

**Appendix A**  
**FY 2010 Vermont Occupational Safety and Health Administration (VOSHA)**  
**EFAME Follow-up Report**  
**Prepared by Region I**  
**FY 2010 Findings and Recommendations**

Rec #	Findings	Recommendations	Related FY 09 Rec #
<b>10-1</b>	SAMM measures cited in FY2009 EFAME as “not met” (SAMM#4; SAMM#6-private and public sector inspections; SAMM#7; SAMM#9- S/W/R and other-than-serious violations; SAMM#10; and SAMM#11: <b>Based on both the FY2010 SAMM and the FY2011 (1<sup>st</sup> Qtr.) SAMM, VOSHA has not shown consistent improvement in the measures cited as “not met” in the FY2009 EFAME.</b>	<b>Work to meet the SAMM measures cited in the FY2009 EFAME—and all SAMM measures—by the end of FY2011.</b>	<b>09-1</b>
<b>10-2</b>	SIR measures— <b>SIR measure E2 (Percent of Violations Reclassified) was the only SIR measure (out of the nine cited in the FY2009 EFAME) that VOHSA consistently met in both FY2010 and in the first quarter of FY2011.</b>	<b>Work to meet the standards for the SIR measures cited in the FY2009 EFAME (with the exception of E2, which the program has met) by the end of FY2011.</b>	<b>09-2</b>
<b>10-3</b>	Average Violations per Initial Inspection/Average Current Penalty per Serious Violation— <b>Although VOSHA has shown improvement over its FY2009 averages, the program’s averages for these two indicators are below Federal OSHA’s averages.</b>	<b>VOSHA must meet the Federal averages for both of these indicators. By 9/30/2011, VOSHA’s averages for violations per initial inspection and current penalty per serious violation will be more closely aligned with the Federal system.</b>	<b>09-3</b>
<b>10-4</b>	Fatality investigations— <b>There was no evidence in the case file that an initial letter and a copy of the citations had been sent to the victim’s family.</b>	<b>VOSHA must ensure that the victim’s family members receive copies of the citations and the initial letter, and that documentation that the letter and citations have been sent is included in the case file.</b>	<b>09-6</b>
<b>10-5</b>	Gravity/probability assessments— <b>In some instances, VOSHA is not properly assessing the probability and severity of a violation. The program still has a tendency to err on the side of assessing lower probability and severity than warranted.</b>	<b>Adhere to the guidelines in Chapter 6 of the FOM for severity and probability assessments. The case file review for the FY2011 FAME will show that VOSHA is properly assessing probability and severity.</b>	<b>09-11</b>
<b>10-6</b>	Letters to unions— <b>VOSHA did not provide adequate documentation that citations were sent to the labor union. Some files did not contain CSHOs’ field notes.</b>	<b>Ensure that case files contain documentation that the program has properly notified labor unions of citations. All files must contain CSHOs’ field notes.</b>	<b>09-13</b>
<b>10-7</b>	Evidence of Violations— <b>In some case files, the CSHO did not provide adequate evidence to substantiate the violations that were cited.</b>	<b>Ensure that case files include all evidence necessary to substantiate the violations that were cited. The case file review for the FY2011 FAME will indicate that VOSHA is performing adequately in terms</b>	<b>09-14</b>

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		of providing all evidence necessary in case files to substantiate violations.	
<b>10-8</b>	S/W/R Violations—VOSHA’s percentages for S/W/R in FY2009 and FY2010 were not comparable to Federal OSHA’s.	As of the end of FY2011, VOSHA’s percentages for serious, willful, repeat and S/W/R violations should be comparable to Federal OSHA’s percentages.	N/A
<b>10-9</b>	Establishing Serious Violations—During the case file review, Region I found that the CSHO did not provide adequate evidence to substantiate that the employer could have known of the hazardous condition through “reasonable diligence.”	VOSHA managers and staff should review Chapter 4 of the FOM, Section II. B on the four factors used to determine whether a violation is to be classified as serious. Although VOSHA is already completed a review of Chapter 4 of the FOM, This section should be reviewed once again by the end of the third quarter of FY2011.	N/A
<b>10-10</b>	Average Penalty per Initial Inspection—Although VOSHA’s average penalty per initial inspection has shown an upward trend since FY2009, it still falls below Federal OSHA’s average.	VOSHA’s average current penalty per initial inspection should come closer to achieving Federal OSHA’s average by the end of FY2011. The State Plan and Federal Inspection and Enforcement Report for FY2011 will show that VOSHA has more or less achieved Federal OSHA’s average.	N/A
<b>10-11</b>	PSM Inspections— VOSHA has not developed a list of employers that would be subject to inspection under the PSM standard.	VOSHA must begin the process of refining the list of employers who may potentially be covered by OSHA’s PSM standard, in preparation for adoption of OSHA’s PSM NEP.	N/A