the next-of-kin to inform and provide copies of citations and settlement agreements. Compliance Managers and Regional Directors are responsible for establishing and maintaining contact, providing copies, etc.

	Special Study Findings – Fatalities	Recommendations	Corrective Action Taken
09-4	Interviews with employer representatives and employees were not always documented	Ensure that interviews with employer representatives and employees are documented in case files.	CSHOs received refresher training on documenting employee and employer interviews in all cases and at all times. All training was completed by January 20, 2011.
	Special Study Findings – Case File Documentation	Recommendations	Corrective Action Taken
09-5	Case file documentation is not in conformance with the requirements of VOSH's FOM.	The requirements for case file documentation are outlined in Chapter III of VOSH's FOM. These policies and procedures should be reviewed with all management and compliance staff to assure that all employees are following these procedures and understand what specifically is required to be contained in a case file.	CSHOs received refresher training on the VOSH FOM Chapter III and the proper use of the OSHA 1-B form as they pertain to the documentation required. All training was completed by January 20, 2011.
09-6	Case file diary sheets were not found in inspection files.	Case file diary sheets must be used in accordance with VOSH's FOM procedures. This form needs to be kept at the top of the case file so that a reviewer can tell at first glance the status of that case.	CSHOs received refresher training. Case File Diary Sheets are required in all case files. VOSH personnel are required to make proper entries on the Case File Diary Sheet for all actions regarding enforcement activities. All training was completed by January 20, 2011.
	Special Study Findings – Hazard Identification	Recommendations	Corrective Action Taken
09-7	Employee exposure was not always adequately documented on OSHA 1B forms.	VOSH must ensure that OSHA 1Bs are adequately documented. Provide additional training to investigators on case file documentation and the importance of having each OSHA 1B fully documented.	CSHOs received refresher training on the proper use of the OSHA 1-B with emphasis on the documentation required to issue citations. All training was completed by January 20, 2011.
09-8	Alleged violation descriptions (AVDs) on OSHA-2 forms were not specific enough to address hazardous condition.	Alleged violation descriptions should reflect specific hazards noted on OSHA-2 forms for each violation.	CSHOs received refresher training on the proper use of the OSHA 2 citation/penalty form. All training was completed by January 20, 2011.

	Special Study Findings – Records Review	Recommendations	Corrective Action Taken
09-9	OSHA-300 logs were not always obtained from employers and reviewed by compliance officers during on-site inspection activity.	OSHA-300 logs for three years must be obtained from employers and reviewed by compliance officers, pursuant to VOSH’s FOM, while on-site during inspection activity.	CSHOs received refresher training on the proper collection of OSHA 300 forms. All training was completed by January 20, 2011.
	Special Study Findings – Violation Classification	Recommendations	Corrective Action Taken
09-10	Proper documentation to justify violation severity classification was not always contained in inspection files.	VOSH must retrain compliance staff in the proper type of documentation needed to justify violation severity classification in accordance with VOSH FOM procedures.	CSHOs received refresher training on the proper assessment of severity on the 1-B form. All training was completed by January 20, 2011.
	Special Study Findings – Settlement Agreement	Recommendations	Corrective Action Taken
09-11	Copies of signed informal settlement agreements were not always contained in case files. Deleted by Region III	Copies of signed settlement agreements must be maintained in case files. Deleted by Region III	Region III has agreed to delete item 11 as an outlier. All cases reviewed contained the necessary Informal Settlement Agreements or were final order cases where no ISA was required. The Regional Director or other VOSH personnel who negotiate settlements will continue to place copies of ISAs and/or EISAs into all settled files.
	Special Study Findings – Penalties	Recommendations	Corrective Action Taken
09-12	Case files did not always contain documentation of how penalty reduction factors were granted to employers where minimal abatement was required to come into compliance.	Case files must be documented by Regional Directors to explain why the maximum penalty reduction of 40% was granted to employers where minimal abatement was required to come into compliance. Penalty reduction factors should be reviewed in detail with Regional Directors.	Refresher training was provided and completed by January 20, 2011. VOSH personnel will document the allowance of all penalty relief offers in Informal Conferences, Post-Conference litigation, etc.

	Special Study Findings – Sampling	Recommendations	Corrective Action Taken
09-13	<p>Bulk samples were not always taken when suspected combustible dust was identified in a work place.</p> <p>Deleted by Region III.</p>	<p>Bulk samples should be taken by industrial hygienists whenever suspected combustible dust is encountered in a work place.</p> <p>Deleted by Region III.</p>	<p>Region III has agreed to delete item 13 as an outlier.</p> <p>The case in question (312762412) did not contain a citation for combustible dust nor was there any evidence of accumulations of combustible dust at the facility.</p> <p>VOSH Industrial Hygienists will continue to collect bulk samples where there are potential combustible dust hazards in accordance with the Combustible Dust National Emphasis Program, VOSH Directive # 14-236A.</p>
	Special Study Findings – Abatement Verification	Recommendations	Corrective Action Taken
09-14	OSHA-166 forms were not being entered into the database to track abatement verification.	Promptly enter OSHA-166 (particularly item 22) data into database.	Refresher training was provided to Compliance Managers and completed by January 20, 2011. OSHA 166 forms (or equivalent) will be kept in all files in which cited items are not corrected onsite during an inspection.
09-15	VOSH was not calling employers or sending abatement letters on all cases where abatement had not been received by VOSH.	VOSH must, in accordance with its own procedures as outlined in its FOM, call employers for outstanding abatement documentation and/or send abatement letters on all cases where abatement documentation has not been received by VOSH.	Regional Directors and Compliance Managers received refresher training in the requirements of the VOSH Abatement Verification Directive and will adhere to its requirements in verifying abatement. All training was completed by January 20, 2011.
	Special Study Findings – Data Entry	Recommendations	Corrective Action Taken
09-16	OSHA 91 sampling data is not entered into the IMIS system. The forms were contained in case files; however, the forms were never entered into the database; therefore, could not be tracked by running a report from the IMIS system.	OSHA 91 data should be entered into the IMIS system for all sampling.	Refresher training was provided and completed by January 20, 2011. OSHA 91 data will continue to be entered into the IMIS system as required. OSHA 91 sampling data was entered beginning in April 2010. All OSHA 91 sampling data was retroactively entered from October 1, 2009 case files.

	Special Study Findings – Federal Program Changes	Recommendations	Corrective Action Taken
09-17	Not all Federal Program Changes are adopted within the six month period. (The State has not yet adopted the new Federal FOM.)	VOSH must adopt Federal Program Changes within the six month period.	During FY 2010, VOSH continued the revision process of their new FOM using the Federal OSHA FOM as a template. The new FOM will be issued as a VOSH Directive during the 3 rd Quarter of FY 2011.
	Special Study Findings – Whistleblower	Recommendations	Corrective Action Taken
09-18	VOSH is using an outdated Discrimination manual that needs to be updated, which lacks guidance for proper organization of cases and documentation required to support actions taken by investigators.	<p>VOSH must update its current directive. Chapter 2 should list all current whistleblower acts that are referred to Federal OSHA or reference Chapter 1 of Federal OSHA’s Discrimination manual, which lists the current whistleblower acts to include ones that need to be referred to Federal OSHA for investigation:</p> <p>(a) Use Chapter 5 of the Federal Whistleblower manual to describe the organization of its investigation files.</p> <p>(b) Adopt Chapter 2, Section III – E of the Federal Whistleblower manual, which states that the notification to respondents can initially be done via letter.</p> <p>(c) Adopt Chapter 2, Section III – B of the Federal Whistleblower manual which indicates that a memorandum will be prepared documenting the screening interview and sending a letter to the complainant verifying the administrative closure of the case.</p> <p>(d) Adopt Chapter 3, Section IV, G-2 of the Federal Whistleblower manual which indicates that in the event that a signed statement cannot be</p>	VOSH’s Discrimination Manual has been rewritten using Federal OSHA’s Discrimination manual as guidance. The new VOSH Discrimination Manual will be issued as a VOSH Directive during the 3 rd Quarter of FY 2011. Discrimination investigator activities will be verified during FY 2011 monitoring activities.

	<p>obtained from a witness, interview notes should be taken and a memorandum to the file should be prepared by the investigator setting forth all of the pertinent information that was received from the witness.</p> <p>(e) Adopt Chapter 3, Section IV, E and G of the Federal Whistleblower manual which indicates what evidence should be obtained during the course of the investigation.</p> <p>(f) Files must be documented to demonstrate why a case is being dismissed and what the proper grounds are for that dismissal. It is recommended that VOSH adopt Chapter 3, Section IV, E and G of the Federal Whistleblower manual which outlines the basis for dismissing a complaint.</p>	
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Appendix C
Virginia State Plan
FY 2010 Enforcement Comparison Chart

	VA	State Plan Total	Federal OSHA
Total Inspections	3,220	57,124	40,993
Safety	2,476	45,023	34,337
<i>% Safety</i>	77%	79%	84%
Health	744	12,101	6,656
<i>% Health</i>	23%	21%	16%
Construction	2,035	22,993	24,430
<i>% Construction</i>	63%	40%	60%
Public Sector	239	8,031	N/A
<i>% Public Sector</i>	7%	14%	N/A
Programmed	2,312	35,085	24,759
<i>% Programmed</i>	72%	61%	60%
Complaint	399	8,986	8,027
<i>% Complaint</i>	12%	16%	20%
Accident	37	2,967	830
Insp w/ Viols Cited	1,871	34,109	29,136
<i>% Insp w/ Viols Cited (NIC)</i>	58%	60%	71%
<i>% NIC w/ Serious Violations</i>	82%	62.3%	88.2%
Total Violations	5,562	120,417	96,742
Serious	3,379	52,593	74,885
<i>% Serious</i>	61%	44%	77%
Willful	24	278	1,519
Repeat	100	2,054	2,758
Serious/Willful/Repeat	3,503	54,925	79,162
<i>% S/W/R</i>	65%	46%	82%
Failure to Abate	102	460	334
Other than Serious	1,957	65,031	17,244
<i>% Other</i>	35%	54%	18%
Avg # Violations/ Initial Inspection	3.2	3.4	3.2
Total Penalties	\$5,152,654	\$ 72,233,480	\$ 183,594,060
Avg Current Penalty / Serious Violation	\$ 674.50	\$ 870.90	\$ 1,052.80
Avg Current Penalty / Serious Viol- Private Sector Only	\$ 787.30	\$ 1,018.80	\$ 1,068.70
% Penalty Reduced	46.8%	47.7%	40.9%
% Insp w/ Contested Viols	9.9%	14.4%	8.0%
Avg Case Hrs/Insp- Safety	13.6	16.2	18.6
Avg Case Hrs/Insp- Health	20.0	26.1	33
Lapse Days Insp to Citation Issued- Safety	31.6	33.6	37.9
Lapse Days Insp to Citation Issued- Health	31.3	42.6	50.9
Open, Non-Contested Cases w/ Incomplete Abatement >60 days	4	1,715	2,510

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

NOV 12, 2010

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

State: VIRGINIA

RID: 0355100

MEASURE	From: 10/01/2009 To: 09/30/2010	CURRENT FY-TO-DATE	REFERENCE/STANDARD
1. Average number of days to initiate for each State	780	97	Negotiated fixed number
Complaint Inspections	2.00 390	2.77 35	
2. Average number of days to initiate for each State	51	12	Negotiated fixed number
Complaint Investigations	.13 381	.27 44	
3. Percent of Complaints where Complainants were notified on time	368 95.09 387	29 100.00 29	100%
4. Percent of Complaints and Referrals responded to within 1 day -ImmDanger	2 66.67 3	0 0 0	100%
5. Number of Denials where entry not obtained	0	0	0
6. Percent of S/W/R Violations verified			
Private	2620 93.71 2796	124 87.94 141	100%
Public	430 87.76 490	35 100.00 35	100%
7. Average number of calendar days from Opening Conference to Citation Issue			
Safety Data (1 year)	61347 41.53	7543 45.43	2624646 47.3 National
Health Data (1 year)	1477 17836 43.50	166 1459 45.59	55472 750805 61.9 National
	410	32	12129

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

NOV 12, 2010

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

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STATE ACTIVITY MANDATED MEASURES (SAMMs)

State: VIRGINIA

RID: 0355100

MEASURE	From: 10/01/2009 To: 09/30/2010	CURRENT FY-TO-DATE	REFERENCE/STANDARD
8. Percent of Programmed Inspections with S/W/R Violations			
Safety Data (3 years)	1039 53.83	112 61.54	93201 58.4 National
Health Data (3 years)	1930 181 51.57	182 14 51.85	159705 10916 50.9 National
9. Average Violations per Inspection with Vioations			
S/W/R Data (3 years)	4392 2.31	388 1.89	428293 2.1 National
Other Data (3 years)	1900 1659 .87	205 187 .91	201768 240266 1.2 National
10. Average Initial Penalty per Serious Violation (Private Sector Only) Data (3 years)	4399161 1184.16	388500 1261.36	509912690 1360.4 National
11. Percent of Total Inspections in Public Sector this State (3 years)	3715 239 7.42	308 15 5.79	374823 656 6.5 Data for
12. Average lapse time from receipt of Contest to first level decision Data (3 years)	3220 14720 123.69	259 459 38.25	10056 3826802 217.8 National
13. Percent of 11c Investigations Completed within 90 days	119 41 97.62 42	12 4 100.00 4	17571 100%
14. Percent of 11c Complaints that are Meritorious Data (3 years)	1 2.38	1 25.00	1461 21.2 National
15. Percent of Meritorious 11c Complaints that are Settled Data (3 years)	42 1 100.00	4 1 100.00	6902 1256 86.0 National
	1	1	1461

*VA 11.12

**PRELIMINARY DATA SUBJECT TO ANALYSIS AND REVISION

Appendix E FY2010 Interim State Indicator Report (SIR)

1101007

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

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OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CURRENT MONTH = SEPTEMBER 2010

INTERIM STATE INDICATOR REPORT (SIR)

STATE = VIRGINIA

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	484	11403	949	21912	1809	43788	3766
	62.4	80.9	63.8	81.2	65.1	80.2	65.9	80.3
	8493	598	17860	1169	33647	2257	66434	4689
B. HEALTH	488	86	1094	172	2232	323	4202	691
	30.6	52.1	33.7	49.9	35.0	49.2	35.1	50.5
	1597	165	3249	345	6378	656	11960	1367
2. PROGRAMMED INSPECTIONS WITH VIOLATIONS (%)								
A. SAFETY	4663	339	9421	601	17649	1091	34350	2297
	72.7	58.2	71.2	54.9	69.1	51.1	67.1	51.4
	6413	582	13232	1094	25525	2136	51214	4467
B. HEALTH	451	48	880	103	1756	189	3238	416
	57.8	33.3	53.9	41.0	55.4	41.5	53.4	45.2
	780	144	1632	251	3168	455	6066	921

CURRENT MONTH = SEPTEMBER 2010

INTERIM STATE INDICATOR REPORT

STATE = VIRGINIA

PERFORMANCE MEASURE	----- 3 MONTHS-----		----- 6 MONTHS-----		----- 12 MONTHS-----		----- 24 MONTHS-----	
	PRIVATE	PUBLIC	PRIVATE	PUBLIC	PRIVATE	PUBLIC	PRIVATE	PUBLIC
3. SERIOUS VIOLATIONS (%)								
A. SAFETY	17341	682	33678	1195	62211	2215	117447	4527
	81.6	67.4	81.5	65.6	81.0	64.3	80.1	64.4
	21261	1012	41304	1822	76839	3443	146593	7031
B. HEALTH	3233	207	6183	415	11743	726	21554	1318
	69.6	58.3	70.5	58.0	70.2	55.8	69.6	50.7
	4645	355	8776	715	16725	1300	30947	2599
4. ABATEMENT PERIOD FOR VIOLS								
A. SAFETY PERCENT >30 DAYS	3054	109	6515	219	12732	457	25040	1162
	15.0	11.6	16.3	13.2	17.2	14.4	17.7	18.4
	20398	939	39855	1660	74010	3172	141219	6323
B. HEALTH PERCENT >60 DAYS	255	4	633	18	1406	40	2977	133
	5.6	1.2	7.3	2.4	8.5	3.1	9.6	6.2
	4548	338	8681	742	16580	1271	30862	2157
5. AVERAGE PENALTY								
A. SAFETY								
OTHER-THAN-SERIOUS	587112	31200	1106734	41500	2038916	77050	3500911	134775
	837.5	1040.0	803.1	864.6	894.3	856.1	967.6	869.5
	701	30	1378	48	2280	90	3618	155
B. HEALTH								
OTHER-THAN-SERIOUS	249175	455	434447	4305	732953	10305	1039303	26592
	817.0	227.5	801.6	538.1	835.8	1030.5	842.2	782.1
	305	2	542	8	877	10	1234	34

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CURRENT MONTH = SEPTEMBER 2010

INTERIM STATE INDICATOR REPORT

STATE = VIRGINIA

PERFORMANCE MEASURE	----- 3 MONTHS-----		----- 6 MONTHS-----		----- 12 MONTHS-----		----- 24 MONTHS-----	
	PRIVATE	PUBLIC	PRIVATE	PUBLIC	PRIVATE	PUBLIC	PRIVATE	PUBLIC
6. INSPECTIONS PER 100 HOURS								
A. SAFETY	9778	701	20529	1364	38849	2749	76136	5666
	5.8	8.1	5.7	7.6	5.5	8.4	5.5	8.6
	1679	87	3593	179	7112	326	13925	660
B. HEALTH	1864	249	3844	469	7547	861	14276	1738
	2.1	4.9	2.0	4.8	1.9	5.0	1.8	4.8
	908	51	1940	98	3898	173	8070	362
7. VIOLATIONS VACATED %	1123	113	2474	277	5103	500	10425	822
	3.7	6.7	4.3	8.5	4.7	8.1	5.0	6.8
	29962	1690	57441	3246	108213	6170	207527	12055
8. VIOLATIONS RECLASSIFIED %	844	71	1978	146	4276	325	9196	617
	2.8	4.2	3.4	4.5	4.0	5.3	4.4	5.1
	29962	1690	57441	3246	108213	6170	207527	12055
9. PENALTY RETENTION %	15767907	702659	30073309	1247406	57457651	2403480	111052615	4399145
	64.5	69.4	63.9	69.3	63.0	68.3	62.8	66.5
	24439885	1012708	47032897	1799669	91194322	3518419	176868726	6620161

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CURRENT MONTH = SEPTEMBER 2010

COMPUTERIZED STATE PLAN ACTIVITY MEASURES

STATE = VIRGINIA

PERFORMANCE MEASURE	----- 3 MONTHS-----		----- 6 MONTHS-----		----- 12 MONTHS-----		----- 24 MONTHS-----	
	FED	STATE	FED	STATE	FED	STATE	FED	STATE
D. ENFORCEMENT (PUBLIC SECTOR)								
1. PROGRAMMED INSPECTIONS %								
A. SAFETY	484	32	949	51	1809	120	3766	251
	80.9	64.0	81.2	65.4	80.2	72.3	80.3	76.5
	598	50	1169	78	2257	166	4689	328
B. HEALTH	86	12	172	24	323	27	691	44
	52.1	54.5	49.9	58.5	49.2	42.9	50.5	35.8
	165	22	345	41	656	63	1367	123
2. SERIOUS VIOLATIONS (%)								
A. SAFETY	682	84	1195	186	2215	361	4527	748
	67.4	77.8	65.6	72.4	64.3	70.8	64.4	71.4
	1012	108	1822	257	3443	510	7031	1048
B. HEALTH	207	70	415	105	726	121	1318	202
	58.3	79.5	58.0	77.2	55.8	70.3	50.7	68.2
	355	88	715	136	1300	172	2599	296
E. REVIEW PROCEDURES								
1. VIOLATIONS VACATED %								
	610	68	1134	109	2052	223	3827	406
	22.5	29.7	23.2	27.8	21.9	32.1	23.0	31.4
	2709	229	4888	392	9366	694	16668	1293
2. VIOLATIONS RECLASSIFIED %								
	306	35	585	85	1100	142	2217	252
	11.3	15.3	12.0	21.7	11.7	20.5	13.3	19.5
	2709	229	4888	392	9366	694	16668	1293
3. PENALTY RETENTION %								
	4940512	108625	7526155	211331	12856359	313626	23378285	927517
	65.3	25.1	62.3	33.4	58.1	36.6	58.4	49.3
	7563023	433240	12074308	632050	22143463	856200	40052611	1880825

Appendix F
FY 2010 State OSHA Annual Report (SOAR)
Virginia State Plan

AVAILABLE SEPARATELY