

FY 2011 FAME

STATE OF CONNECTICUT 23(G) PUBLIC SECTOR ONLY ENFORCEMENT PROGRAM (CONN-OSHA)

Federal Fiscal Year 2011

(October 1, 2010 to September 30, 2011)



**MARTHE B. KENT
REGIONAL ADMINISTRATOR
OSHA REGION I**

TABLE OF CONTENTS

- I. EXECUTIVE SUMMARY (P.1)**
- II. MAJOR NEW ISSUES (P. 8)**
- III. STATE RESPONSE TO FY 2010 RECOMMENDATIONS (P. 8)**
- IV. FY2011 STATE ENFORCEMENT (P. 16)**
 - WHISTLEBLOWER SPECIAL STUDY (P. 32)
- V. ASSESSMENT OF STATE PROGRESS IN ACHIEVEING ANNUAL PERFORMANCE GOALS (P. 41)**
 - APPENDIX A: FY 2011 FINDINGS AND RECOMMENDATIONS
 - APPENDIX B: STATUS OF STATE ACTIONS IN RESPONSE TO THE FY2010 EFAME FOLLOW-UP RECOMMENDATIONS
 - APPENDIX C: FY 2011 ENFORCEMENT COMPARISON
 - APPENDIX D: FY 2011 STATE ACTIVITY MANDATED MEASURES REPORT (SAMM)
 - APPENDIX E: THE STATE OF CONNECTICUT FY2011 STATE OSHA ANNUAL REPORT (SOAR)
 - APPENDIX F: FY 2011 23(g) CONSULTATION DATA

I. EXECUTIVE SUMMARY

A. Summary of the Report

The purpose of this report is to assess the CONN-OSHA Occupational Safety and Health Administration's (CONN-OSHA's) activities for FY 2011. To this end, Region I evaluated the State's performance in the following areas:

- enforcement (complaints, fatalities, targeting and programmed inspections, citations and penalties, abatement, employee involvement, and informal conferences, etc.);
- standards and federal program changes adoption;
- voluntary compliance programs;
- discrimination program;
- public sector onsite consultation program; and
- State progress in achieving annual performance goals and objectives.

In addition to conducting an evaluation of the State's FY 2011 performance in the areas listed above, Region I also conducted an assessment of the State's progress in addressing outstanding recommendations from the previous year's report—the FY 2010 Enhanced Federal Annual Monitoring Evaluation (EFAME) Follow-Up Report. In accordance with the FY 2011 Federal Annual Monitoring and Evaluation (FAME) Guidance, the Region's review of the State's discrimination program covered all aspects of the investigative process, and is a "special focus" of this report.

Region I conducted its assessment of State Plan performance based on the following:

- a comprehensive review of 40 inspection case files closed in FY 2011 and 3 Whistleblower case files opened from February 16, 2009 to June 3, 2011;
- a review of State Plan Enforcement data for FY 2011, including a comparison of State and Federal data;
- a review of the State Activity Mandated Measures (SAMM) Report;
- a review of files for CONN-OSHA's Alliance partners; and
- interviews with the CONN-OSHA 23(g) program manager; 21(d) program manager; three compliance safety and health officers (CSHOs); four stakeholders (who were interviewed for the FY 2009 EFAME Report); and the State program's Whistleblower investigator.

An analysis of the Integrated Management and Information System (IMIS) reports identified above (such as the SAMM and Enforcement statistics) and the onsite case file review indicate that several key deficiencies cited in the FY 2010 EFAME Follow-Up report continued throughout FY 2011, particularly those related to citing Serious violations. For example, the State Plan still tends to misclassify Serious violations as Other-than-Serious, and not to cite as many Serious violations per inspection as Federal OSHA does.

Region I also found that CONN-OSHA still had excessive complaint and referral response times and also had excessive lapse times from opening conference to citation issuance. According to the CONN-OSHA program manager, the extra duties he has had to perform in the absence of the CONN-OSHA director have interfered with his ability to handle complaints and citation issuance timely and efficiently.¹ As discussed later in this report, the fact that CONN-OSHA had been without a director since mid-2009 has affected other aspects of the program's performance as well.

However, CONN-OSHA did correct some findings, including developing a Site Specific Targeting (SST) Program for general industry inspections that Region I determined to be "at least as effective as" Federal OSHA's SST program;² ensuring that diary sheets contain all required entries; and adopting OSHA's Field Operations Manual (FOM).

This year's case file review identified new findings in addition to those cited in the previous year's report. Chief among these are deficiencies found in fatality investigations; for example, CONN-OSHA did not adequately document incident data (such as sketches, drawings and measurements of the physical layout of the worksite); and did not adequately document the equipment used by the victim at the time the incident occurred, in accordance with Chapter 11 of the FOM. Region I also found that a fatality case lacked the CSHO's field notes.

The most important issues with CONN-OSHA's enforcement program are with the State's declining inspection and violation totals and the percentage of all violations classified as Serious. For example, in FY 2011, CONN-OSHA's total number of violations cited dropped to an all-time low of only 194, representing a decline of 76 percent from its total of 843 violations five years ago. CONN-OSHA only classified 97 violations as Serious in FY 2011 (compared with 263 in FY 2007). In FY 2012, the program must show significant improvement in these areas.

Region I reviewed three Whistleblower case files, and identified inadequacies with respect to case file organization, the lack of case signed settlement agreements, and the fact that the program's Whistleblower investigators did not submit investigative reports in accordance with the Whistleblower Investigations Manual. As was the case with CONN-OSHA's enforcement program, the Whistleblower program has suffered from "lack of supervisory oversight," because the CONN-OSHA director's position was vacant for almost three years (including all of FY 2011). Overall, the most significant issues with the State's Whistleblower program were with case file organization and administrative matters, and Region I believes that adoption of the recommendations contained in this report will enhance the overall performance of the program.

¹ The CONN-OSHA 23(g) program manager was appointed as the CONN-OSHA director in late January 2012, just a few days prior to the onsite case file review. In April 2012, the State began the hiring process to fill the 23(g) program manager's position.

² States with OSHA approved State Plans are required by OSHA to have their own inspection targeting systems. These inspection policies and procedures must be at least as effective as Federal OSHA's. States are required to notify OSHA if they intend to adopt policies and procedures identical to Federal OSHA's SST, or to adopt or maintain different policies and procedures for targeting of general industry inspections.

B. Introduction of State Plan

Connecticut State Plan Background

State Designee: **Glenn Marshall, Commissioner of Labor³**
Connecticut Department of Labor
200 Folly Brook Boulevard
Wethersfield, Connecticut 06109
 Program Manager: **Kenneth Tucker**

Plan approved: **January 1, 1975**

Plan converted to Public Employee Only: **October 2, 1978**

Plan Certified (completion of developmental steps): **August 1, 1986**

Final Approval/18(e) Determination: **N/A for a Public Employee Only (PEO) State Plan**

<i>Funding History</i>						
Fiscal Year	Federal Award (\$)	State Match (\$)	100% State Funds (\$)	Total Funding (\$)	% of State Contribution (\$)	Unmatched / Deobligation/One-Time Only (\$)
2012	650,400	650,400	897,354	2,198,154	70	
2011	650,400	650,400	881,069	2,181,869	70	N/A
2010	650,400	650,400	986,049	2,286,849	72	+\$18,200
2009	603,300	603,300	1,170,783	2,377,383	75	N/A
2008	603,300	603,300	1,004,595	2,211,195	73	N/A
2007	614,000	614,000	926,240	2,154,240	71	N/A

<i>FY 2011 Covered Workers</i>					
State Gov Employees	Local Gov Employees	Volunteer Firefighters	Total Public Sector Employees	Private Sector Employees	Total Employees Covered
70,500	137,400	10,000	217,900	NA	217,900

³ Governor Murphy appointed Glenn Marshall Commissioner of Labor effective March 1, 2011.

<i>FY 2011 Staffing as of September 30, 2011</i> <i>Full-Time Equivalent (FTEs)</i>	
Position	Percent of Time Allocated to Grant
Director (Vacant) ⁴	50
Occupational Safety and Health Manager	50
Occupational Safety and Health Manager	50
Occupational Safety Training Specialist Similar to OSHA Compliance Assistance Specialist (CAS)	100
Occupational Safety Training Specialist Similar to OSHA Compliance Assistance Specialist (CAS)	100
Administrative Assistant	50
Fiscal Administrative Officer	15
Occupational Safety Officer	100
Occupational Safety Officer	100
Occupational Safety Officer	100
Occupational Hygienist	100
Occupational Hygienist	100
Occupational Safety Consultant	100
Occupational Health Consultant	100
Occupational Health Consultant	100
Administrative Hearings Attorney	60
Associate Research Analyst	50
Secretary I	50
Total FTEs	13.35

SIGNIFICANT PROGRAM HISTORY

The Connecticut State Plan as approved in 1975 was a comprehensive State plan covering both the private and public sectors. The plan was converted to a public employee only program in 1978 as a result of legislative action initiated by the State AFL-CIO. Although not specifically contemplated by the OSH Act, OSHA agreed to approve such a limited State Plan and to develop implementing regulations.

In FY 2009, CONN-OSHA began experiencing staffing shortages as a result of an early retirement program offered by the state to help avoid layoffs of state employees. These vacancies impaired the State’s ability to meet its inspection goals from FY 2009 through FY 2011. For most of the previous fiscal year (FY 2010), the plan operated with two vacant CSHO positions. As a result, CONN-OSHA met only 56 percent of its goal for inspections in FY 2010.

⁴ This position was filled in January 2012; however, this created a vacancy in the 23 (g) State Plan manager’s position, which is one of the Occupational Safety and Health Program Manager positions, listed above.

As of October 2010, these two vacancies were filled with new hires who needed substantial training before they could work independently. During FY 2011, these new CSHOs completed two required CSHO training courses at OSHA's Training Institute (OTI) in Arlington Heights, IL. They also "shadowed" veteran CSHOs for most of the year, and had conducted only a few inspections independently.

CONN-OSHA accomplished only 51 percent of its goal for inspections in FY 2011, conducting only 101 conducted of 200 projected. Tropical Storm Irene (which occurred during the last few days of August 2011) had some impact on CONN-OSHA's ability to meet its inspection goal, since CSHOs were diverted from normal inspection activity to ensuring worker safety during recovery efforts. Also, one of the program's veteran health CSHOs was on extended medical leave for most of the first quarter of the fiscal year. However, the chief cause of the State's inability to meet its inspection goal for FY 2011 was the fact that CONN-OSHA's two new CSHOs were unable to conduct the number of inspections that would normally be expected of fully trained and experienced CSHOs.

The CONN-OSHA director's position became vacant in the spring of 2009, and remained so until the State filled this vacancy in late January 2012, by naming the CONN-OSHA 23(g) program manager as director. Although this is a positive step, the new director continues to perform the duties of the 23(g) program manager. Fortunately, the State began the hiring process to fill the vacancy in the 23(g) program manager's position in April 2012. As discussed throughout this report, some aspects of CONN-OSHA's performance have declined because one individual has had to shoulder the job duties of two top managerial positions.

For example, CONN-OSHA averaged 19.04 days for SAMM Measure #1-Average Number of Days to Initiate Complaint Inspections, which is far above the standard of 5 days. In addition, CONN-OSHA was uncharacteristically late in submitting its Corrective Action Plan (CAP) for the FY 2010 EFAME Follow-Up Report to the Region, and was overdue for developing an alternative site-specific targeting program, as required by the SST directive. Now that the most recently hired CSHOs are "up and running" and the State is moving toward filling the 23(g) program manager vacancy, CONN-OSHA's overall performance should begin to show signs of improvement as FY 2012 progresses.

CONN-OSHA projected 115 consultation visits in FY 2011 and accomplished 89 percent of its goal by completing 102. As was the case with the 23(g) enforcement program, the program's public sector consultants spent a considerable amount of time providing assistance to disaster recovery efforts in the aftermath of Tropical Storm Irene. However, the main reason for the program not meeting its goal for consultation visits is the fact that a new health consultant who was hired at the end of FY 2010 faced a steep learning curve for most of FY 2011, and was unable to conduct as many visits as a fully experienced consultant.

C. Monitoring Methodology

From January 30-February 2, 2012, Region I conducted an onsite review of 40 randomly selected inspection case files that were closed in FY 2011. This review was conducted at CONN-OSHA headquarters at the Connecticut Department of Labor, 38 Wolcott Hill Road, Wethersfield, Connecticut. This case file review was comprehensive in scope, in that the Region addressed all aspects of the inspection process (i.e., hazard identification, penalties, abatement, etc.) in its review. This total includes three fatality case files. CONN-OSHA had no Complaints About State Plan Administration (CASPs) in FY 2011.

In conjunction with this case file review, Region I interviewed three CSHOs and the CONN-OSHA 23(g) program (as well as the 21(d) program manager). The focus of these interviews was on changes in the program’s administration and the effect of the enhanced Federal monitoring effort on the CONN-OSHA State Plan program. Region I also evaluated data from Enforcement statistics and the FY 2011 SAMM, and evaluated several IMIS reports run by the State for the purpose of evaluating program management.

The results of the case file review, interviews with staff, and the data from the above referenced IMIS reports were used by Region I to evaluate the performance of the State Plan in conducting enforcement activities and in addressing the findings in the FY 2010 EFAME Report, as well as to identify any new performance deficiencies.

To evaluate the performance of CONN-OSHA’s 23(g) consultation program, Region I used data from the following IMIS reports run for FY 2011: the Mandated Activities Report for Consultation (MARC) and the Consultation Report.

Breakdown of Inspection Case Files Reviewed	
No. of Safety	26
No. of Health	14
Accidents (fatalities)	3
Complaints	15
Referrals	6
Ownership	Local Gov’t.(30); State Gov’t. (10);
Union	34
Non-union	6

Regional Whistleblower investigators conducted a special study of the CONN-OSHA discrimination program on February 2, 2012 at the Connecticut Department of Labor offices in Wethersfield, CT. The team examined three cases, which are recorded on the IMIS Case Listing and IMIS Whistleblower Application from February 16, 2009 to June 3, 2011. Also reviewed were two pending cases that have been open for an average of 1,263 days. More information on the Whistleblower case study methodology is contained in Section IV of this report.

D. Findings and Recommendations

With regard to the State's enforcement activities, several of the key findings in this report target deficiencies that were discussed and/or cited as findings in the previous two FAME reports (FY 2009 and FY 2010). For example, the Region continued to find that:

- CONN-OSHA far exceeded the five-day standard for Complaint and Referral response time (SAMM #1);
- CONN-OSHA did not meet the one-day standard for Average Number of Days to Initiate Complaint Investigations (SAMM #2);
- CONN-OSHA's Lapse Times from Opening Conference to Citation Issuance far exceeded the standard for safety inspections (SAMM #7);
- CONN-OSHA's percentage of programmed inspections did not compare favorably to Federal OSHA's percentage;
- CONN-OSHA's percentage for Serious, Willful, and Repeat (S/W/R) violations was not comparable to Federal OSHA's;
- CONN-OSHA has not cited any violations as Willful within at least the past five years;
- CONN-OSHA misclassified violations (Serious violations were classified as Other-than-Serious); and
- CONN-OSHA's percentages for inspections with violations cited and inspections not-in-compliance (NIC) with serious violations did not align closely with Federal OSHA's percentages.

To address these recurring findings CONN-OSHA has conducted internal training for all CSHOs on the chapters in OSHA's Field Operations Manual (FOM) that relate to these deficiencies. The CONN-OSHA director continues to review *all* case files prior to closure to ensure that all aspects of the inspections and the case file contents conform with the FOM's requirements. Although the manager's review has helped improve case file organization, documentation of abatement, and the proper use of case diary sheets (findings from previous FAMEs that have been corrected), it has not improved the program's performance in terms of violation classification.

The Region I review team made findings in areas of concern that were not focused on in the previous evaluative reports. As mentioned earlier, the Region found deficiencies with respect to fatality investigations, in that the program did not adequately document incident data and equipment used by the victim, as required by Chapter 11 of the FOM. Region I also found that a fatality case lacked the CSHO's field notes. Other new findings include the following:

- CONN-OSHA was overdue in emailing responses about its intention to adopt for some Federal Program Changes (FPC);
- CONN-OSHA's Alliance documentation did not comply with the requirements of OSHA's Alliance Directive of June 10, 2004; and
- CONN-OSHA's State Internal Evaluation Plan (SIEP) did not focus on key enforcement issues that the Plan needs to address.

In this report, Region I also found that CONN-OSHA's totals for inspections, consultation visits, number of violations cited, and number of hazards identified, were lower than anticipated when CONN-OSHA developed its FY 2011 projections and much lower than the program's totals three to five years ago. For the program to meet OSHA's expectations for ensuring safe and healthful work places for public workers in Connecticut, CONN-OSHA must work in FY 2012 to reverse this downward trend.

The Region's review of three Whistleblower case files identified concerns with case file organization and administrative matters (which are discussed in more detail in Section IV of this report). As has been the case with the State's 23(g) enforcement program, the State's Whistleblower program has functioned without a director for almost three years.

II. MAJOR NEW ISSUES

As discussed in this report, the Region is concerned that CONN-OSHA's totals for inspections, consultation visits, number of violations cited and number of hazards identified are so low that the program is not meeting OSHA's expectations for ensuring safe and healthful work places for public workers in Connecticut. CONN-OSHA must effectively reverse these declining totals in FY 2012 in order to adequately protect the public sector workforce in Connecticut from injuries and illnesses in the workplace.

III. STATE RESPONSE to FY 2010 RECOMMENDATIONS

CONN-OSHA's Corrective Action Plan (CAP) addresses each of the 18 findings cited in the state's FY 2010 EFAME Follow-Up Report. Ten of these 18 findings related to findings that were cited in the FY 2009 EFAME Report, while the remaining findings were newly cited in the FY 2010 EFAME Follow-Up Report.

The CONN-OSHA program manager reviewed all open case files in FY 2011 to ensure the correction of the following findings. However, by the end of FY 2011, some of these findings were pending correction.⁵

- **Finding 10-02:** Diary Sheets—This finding has been **corrected**. The Region's onsite case file review indicated that diary sheets sufficiently documented important events and actions related to the case.
- **Finding 10-04:** Case File Organization—The Region's onsite review found that CONN-OSHA has **corrected** the finding that case files were not organized in accordance with OSHA's guidance in ADM 03-01-005. However, case file documents are not secured to the file folders and can easily be shuffled out of order.

⁵ Although the CONN-OSHA program manager has been appointed the CONN-OSHA director, he still continues to review all open case files

- **Finding 10-05:** SAMM #8 (Percent of Programmed Inspections with S/W/R Violations)—The finding that CONN-OSHA did not meet the standards for this measure for safety and health is **pending correction**. CONN-OSHA met the standard for safety inspections only, with a percentage of 72.41, compared to the standard of 58.5. CONN-OSHA did not conduct any health programmed inspections in FY 2011.
- **Finding 10-06:** Classifying/Grouping Violations—The finding that CONN-OSHA’s percentage for all violations classified as Serious continues to be too low (in comparison to Federal OSHA’s percentage) and its percentage for all violations classified as Other-than-Serious continues to be too high is **pending correction**. CONN-OSHA concluded FY 2011 with the following percentages: 50% for Serious and 49.5% for Other-than-Serious. Federal OSHA’s percentages were 73% for Serious and 22% for Other-than-Serious.
- **Finding 10-14:** Percentage of Inspections with Violations Cited/Percentage of Inspections Not-In-Compliance with Serious Violations— The finding that CONN-OSHA is not in line with Federal OSHA’s percentages for these two measures is **pending correction**. CONN-OSHA concluded FY 2011 with 48% of its inspections having violations cited with violations compared to 71% for Federal OSHA. CONN-OSHA’s percentage for not-in-compliance inspections with serious violations was 73, compared to Federal OSHA’s percentage of 86. The onsite case file review found that some violations were classified as Other-than-Serious when they should have been classified as Serious.
- **Finding 10-15:** Willful Violations—The finding that CONN-OSHA has not issued any Willful violations since at least FY 2005 is **pending correction**. CONN-OSHA concluded FY 2011 without issuing any Willful violations and only one Repeat violation. Region I reviewed one inspection that had potential Willful violations.

In FY 2011, CONN-OSHA successfully **corrected** the following findings by taking the corrective measures that Region I recommended in the FY 2010 FAME report:

- **Finding 10-03:** Case File Review Checklist—Region I recommended in the FY 2009 EFAME that CONN-OSHA implement a check list to help the program ensure that case files contain all required documentation. Although CONN-OSHA did not implement this check list in FY 2010, it did so in FY 2011; therefore, this finding has been corrected.
- **Finding 10-07:** Petition for Modification of Abatement (PMA) Tracking Sheet—CONN-OSHA implemented use of a Petition for Modification of Abatement (PMA) tracking sheet.
- **Finding 10-08:** Whistleblower Cases—CONN-OSHA explored the possibility of simplifying the State’s procedures for handling Whistleblower complaints. This action was taken in response to the finding from the FY 2009 EFAME that CONN-OSHA was not meeting the 90-day deadline for completing Whistleblower cases. In May 2011, CONN-OSHA discussed this finding with the Region I Whistleblower Supervisory Investigator (RSI). The RSI found that although CONN-OSHA’s regulatory system is not conducive to 90-day timeframes, the State’s merit rate of 81 percent far exceeds the Federal rate. Therefore, Region I has deemed this finding to be corrected.
- **Finding 10-09:** Standards/Federal Program Change (FPC) Adoptions—CONN-OSHA adopted the FOM in its entirety (with the exception of the penalty structure).
- **Finding 10-13:** Site Specific Inspection Targeting—CONN-OSHA developed its own site-specific targeting system.

- **Finding 10-17:** Adoption of the Severe Violator Enforcement Program (SVEP)—CONN-OSHA adopted the SVEP.

As of the end of FY 2011, the findings related to SAMM measures 1, 2 and 7; public sector consultation; percentage of programmed inspections; and PSM training remained **uncorrected**:

- **Finding 10-01:** SAMM #1—Complaint and Referral Response Time (SAMM #1) and **Finding 10-02:** SAMM #2—Average Number of Days to Initiate Complaint Investigations—To correct these findings, the CONN-OSHA program manager tracks complaint and referral response times by running the SAMM monthly and running IMIS complaint tracking reports. In FY 2011, however, CONN-OSHA’s average of 19.04 days for SAMM #1 far exceeded the standard of 5 days, and the State’s average of 9.83 days exceeded the 1-day standard for SAMM #2.
 - As discussed later in this report, the CONN-OSHA program manager had difficulty at times assigning complaints to CSHOs in a timely manner, due largely to the fact that he was performing the duties of two top administrators—the CONN-OSHA 23 (g) enforcement program manager and those of the director. As of this writing, the CONN-OSHA director is still running the 23(g) enforcement program. However, there may be a “light at the end of the tunnel” for the program, since the State is in the process of filling the vacancy in the 23 (g) enforcement program manager’s position. In any event, CONN-OSHA must ensure that the standards for these measures are met in FY 2012, as recommended in the section on Complaints.
- **Finding 10-16:** SAMM #7—Average Number of Lapse Days from Opening Conference to Citation Issue (safety)—As discussed throughout this report, CONN-OSHA began FY 2011 with two newly hired CSHOs who were inexperienced as compliance officers. Consequently, the program’s veteran CSHOs had to shoulder a heavier workload. These circumstances made it difficult for the staff to issue citations in a timely manner. Now that these new CSHOs are fully trained, CONN-OSHA’s lapse time from opening conference to citation issue should decrease. Nonetheless, CONN-OSHA must ensure that in FY 2012, it meets the standard for SAMM #7.
- **Finding 10-10:** Average Number of days between Consultation Closing Conference and Issuance of the Written Report—The CONN-OSHA manager is closely monitoring the time it takes its three consultants to issue written reports, using local run IMIS reports (ACE reports). CONN-OSHA met the standard of 20 days for safety visits, but did not meet the 20-day standard for health visits, with a fiscal year-end average of 21.02 days. Therefore, this finding is pending correction for health visits. In FY 2012, CONN-OSHA anticipates meeting the standard for both safety and health.
- **Finding 10-11:** Percentage of Programmed Inspections—CONN-OSHA’s FY 2011 percentage of 44 for programmed inspections was far below Federal OSHA’s percentage of 58. In FY 2012, the CONN-OSHA manager will assign programmed inspections to the program’s newly hired CSHOs. These CSHOs are now trained and have adequate experience to conduct inspections

independently. As a result, CONN-OSHA expects that its percentage of programmed inspections will compare favorably with Federal OSHA’s percentage by the end of the second quarter.

- **Finding 10-18: PSM Training**—In the FY 2010 FAME, Region I found that CONN-OSHA had no CSHOs who had completed the three courses at OTI on Process Safety Management (PSM). In response to this finding, CONN-OSHA planned to have one CSHO complete all three PSM courses by the end of FY 2012. One CSHO completed Safety and Health in the Chemical Processing Industries (OTI Course # 3300) in March 2012. However, this CSHO has not been enrolled in any additional PSM courses in FY 2012. CONN-OSHA must ensure that the CSHO who completed Course #3300 in FY 2012 completes the remaining two courses by no later than FY 2013.
 - As part of this finding, Region I also recommended that CONN-OSHA determine which facilities on the Environmental Protection Agency (EPA) Risk Management Plan (RMP) are actually operated by municipalities and which facilities contract with private firms to operate their plants. As of the end of FY 2011, CONN-OSHA had met with the Connecticut Department of Energy and Environmental Protection to make all of these determinations.

FY 2011 STATE ENFORCEMENT

This section provides an assessment of the State’s enforcement related functions, and focuses on inspections, violations, abatement verification, penalties and citation issuance. Information sources include Federal/State IMIS comparison data for FY 2011 (**Appendix C**); the SAMM report for FY 2011 (end of year) (**Appendix D**); and the CONN-OSHA FY 2011 State OSHA Annual Report (SOAR) (**Appendix E**). FY 2011 year-end data is compared to data from previous years in order to show trends in performance. This data was provided by OSHA’s Directorate of Cooperative and State Programs (DCSP), and the dates that these reports were run are shown in the table below.

	<i>FY 2011 State Plan and Federal Inspection and Enforcement Reports</i>	<i>FY 2011 SAMM</i>
Report Run Dates	11/8/2011	11/8/2011

Where relevant, Region I also used information gained from the onsite case file review to help evaluate some of the enforcement related functions discussed below.

COMPLAINTS

COMPLAINT ACTIVITY MEASURES

SAMM measures 1-4 provide an assessment of the program’s efficiency in handling complaint inspections.

SAMM#1 measures the average number of days it takes the program to initiate complaint inspections. The standard for this measure is five days. From FY 2007 to FY 2010, CONN-OSHA averaged about 8.9 days. In FY 2011, the program’s average shot up to 19.04 days (*781 days /41 complaints = an average of 19.04 days per complaint*).

<i>Average Number of Days to Initiate Complaint Inspections (SAMM #1)</i>					
	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
<i>Avg. No. of Days</i>	9.47	9.94	7.24	8.92	19.04

Region I found that in 11 of the case files reviewed (or 28 percent), the lapse time from receipt of the complaint to the opening conference date exceeded the five-day timeframe (which is the standard for SAMM #1). In a few cases, the manager was close to two months overdue in assigning the complaint, and a few of the other cases were almost a month overdue. In most of the cases with excessive lapse times, 14 days elapsed before assigning the complaints to CSHOs.

Finding 11-01 (10-1): SAMM #1—CONN-OSHA did not meet the standard for SAMM #1.

Recommendation 11-01: CONN-OSHA must meet the five-day standard for average number of days to initiate a complaint inspection by the end of FY 2012.

SAMM #2 measures the average number of days to initiate complaint investigations. In FY 2011, Region I found that CONN-OSHA did not meet the standard of one day for responding to complaint investigations, and had an average of 9.83 days (*59 days/ 6 complaint investigations = 9.83 days per complaint investigation*) and it also did not meet the standard in FY 2010, with an average of 5.50 days.

Finding 11-02 (10-1): SAMM #2—With an average of 9.83 days, CONN-OSHA did not meet the standard of one day in SAMM #2 for responding to complaint investigations.

Recommendation 11-02: CONN-OSHA must meet the one-day standard for average number of days to initiate complaint investigations (SAMM #2) by the end of FY 2012.

As mentioned earlier in this report, the State is in the process of hiring a new 23(g) enforcement program manager. Once this position has been filled, CONN-OSHA should begin to reverse these trends of increasing averages for SAMM measures 1 and 2. Until then, however, CONN-OSHA must make every effort to meet the standards for these measures with the staffing arrangement that currently exists.

SAMM #3 measures the percent of complaints where complainants were notified on time. In FY 2011, CONN-OSHA notified all 40 complainants (100 percent) in a timely manner, and initiated inspections for all of the complaints filed. **SAMM #4** measures the percent of imminent danger complaints and referrals responded to in one day. The standard is 100 percent. In FY 2011, CONN-OSHA had one imminent danger complaint, and responded within one day to that complaint.

	<i>SAMM #2 Avg. No. of Days to Initiate Complaint Investigations</i>		<i>SAMM #3 Percent of Complains where Complainants were Notified on Time</i>		<i>SAMM #4 Percent of Complaints and Referrals Responded to within 1 Day-Imminent danger</i>	
	CONN-OSHA	Standard	CONN-OSHA	Standard	CONN-OSHA	Standard
<i>FY 2009</i>	7.24	1	100	100	No Complaints	100
<i>FY 2010</i>	5.50	1	100	100	No Complaints	100
<i>FY 2011</i>	9.83	1	100	100	100	100

FATALITIES

During the onsite case file review, Region I reviewed three case files related to fatalities. Two of the fatality inspections were opened in FY 2010, and one was opened in FY 2011. Of the two fatality inspections that were opened in FY 2010, one was closed in FY 2011 and the other still had not been closed as of the time of the review (see table below).

<i>Fatality Description</i>	<i>Fiscal Year Case was Opened</i>	<i>Fiscal Year Case was Closed</i>
Two firefighters died while fighting a fire in an apartment building	2010	Not closed as of date of onsite review
Police officer struck by drunk driver while exiting vehicle to begin traffic control	2010	2011
Firefighter collapsed while attaching hose to a hydrant	2011	2011

Region I found that in one of these cases, CONN-OSHA did not adequately document incident data, such as the physical layout of the worksite, and sketches/drawings and measurements, etc., in accordance with Chapter 11 of the FOM, Section II, E. In the same case, Region I also found that the program did not adequately document equipment or process involved. For example, the investigator did not describe the type of personal protective equipment that the victim was using at the time the fatality occurred. According to the FOM, Chapter 11, Section II, E., the following should be adequately documented: equipment type; manufacturer; model; manufacturer’s instructions; and how often equipment is used, etc.

Finding 11-03: Fatality Investigation—CONN-OSHA did not adequately document incident data, such as the physical layout of the worksite, and sketches/drawings and measurements, etc., in accordance with Chapter 11 of the FOM, Section II, E. In the same case, the program did not

adequately document equipment or process involved (i.e., personal protective equipment that the victim was using at the time the incident occurred).

Recommendation 11-03: FY 2012 fatality case files will reflect that CONN-OSHA is adhering to the requirements in Chapter 11 of the FOM for fatality investigations.

Region I found that this fatality case file also lacked the CSFO's field notes. CONN-OSHA must adhere to Chapter 3 of the FOM, Section XII, Inspection Records, which states that "All official forms and notes constituting the basic documentation of a case must be part of the case file. All original notes are part of the inspection record and shall be maintained in the file."

Finding 11-04: Fatality Investigation—In one fatality case file there were no field notes.

Recommendation 11-04: FY 2012 fatality case files will reflect that CONN-OSHA is adhering to Chapter 5 of the FOM, Section XII, Inspection Records, which states that "All official forms and notes constituting the basic documentation of a case must be part of the case file."

As a means of ensuring that case diary sheets contain all required entries, the CONN-OSHA manager uses a case file review check list. Development and use of this check list was recommended by the Region as a corrective action to address findings on case diary sheet deficiencies found in the FY 2009 EFAME Report. Although CONN-OSHA is making progress in terms of case diaries, the program is still exhibiting deficiencies with regard to the FOM's requirements for fatality investigations (Chapter 11), basic inspection procedures (Chapter 3) and case file preparation and documentation (Chapter 5).

TARGETING AND PROGRAMMED INSPECTIONS

TARGETING METHODOLOGY

In the FY 2010 Report, Region I found that CONN-OSHA had not developed a site specific inspection targeting system for general industry in accordance with OSHA's SST directive. CONN-OSHA had been struggling with meeting this requirement because the program did not have access to any state data that could be used to develop a high-hazard targeting list.

CONN-OSHA has been using Bureau of Labor Statistics (BLS) data to target high hazard industries in its strategic plans, but did not have any state data geared toward targeting individual employers *within* those high hazard industries. However, the CONN-OSHA manager recently reached an agreement with Connecticut's Occupational Safety and Health Statistics (OSHS) unit to survey public sector establishments for injury/illness data. As a result, CONN-OSHA developed an SST system in accordance with this directive, which Region I deemed as effective as the Federal SST program.

CONN-OSHA's Public Sector Targeting System

Step One: Connecticut's Occupational Safety and Health Statistics (OSHS) unit will survey public sector establishments to obtain injury/illness data. CONN-OSHA's OSHS unit conducts a similar survey for private sector establishments for Federal OSHA's Data Initiative (ODI) for the State of

Connecticut.⁶ CONN-OSHA's OSHS unit will conduct this survey of public sector employers in conjunction with the next ODI survey.

Until the CONN-OSHA OSHS unit conducts the public sector survey, CONN-OSHA will continue to use the six industries (three state and three municipal) that it has identified as "high hazard" in its five-year strategic plan, and proceed with steps two through four (see below).

Based on BLS data for 2006⁷, CONN-OSHA identified six public sector industries that had higher than average DART rates. These six industries and their corresponding NAICS codes are as follows:

State

- Hospitals-NAICS 622000
- Nursing and Residential Care Facilities-623000
- Highway and Maintenance and Repair Operations-237000

Municipal

- Public Works (Street and Highway)-237000
- Water, Sewer and Other Systems-231000
- Waste Management and Remediation Services-562000

Step Two: CONN-OSHA will review the survey data collected by the CONN-OSHA OSHS to determine the highest hazard public sector industries (state and municipal). Any industry that has a greater than average DART rate will be considered a "high hazard" industry.

Step Three: Once these high hazard industries have been identified (for both state and local governments), CONN-OSHA will target the top 25 percent of individual employers within those industries with the highest DART rates. *This percentage may vary given the number of employers in each industry).*

Step Four: CONN-OSHA will adhere to Section VII.D of the SST Directive ([11-03 \(CPL 02\) - Site-Specific Targeting 2011 \(SST-11\)](#)), *Deletions and Deferrals*. Also, establishments with fewer than 10 employees will be deleted from the targeting list.

⁶ The Connecticut OSHS unit receives 50 percent of its funding through a grant with the Federal Bureau of Labor Statistics (BLS), and is administered by CONN-OSHA. Through the ODI, this unit also collects data for Federal OSHA targeting and program evaluation for three other states (Pennsylvania, Rhode Island and New Hampshire). According to CONN-OSHA director Ken Tucker, up until about five years ago, the CONN-OSHA OSHS unit had been conducting surveys of public sector establishments. However, the Connecticut OSHS unit discontinued the public sector survey (but continued with the private sector survey as part of the ODI). The Connecticut OSHS unit has agreed to conduct the public sector survey in conjunction with the next ODI.

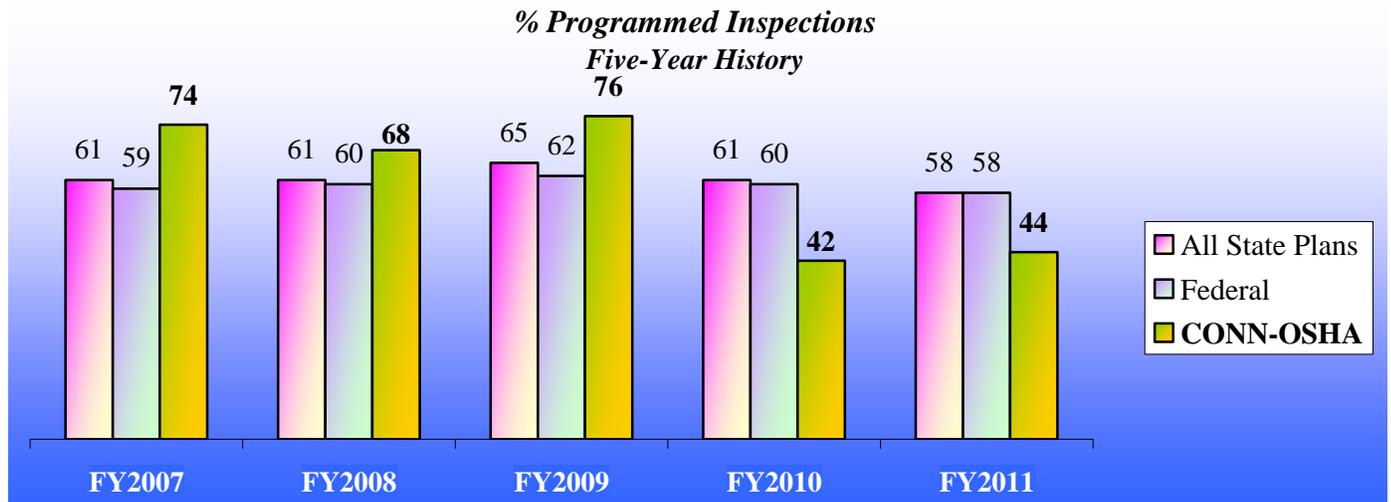
⁷ Calendar year 2006 data was the most current data available when CONN-OSHA developed its five-year strategic plan, which began in FY 2009 and concludes at the end of FY 2013. FY 2012 is the fourth year of the five-year plan.

PROGRAMMED INSPECTIONS

Region I found that CONN-OSHA’s percentage for programmed inspections does not closely align with Federal OSHA’s percentage. The table below compares the number of programmed inspections to unprogrammed inspections (which include accidents, complaints, referrals, follow-up, unprogrammed-related, and other) conducted by CONN-OSHA over the past three fiscal years. In FY 2010, CONN-OSHA’s percentage of programmed inspections dropped significantly from 76 in FY 2009 to 42. In FY 2011, CONN-OSHA’s percentage was 44.

<i>Inspections (Percent Programmed)</i>			
	CONN-OSHA	All State Plans	Federal OSHA
<i>FY 2009</i>	76	65	62
<i>FY 2010</i>	42	61	60
<i>FY 2011</i>	44	58	58

From FY 2007 to FY 2009, the program’s percentage for programmed inspections exceeded both the Federal and combined state plan percentages. However, in FY 2010 and FY 2011, CONN-OSHA fell below both the Federal and state plan percentages, as shown in the chart below.



As shown in the next table, 42 percent of CONN-OSHA’s total number of inspections consisted of complaints in FY 2011. This percentage for complaint inspections was double the percentage of 21 for Federal OSHA.

<i>Inspections % Complaint</i>			
	CONN-OSHA	All State Plans	Federal OSHA
<i>FY 2009</i>	17	14	17
<i>FY 2010</i>	36	16	20
<i>FY 2011</i>	42	17	21

In FY 2010, CONN-OSHA was severely limited by the fact that it had two CSHO vacancies for most of the fiscal year and another CSHO was on medical leave for several months. As a result, CONN-OSHA had to devote most of its manpower to responding to complaints, and in FY 2010, the plan’s ratio of complaint inspections to programmed inspections was accordingly much higher than in previous years.

In early FY 2011, the program filled its two CSHO vacancies. However, the newly hired CSHOs had no prior experience working in OSHA-related enforcement, and required training before deployment. Similar to FY 2010, CONN-OSHA once again had to focus most of its resources on responding to complaints.

Finding 11-05 (10-11): Programmed Inspections—CONN-OSHA’s percentage for programmed inspections does not closely align with Federal OSHA’s percentage.

Recommendation 11-05: CONN-OSHA must align more closely with Federal OSHA’s percentages for programmed inspections and non-programmed inspections by the end of FY 2012.

TARGETED STATE AND MUNICIPAL INDUSTRIES

As discussed earlier in this report, CONN-OSHA targeted six public operations (three state and three municipal) for enforcement, consultation and training and education activities in each year of its five-year strategic plan. CONN-OSHA selected these six operations based on the fact that their average Days Away/Restricted/Transferred (DART) rates for fiscal years 2004 through 2006 were higher than those of other public sector operations.

The injury/illness incidence rates—Total Case Incidence Rates (TCIR) and DART—for Connecticut’s public sector employees continue to be higher than those experienced by the state’s private sector employees, as has been the case over the past few fiscal years (see table below).

<i>Injury and Illness Rates (Connecticut Public and Private Sectors)⁸</i>				
<i>Three-year comparison</i>				
Year	State and Local Government		Private Sector	
	TCIR	DART	TCIR	DART
2008	8.4	4.3	4.6	2.5
2009	7.8	4.3	4.2	2.3
2010	7.3	3.6	4.0	1.6

As in previous fiscal years, CONN-OSHA exceeded its annual goal of conducting at least 25 percent of all inspections in the six public sector industries that the program has identified in its strategic plan as being the most hazardous. Of 101 inspections that the program completed in FY 2011, 39 inspections were conducted in the targeted state and municipal government industries.

INSPECTIONS WITH VIOLATIONS CITED

Region I found that in FY 2011, CONN-OSHA fell below Federal OSHA’s percentages for inspections with violations cited and percentage of inspections Not-in-Compliance (NIC) with Serious violations. Since CONN-OSHA conducted such a high percentage of complaint inspections in FY 2011, the program conducted fewer programmed inspections in high hazard industries (where violations are more likely to occur).

	% Inspections with Violations Cited			% Not In Compliance with Serious Violations		
	2009	2010	2011	2009	2010	2011
CONN-OSHA	70	65	48	63	73	73
Federal OSHA	70	71	71	87	88	86

Finding 11-06 (10-14): Inspections with Violations Cited/Inspections NIC with Serious Violations

—CONN-OSHA fell below Federal OSHA’s percentages for inspections with violations cited, and percentage of inspections not-in-compliance with serious violations.

Recommendation 11-06: CONN-OSHA must align more closely with Federal OSHA’s percentages for these two indicators by the end of FY 2012.

SAMM #8 measures the percent of *programmed* inspections with Serious/Willful/Repeat (S/W/R) violations. The table below shows CONN-OSHA’s results for SAMM #8 over the past three fiscal years.

⁸ Source: Bureau of Labor Statistics Incidence Rates of Nonfatal Occupational Injuries and Illnesses by Industry and Case Types (CT State Data)

<i>SAMM #8</i>						
	FY 2009		FY 2010		FY 2011	
	CONN-OSHA	National Data	CONN-OSHA	National Data	CONN-OSHA	National Data
<i>Safety</i>	61.95	58.6	69.44	58.4	72.41	58.5
<i>Health</i>	48.39	51.2	100	50.0	0	51.7

Over the past three fiscal years, CONN-OSHA has consistently met the national standard for percent of programmed safety inspections with S/W/R violations. In terms of health-related inspections, the program has not fared as well. In FY2011, CONN-OSHA did not conduct any health-related programmed inspections, and therefore its percentage was zero.

Two circumstances contributed to the program not conducting any health-related programmed inspections during the fiscal year. First, the veteran health CSHO was on medical leave for the first quarter of the fiscal year; second, the other health CSHO who was newly hired in FY 2011 did not have the experience and training to conduct these types of inspections. Since the program was limited in its capability to conduct health-related inspections, only complaint inspections were performed.

Since the veteran health CSHO has returned to the program and the newly hired health CSHO has now gained sufficient experience to conduct inspections independently, the program has resumed conducting programmed health inspections. Nonetheless, Region I found that CONN-OSHA did not meet the national standard for health inspections for SAMM #8 in FY 2011, and the program must strive do so in FY 2012.

Finding 11-07: Percent of Programmed Inspections with S/W/R Violations (SAMM #8)— CONN-OSHA did not meet the national standard for health inspections for SAMM #8 in FY 2011, and must do so in FY 2012.

Recommendation 11-07: CONN-OSHA must meet the standard for health inspections in SAMM #8 by the end of FY 2012.

Region I found that CONN-OSHA did not meet the standard for **SAMM #9** (average number of S/W/R violations per inspection with violations). Since FY 2009, CONN-OSHA has shown improvement in the category of S/W/R violations, although in FY 2011, the actual number of inspections (47) that the program conducted with violations cited was low. These 47 inspections yielded 98 S/W/R violations.⁹

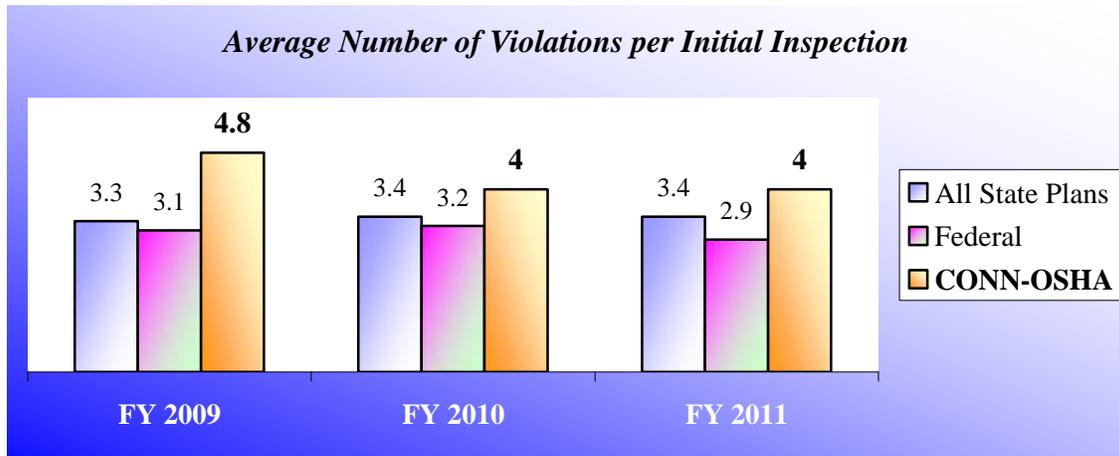
The table below shows that CONN-OSHA has consistently performed above the national data standard in terms of other-than-serious violations cited (in inspections that had violations cited).

⁹ This figure includes 97 Serious violations, 0 Willful violations, and 1 Repeat violation.

<i>SAMM #9</i>						
	FY2009		FY2010		FY2011	
	CONN-OSHA	National Data	CONN-OSHA	National Data	CONN-OSHA	National Data
<i>S/W/R</i>	1.34	2.1	1.85	2.1	2.08	2.1
<i>Other</i>	3.33	1.2	2.23	1.2	2.04	1.2

AVERAGE NUMBER OF VIOLATIONS PER INITIAL INSPECTION

This is one measurement in which CONN-OSHA continues to perform better than Federal OSHA. CONN-OSHA’s FY2011 year-end average was 4.0 compared to Federal OSHA’s average of 2.9. As shown in the chart below, CONN-OSHA has consistently exceeded the Federal average as well as the average for all state plan programs over the past three fiscal years.



Citations and Penalties

INSPECTIONS WITH CONTESTED VIOLATIONS/LAPSE TIMES

IMIS enforcement activity data shows that over the past three fiscal years, CONN-OSHA’s percentage of inspections with contested violations has been zero. In terms of lapse days from inspection to citation issuance for both safety and health, CONN-OSHA’s record varies, depending on the type of inspection (health vs. safety) and the fiscal year. The table below provides data on lapse times over the past three fiscal years, and shows that CONN-OSHA achieved its best results for lapse times in FY 2009.

	<i>IMIS Enforcement Data</i>					
	<i>FY2009</i>		<i>FY2010</i>		<i>FY2011</i>	
	<i>CONN-OSHA</i>	<i>FED</i>	<i>CONN-OSHA</i>	<i>FED</i>	<i>CONN-OSHA</i>	<i>FED</i>
Inspections with contested violations (%)	0.0	7.0	0.0	8.0	0.0	10.7
Lapsed workdays (from inspection to citation issue)—<i>Safety</i>	26.8	34.3	100.1	37.9	86.2	43.2
Lapsed workdays (from inspection to citation issue)—<i>Health</i>	25.9	46.7	62.3	50.9	35	54.8

Region I found that CONN-OSHA did not compare favorably to Federal OSHA’s average for lapsed days from inspection to citation issuance (safety) in FY 2011. As shown in the table above, CONN-OSHA’s average for safety inspections was almost double that of Federal OSHA’s, although its times for health inspections were shorter than Federal OSHA’s.

SAMM #7 measures the average number of *calendar* days from the opening conference to citation issuance. Region I found that in FY 2011, CONN-OSHA did not meet the time standard for safety inspections. CONN-OSHA has closely monitored its performance with regard to this measure over the past several years, because the average number of days lapsed from opening conference to citation issuance as measured by SAMM #7 has been a long-standing concern for the program.

The tables below show CONN-OSHA’s fiscal year-end averages for SAMM #7 over the past three fiscal years.

<i>SAMM #7</i>						
<i>Average Number of Lapse Days from Opening Conference to Citation Issue</i>						
	<i>FY2009</i>		<i>FY2010</i>		<i>FY2011</i>	
	<i>CONN-OSHA</i>	<i>National Data</i>	<i>CONN-OSHA</i>	<i>National Data</i>	<i>CONN-OSHA</i>	<i>National Data</i>
<i>Safety</i>	37.11	43.8	138.65	47.3	119.28	51.9
<i>Health</i>	35.37	57.4	84.95	61.9	48.88	64.8

As discussed earlier in this report, CONN-OSHA had two CSHO staffing vacancies in FY 2010 that adversely affected the program’s performance with regard to this measure. According to the CONN-OSHA director, the CSHOs who staffed the program for most of the year had to manage increased workloads, and this made it difficult for them to perform the work necessary to issue citations in a timely manner.

CONN-OSHA began FY 2011 with these vacancies filled; however, the veteran CSHOs continued to shoulder a heavier workload than normal due to the fact that these new hires were inexperienced and unable to perform many CSHO duties on their own. These circumstances also made it difficult for the staff to issue citations in a timely manner.

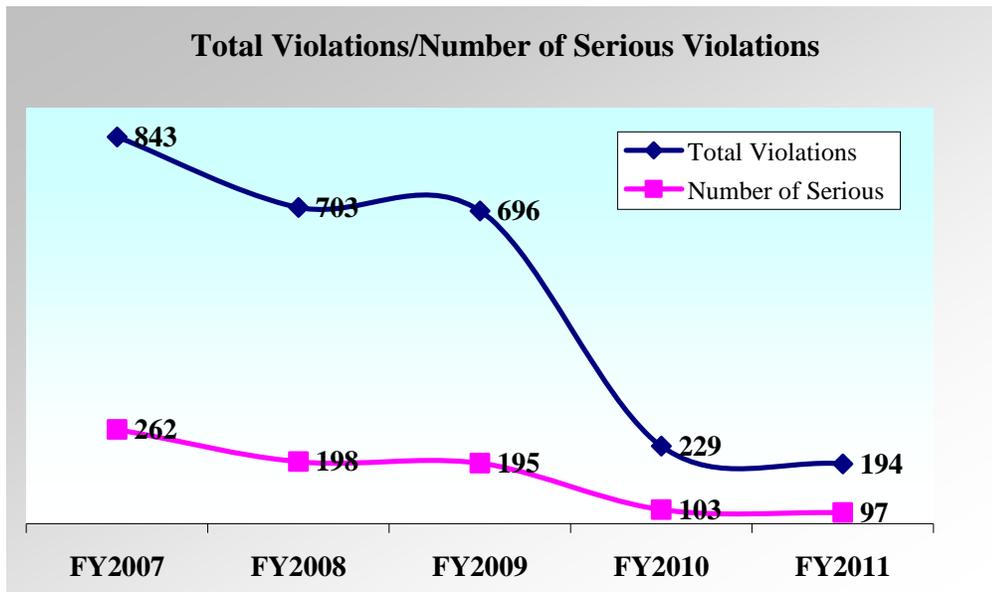
Finding 11-08 (10-16): Citations and Penalties—CONN-OSHA’s lapse time from inspection to citation issuance does not compare favorably to Federal OSHA’s lapse time and does not meet the standard for SAMM #7.

Recommendation 11-08: By the end of FY 2012, CONN-OSHA must decrease its lapse time from inspection to citation issuance to align more closely with Federal OSHA’s lapse time and to meet the standard for SAMM #7.

VIOLATION CLASSIFICATION (SERIOUS, OTHER-THAN-SERIOUS)

As shown in the chart below, CONN-OSHA’s total number of violations cited has steadily fallen over the past five fiscal years, and from FY 2007 to FY 2011, the number dropped sharply (by 76 percent). This total has fallen sharply since FY 2009 largely due to the staffing problems that have occurred over the past three years.

Now that the program is fully staffed with CSHOs and the new CSHOs are able to conduct in inspections independently, CONN-OSHA’s violation totals should be on the rise. Nonetheless, CONN-OSHA must show significant improvement with regard to this performance deficiency in FY 2012.



Finding 11-09: Citations and Penalties—CONN-OSHA’s total number of violations cited in FY 2011 was too low.

Recommendation 11-09: CONN-OSHA must increase the number of violations cited in FY 2012.

CONN-OSHA’s total number of violations cited as Serious has also fallen over the past five years. However, the program showed some improvement in terms of its percent of violations classified as Serious. In FY 2011, CONN-OSHA had the highest percentage of violations classified as Serious over the past five fiscal years, but still did not compare favorably to Federal OSHA’s percentages for Serious and Other-than-Serious violations.

<i>Fiscal year</i>	<i>Total Violations</i>	<i>Number of Serious</i>	<i>Percent Serious</i>	<i>Number of Other-than-serious</i>	<i>Percent Other-than-serious</i>
2007	843	262	31	581	69
2008	703	198	28	505	72
2009	696	195	28	484	70
2010	229	103	45	125	55
2011	194	97	50	96	49

<i>FY 2011 Comparison</i>		
	<i>CONN-OSHA</i>	<i>Federal OSHA</i>
Total Violations	194	82,098
<i>Percent Serious</i>	50	73
Willful	---	585
Repeat	1	3,061
Serious/Willful/Repeat (S/W/R)	98	63,502
<i>Percent Serious/Willful Repeat (S/W/R)</i>	51	77
<i>Percent Other</i>	49	22

The most current BLS data show that all but one of CONN-OSHA’s state and local government-targeted operations had DART rates that far exceeded the average DART rates for all Connecticut State Operations and for all Local Government operations (see table below). Given the high hazard nature of Connecticut’s public sector worksites, CONN-OSHA’s percentage of only 50 for all violations classified as Serious in FY 2011 is far below a percentage that is acceptable.

<i>DART Rates (2010)</i> ¹⁰		
State Targeted Operations		All CT State Government Operations
Hospitals	9.5	5.2
Nursing & Residential Care Facilities	14.5	
State Highway Maint. & Repair Operations	8.8	
Local Government Targeted Operations		All CT Local Government Operations
Public Works	8.8	8.5
Water, Sewage & Other Systems	4.3	
Waste Mgt. & Remediation	8.8	

The Region’s most recent onsite case file review, and the case file reviews for the FY 2009 and FY 2010 FAME reports, indicate that in some instances, the program’s CSHOs do not follow the guidelines set forth in the FOM, Chapter 4, for classifying violations. As a result, CONN-OSHA *misclassifies* some Serious violations as Other-than-Serious. This tendency to misclassify violations causes CONN-OSHA’s percentage for Serious violations to be much lower than Federal OSHA’s percentage.

For example, the Region’s case file review for this report found seven case files in which Serious violations were misclassified as Other-than-Serious. The vast majority of these misclassifications involved violations related to employee exposure to electrical hazards, which should have been classified as Serious. Of the nine enforcement case files reviewed by Region I for the FY 2010 FAME, four cases had Serious violations that were misclassified as Other-than-Serious. Most of these violations that were misclassified involved electrical hazards that could have caused shock and/or burns.

As discussed in the FOM, Chapter 4, Violations, Section II: [A] serious violation shall be deemed to exist in a place of employment if there is substantial probability that death or serious physical harm could result from a condition that exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use....” In the case files where Region I determined that Serious violations were misclassified as Other-than-Serious, the hazards to which the employees were exposed could have resulted in death or serious physical harm.

¹⁰ [Source: Bureau of Labor Statistics Incidence Rates of Nonfatal Occupational Injuries and Illnesses by Industry and Case Types \(CT State Data\)](#)

Finding 11-10 (10-06): Citations and Penalties: CONN-OSHA is *misclassifying* some Serious violations as Other-than-Serious. This results in CONN-OSHA having a much lower percentage of all violations classified as Serious compared to Federal OSHA.

Recommendation 11-10: CONN-OSHA must correctly classify violations, so that its percentages for Serious and Other-than-Serious violations align more closely with Federal OSHA’s percentages by the end of FY 2012. The CONN-OSHA managers and CSHOs must follow the guidelines in the FOM, Chapter 4, Violations, Section II, when classifying violations.

WILLFUL (AND REPEAT) VIOLATIONS

Region I found that CONN-OSHA has not classified any violations as Willful since at least FY 2005. FY 2010 was the first time since at least FY 2005 that the plan classified a violation as Repeat. The table below compares CONN-OSHA’s percentages for Serious, Willful, Repeat and Other-than-Serious violations from FY 2009 through FY 2011.

Violation Percentages								
	<i>Serious</i>		<i>Repeat</i>		<i>Willful</i>		<i>Other</i>	
	CONN-OSHA	Federal OSHA	CONN-OSHA	Federal OSHA	CONN-OSHA	Federal OSHA	CONN-OSHA	Federal OSHA
FY 2009	28	77	--	3.1	--	.47	70	19
FY 2010	45	77	.43	2.8	--	1.6	55	18
FY 2011	50	73	.51	3.9	--	.71	49	22

As stated in the FY 2010 FAME report, Region I believes that CONN-OSHA’s long-standing record of not classifying any violations as Willful (and very few as Repeat) conveys the wrong message to employers. In other words, it appears as if the program has an unwritten policy that employers (under the program’s jurisdiction) will never be cited for willfully violating an OSHA standard and therefore will not be required to pay the increased penalties associated with having these types of violations.

The Region’s onsite case file review found one violation that could have been classified as Willful, but CONN-OSHA did not explore this possibility. Federal OSHA concluded FY 2011 with 585 Willful violations (or 0.71 percent of all violations). By the end of FY 2012, CONN-OSHA should achieve at least this same percentage for Willful violations cited.

Most of the CSHOs who were interviewed by the Region said that public sector employers do not “willfully violate” OSHA’s standards. A couple of CSHOs said that public sector employers are not “profit driven,” and therefore they do not intentionally commit unsafe acts or violate OSHA’s standards. On the other hand, these CSHOs felt that private sector employers were more inclined (than public sector employers) “to cut corners to save money.” The Connecticut manager should have a meeting with its CSHOs to explain the reasoning behind the use of Willful violations.

Finding 11-11 (10-15) Citations and Penalties—CONN-OSHA has not classified any violations as Willful (and only one as Repeat) since at least FY 2005.

Recommendation 11-11: CONN-OSHA must align more closely with Federal OSHA’s percentages for Willful (and Repeat) violations by the end of FY 2012. By the end of the third quarter, the CONN-OSHA manager should have a meeting with its CSHOs to explain the reasoning behind the use of Willful violations.

AVERAGE CURRENT PENALTY PER SERIOUS VIOLATION

CONN-OSHA’s average penalty per serious violation increased from \$82.30 in FY 2009 to \$134.10 in FY 2010. By the end of FY 2011, CONN-OSHA’s average penalty per serious violation increased to \$234.80.

PERCENT PENALTY REDUCED

In the FY 2009 EFAME, Region I expressed concern over CONN-OSHA’s fiscal year-end percent of penalty reduction, which was 57.1, compared to Federal OSHA’s percentage of 43.7. In FY 2010, the program showed improvement, with a percentage of 50.6; however, this is still more than 10 points higher than Federal OSHA’s percentage of 40.9.

To correct the finding in the FY 2009 EFAME that most of CONN-OSHA’s informal settlement agreements resulted in a penalty reduction of approximately 60 percent, the program began adhering to the guidelines in Federal OSHA’s memorandum of April 22, 2010, entitled “Administrative Enhancements to OSHA’s Penalty Policy.” In accordance with this policy, CONN-OSHA offers no more than a 30 percent penalty reduction to employers at informal conferences. For employers with 250 employees or less, CONN-OSHA will offer an additional 20 percent reduction if the employer agrees to retain CONN-OSHA’s 23(g) consultation program.

As a result of adhering to this policy, CONN-OSHA’s percentage for penalty reduced declined even further in FY 2011 to 42.0. This percentage is lower than the average percentage for all state plans combined, which was 46.6, and even lower than Federal OSHA’s percentage of 43.6.

ABATEMENT

ABATEMENT VERIFICATION

Looking back to FY 2007, CONN-OSHA has had a fairly good track record of meeting the 100 percent standard. As of the end of FY 2011, CONN-OSHA verified the abatement of all 125 of its violations cited as S/W/R in a timely manner.

SAMM #6					
	FY2007	FY2008	FY2009	FY2010	FY2011
<i>Percent S/W/R Violations Verified Timely</i>	100	100	97.96	100	100

Region I identified two cases in which the program granted longer abatement periods than were actually needed. In one case file in which there was a Petition for Modification of Abatement, there was no documentation that the State had requested information from the employer on such things as interim protection and the means of abatement.

The Region is not recording findings for these items because the numbers identified were not “substantial” during the case file review. However, Region I recommends that CONN-OSHA adhere to the requirements in Chapter 7 of the FOM, Post-Citation Procedures and Abatement Verification, especially since Region I had concerns in the FY 2009 EFAME that CONN-OSHA was not adequately tracking the dates for abatement information due to be received from the employer.

EMPLOYEE AND UNION INVOLVEMENT

Out of 40 case files reviewed, Region I found no issues with union involvement in inspections. However, the Region identified two cases in which it appears that CONN-OSHA did not conduct employee interviews, but should have done so.

INFORMAL CONFERENCES

The onsite case file review identified no deficiencies in the State’s adherence to informal conference policies and procedures, timely filing for informal conferences, or penalty reductions granted at informal conferences.

STANDARD ACTIONS AND FEDERAL PROGRAM CHANGE (FPC) ADOPTIONS

CONN-OSHA did not adopt the following FPCs, for which state adoption was not required (CPL-02-00-152)—*Guidelines for Administering Corporate-Wide Settlement Agreements*; and ADM 04-00-001-OSHA *Safety and Health Management Systems*). CONN-OSHA also did not adopt DIR 11-01 (CPL 03)-*National Emphasis Program-Microwave Popcorn Processing Plants*, because the plan covers public sector employees only and has no jurisdiction over private sector employers (such as microwave popcorn processors).

With the exception of CPL-02-11-03-*Site Specific Targeting 2011 (SST-11)*; CPL-02-03-0032011 464 *Whistleblower Investigations Manual*; and CPL-03-00-013 *NEP-Primary Metals*, CONN-OSHA adopted all FPCs in a form identical to that of the Federal OSHA.

Finding 11-12: Standards and Federal Program Changes—CONN-OSHA was overdue in emailing responses for intention to adopt for the following FPCs: CPL-02-11-03-*Site Specific Targeting 2011 (SST-11)*; CPL-02-03-0032011 464 *Whistleblower Investigations Manual*; and CPL-03 (11-01) *NEP—Microwave Popcorn Processing Plants*.

Recommendation 11-12: In FY 2012 and going forward, CONN-OSHA must inform Region I of its intentions in a timely manner.

CONN-OSHA STANDARD ACTIONS LOG FY 2011								
Standard	FR Date	Response Due Date	Date State E-mailed Response	Adoption Required	Intent Required	Adoption Due Date	Adopt Identical	Effective Date
1910,15,18,19,26,28 Standard Improvements Project, Phase III	6/8/2011	8/16/2011	8/11/2011	YES	YES	12/8/2011	YES	2/1/2012
1910, 1915 Working Conditions in Shipyards	5/2/2011	7/2/2011	7/1/2011	YES	YES	11/2/2011	YES	12/30/2011

CONN-OSHA FEDERAL PROGRAM CHANGE LOG (excluding standards) FY 2011								
Directive	Date	Response Due Date	Date State E-mailed Response	Adoption Required	Intent Required	Intent to Adopt	Adopt Identical	Adoption Date
CPL-02-11-03 Site-Specific Targeting 2011 (SST-11)	9/9/2011	11/12/2011	11/30/2011	YES	YES	YES	NO	11/30/2011
CPL-02-03-0032011 464 Whistleblower Investigations Manual	9/20/2011	11/21/2011	11/30/2011	YES	YES	YES	NO	11/30/2011
CPL-02-01-052 Enforcement procedures for Investigating and Inspecting Incidents of Workplace Violence	9/8/2011	11/12/2011	11/14/2011	NO	YES	YES	YES	1/1/8/2011
CPL-02-00-151 29CFR Part 1910, Subpart T—Commercial Diving Operations	6/13/2011	8/16/2011	6/29/2011	NO	YES	YES	YES	8/16/2011
CPL-03-00-013 NEP-Primary Metals	5/19/2011	8/1/2011	8/1/2011	YES	YES	NO	N/A	N/A
CPL-02-01-051 Confined Spaces in Shipyards	5/20/2011	7/24/2011	7/21/2011	NO	YES	YES	YES	7/25/2011

CONN-OSHA FEDERAL PROGRAM CHANGE LOG (<i>excluding standards</i>) FY 2011								
Directive	Date	Response Due Date	Date State E-mailed Response	Adoption Required	Intent Required	Intent to Adopt	Adopt Identical	Adoption Date
CPL-02-00-150 April 2011 Revisions to Field Operations Manual (FOM)	4/22/2011	7/2/2011	7/1/2011	YES	YES	YES	YES	7/2/2011
CPL-02-01-050 Enforcement Guidance for Personal Protective Equipment (PPE) in General Industry	2/10/2011	4/16/2011	3/21/2011	NO	YES	YES	YES	4/15/2011
CPL-03 (11-01) NEP— Microwave Popcorn Processing Plants	1/18/2011	4/16/2011	4/28/2011	YES	YES	NO		
STD-03-11-002 Compliance Guidance for Residential Construction	12/16/2010	2/26/2011	2/15/2011	NO	YES	YES	YES	2/28/2011
CPL-02-01-049 Enforcement Guidance for PPE in Shipyards	11/4/2010	1/11/2011	1/7/2011	NO	YES	YES	YES	1/10/2011

DISCRIMINATION PROGRAM—SPECIAL STUDY

PURPOSE

Monitoring a State's 11(c) discrimination program is considered a mandated activity. In accordance with 29 CFR 1977.23, the State's 11(c) Discrimination Program must be "as effective" as 11(c) of the OSH Act. §1977.23 states, in part that "a State which is implementing its own occupational safety and health enforcement program pursuant to section 18 of the Act...must have provisions as effective as those of section 11(c) to protect employees from discharge or discrimination." In the context of §1977.23, the State of Connecticut is considered a "State Plan."

The Connecticut Department of Labor operates its discrimination program pursuant to the Connecticut Occupational Safety and Health Act of 1973 (Chapter 571, Section 31-367 through 31-385). CONN-OSHA has jurisdiction over Whistleblower discrimination cases arising from public sector employees in the State of Connecticut.

The goal of the FY 2011 FAME is "to fully assess the current performance of each state plan and to identify areas of concern and areas of excellence." The 2011 assessment is to include a special focus on each state's Whistleblower program. The opportunity is provided by the FY 2011 Federal Annual Monitoring and Evaluation (FAME) Guidance memo issued by the Directorate of Cooperative and State Programs on December 22, 2011.

SUMMARY

Federal OSHA believes that CONN-OSHA's discrimination program is generally as effective as the Federal program and meets the §1977.23 standards; however, because of some inadequacies in case file organization and documentation (as discussed below), OSHA is unable to make a definitive statement about the program's effectiveness at this time.

The audit team noted the following strengths in the CONN-OSHA discrimination program:

- CONN-OSHA's mediation model, coupled with its hearing process, has the advantage of achieving a very high settlement rate.¹¹ In the period reviewed, the settlement rate was 100 percent. CONN-OSHA is to be commended for this achievement.
- CONN-OSHA has adopted the Federal Whistleblower Investigations Manual 2011 (Directive Number: CPL 02-03-003).

The audit team noted the following weaknesses in the CONN-OSHA discrimination program:

- Case files are not consistently organized, documents are not separated and tabbed, some documents are missing, and there is no Contents of Case File, making it difficult to locate documents and evaluate outcomes.
- Investigators do not submit investigative reports (known as Reports of Investigation in the 2011 Whistleblower Investigations Manual and previously as Final Investigative Reports in the 2003 Manual).
- There are no signed settlement agreements in the case file.
- There is no supervisory oversight of the program, because the investigators do not report to a supervisor.
- Because CONN-OSHA employs a mediation process from the outset of an investigation,

¹¹ Initially, all complaints are deemed meritorious once they pass threshold issues such as timeliness and jurisdiction. If the complaint cannot be resolved during the mediation process, it is referred to a Hearing Officer who holds a hearing and issues an order. The aggrieved party then has the opportunity to appeal the Hearing Officer's decision to the Superior Court.

lapse times are lengthy.

- The three cases reviewed in the audit were classified as “settled other” in the IMIS and should have been classified as “settled” because they were settled during the Department’s internal hearing process.
- For settled cases, the determination amounts were not entered into the IMIS.

METHODOLOGY

Regional Investigators Alan Dietrich and Kirk McGee conducted the audit on February 2, 2012 at the Connecticut Department of Labor offices in Wethersfield, CT. The team examined three cases, which are recorded on the IMIS Case Listing and IMIS Whistleblower Application from February 16, 2009 to June 3, 2011. CONN-OSHA was asked to have these case files available for review and all were made available and fully accounted for. Cases were reviewed for completeness, legal sufficiency, and agreement with data contained in the national database. Also reviewed were two pending cases that have been open for an average of 1,263 days.

The audit team interviewed the principal personnel responsible for the discrimination program, including:

1. Kenneth C. Tucker III, Esq., Occupational Safety Manager, CONN-OSHA
2. Anne Rugens, Esq., Whistleblower Investigator, CONN-OSHA¹²

State Plan personnel were extremely cooperative, helpful, and knowledgeable in the various aspects of the state plan and its operation. Members exhibited a positive and dedicated attitude toward the operation and mission of the state plan.

CONCLUSIONS

CONN-OSHA operates its discrimination program much differently from the way Federal OSHA does. Complaints to CONN-OSHA are assumed to have merit if they pass the threshold tests of timeliness and jurisdiction. This structure appears to be very beneficial in settling cases, but it is difficult to assess the program at this time, mostly due to documentation and recordkeeping deficiencies. Most of the improvements suggested in this report concern organization and administrative matters. To ensure that its program is effective, CONN-OSHA must improve case file organization, document retention, and reports, and train all personnel on meeting those objectives. We believe that the adoption of the above recommendations will enhance the overall performance of the program.

¹² Steven Lattanzio, Esq., Whistleblower Investigator, was not available to be interviewed during the audit. Mr. Lattanzio and Ms. Rugens completed audit questionnaires.

FINDINGS AND RECOMMENDATIONS

Finding 11-13: Discrimination Case Files (Organization)—None of the case files examined was organized with tab dividers, nor was there a Contents of Case File. This made it difficult to navigate through the case file and to locate documents. Much of the documentation contained in the case file consists of E-mail correspondence and the Activity Log. The documents contained in the case file were not organized in any consistent fashion. Each case file examined was constructed differently; some e-mail correspondence appeared at the beginning, some at the end; some position statements appeared throughout the case file; letters appeared randomly throughout the case files. Letters, e-mail correspondence and investigator notes were placed with evidentiary material.

Recommendation 11-13: CONN-OSHA should adopt the case file organization standards as outlined in the Federal Whistleblower Investigations Manual (Chapters 3 and 5). All investigators need to follow this format and investigators should be trained to adhere to these new standards. This will also facilitate oversight of CONN-OSHA’s program in the future.

Finding 11-14: Discrimination Case Files (Activity Log)—The activity log is handwritten and illegible. This is problematic because CONN-OSHA does not conduct an investigation, nor does it submit an investigative report. Therefore, the only reference to what actually occurred in the case is the Activity Log.

Recommendation 11-14: In FY 2012 and going forward, CONN-OSHA must ensure that investigators’ notes are legible. The activity log should be placed in a separate tab. This will aid in the organization of the case file, and make any FOIA requests more manageable.

Finding 11-15: Discrimination Case Files (Investigative Report)—Investigators do not submit an Investigative Report. Because there is no summation of what occurred during the course of the mediation and/or hearing, it is difficult for a reviewer to evaluate the process and outcome.¹³

Recommendation 11-15: For all discrimination cases opened in FY 2012 and going forward, CONN-OSHA should write a Memo to File for each case to be retained in the case file, explaining the Complainant’s allegation, the Respondent’s defense, and the determination and reasoning for all settlements and/or dismissals.

Finding 11-16: Discrimination Case Files (Classification of Settled Cases)—CONN-OSHA does not correctly classify cases in IMIS. Currently, CONN-OSHA considers cases that are settled without its participation as “settled” when in fact these cases should be classified as “settled other”. Conversely, CONN-OSHA designates cases that are settled during its mediation and/or hearing process as “settled other” when they should be classified as “settled.”

¹³ Mediation hearings are not recorded and there is no transcription, although one case file did contain mediation notes.

Recommendation 11-16: For all discrimination cases opened in FY 2012 and going forward, CONN-OSHA must adopt the same criteria for classifying settlement agreements in IMIS as Federal OSHA. Cases that are settled during the mediation and/or hearing process should be classified as “settled,” while cases that are settled between the parties without CONN-OSHA’s participation (i.e. during a grievance process, other agency process, private attorney), should be classified as “settled other.”

Finding 11-17: Discrimination Case Files (Classification of Cases Classified as “Settled Other”)—In cases that were classified as “settled other,” there is no indication that CONN-OSHA reviewed the settlement agreement using the appropriate criteria. The files do not contain any information related to review of settlement agreements.

Recommendation 11-17: For all discrimination cases opened in FY 2012 and going forward, CONN-OSHA should follow guidelines contained in the Federal Whistleblower Investigations Manual pertaining to case file organization, reviewing settlement agreements, and classifying settlement agreements. Additionally, CONN-OSHA should document that it has reviewed “settled other” determinations to ensure that there is nothing repugnant to the Act in these discrimination actions.¹⁴ Settlement agreements and determination letters must be retained in the case file.

Finding 11-18: Discrimination Case Files (Settlement Agreements)—Settlement agreements were not included in the case file.

Recommendation 11-18: For all discrimination cases opened in FY 2012 and going forward, settlement agreements and determination letters must be retained in the case file.

Finding 11-19: Discrimination Case Files (Lapse Time)— The average lapse time for the three cases reviewed is 371 days, compared to the national average of 185 days for the same time period.

Recommendation 11-19: For all discrimination cases opened in FY 2012 and going forward, investigators should monitor pending open cases more closely to ensure that the cases are not neglected. CONN-OSHA explained that its two currently pending cases remain open at the request of the complainants, who are awaiting results of other agency investigations or the grievance processes. CONN-OSHA explained that hearings will be scheduled soon for each case.

Finding 11-20: Discrimination Case Files (Lack of Supervisor)—CONN-OSHA’s Whistleblower Program has been without a supervisor for three years.

Recommendation 11-20: CONN-OSHA should include a supervisory position for its Whistleblower Protection Program. Program oversight would alleviate many of the issues raised in this review.¹⁵

¹⁴ Investigators stated that they review settlement agreements. However, the file does not contain documentation of such reviews.

¹⁵ It should be noted that since Region I conducted its onsite review of the State’s Whistleblower program earlier this year, the CONN-OSHA 23(g) program manager has been appointed to the CONN-OSHA director’s position. As of this

ALLIANCES/STAKEHOLDERS

ALLIANCES

CONN-OSHA currently has seven Alliances. In compliance with CSP 04-01-001, OSHA's Alliance Programs directive, CONN-OSHA's Alliances conduct the following core activities: training and education; outreach and communication; and promoting the national dialogue on workplace safety and health. However, Region I found that CONN-OSHA's Alliance documentation does not comply with the requirements of OSHA's Alliance Directive of June 10, 2004, specifically Section XII, Program Requirements.

For example:

- CONN-OSHA's annual activity reports provide information on type of activity, training topic, and number of employees trained. However, these reports do not properly assess the impact of each Alliance and measure the results of the Alliance activities against the goals of the Alliance Agreement, as required by the directive. CONN-OSHA should use the template for the annual activity reports that is provided in the directive, since it is designed for this analysis.
- Intervention forms (OSHA-55) contain estimates of numbers of participants trained, and are not updated to reflect the actual numbers.
- The electronically signed Alliance copies and the annual reports are not posted on the CONN-OSHA website, as well as any milestones, updates, success stories, significant events, etc.

Finding 11-21: Voluntary Compliance—CONN-OSHA's Alliance documentation does not comply with requirements of OSHA's Alliance Directive of June 10, 2004, specifically Section XII, Program Requirements, D. Alliance Documentation 1 and 2.

Recommendation 11-21: By the end of FY 2012, CONN-OSHA must ensure that all Alliance documentation complies with OSHA's requirements. CONN-OSHA should review Alliance files periodically to ensure compliance.

STAKEHOLDER INTERVIEWS

Region I interviewed four of nine stakeholders who were interviewed for the FY 2009 EFAME. These stakeholders included one municipal supervisor, one director of a non-profit organization, and two executive directors of state agencies.¹⁶ All of the stakeholders interviewed continued to have the highest regard for CONN-OSHA's training and outreach efforts. The stakeholders said that they

writing, CONN-OSHA is in the process of hiring a new program manager for the 23(g) enforcement program. Once this position is filled., the CONN-OSHA director will have more time to devote to supervising the Whistleblower program..

¹⁶ Two of the four stakeholders interviewed provide job training programs for youth. For these organizations, CONN-OSHA provides OSHA 10- and 30-hour courses.

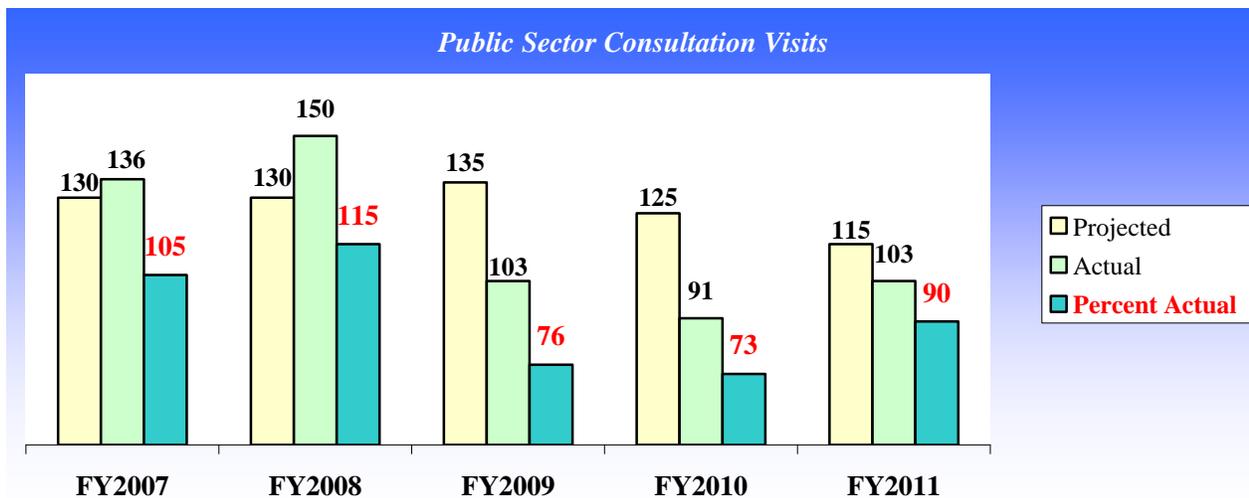
could easily contact CONN-OSHA over the phone and typically received prompt responses to their inquiries. A few of the stakeholders also benefited from the workplace hazard assessments conducted by CONN-OSHA’s public sector consultation services.

PUBLIC SECTOR CONSULTATION

The CONN-OSHA public sector consultation program is normally staffed by three consultants (two health and one safety). In FY 2009, the public sector consultation program lost one consultant to retirement in the fourth quarter of the fiscal year. In October 2010 this vacancy was eventually filled by a CONN-OSHA CSHO who experienced a learning curve for a few months while transitioning from enforcement to consultation.

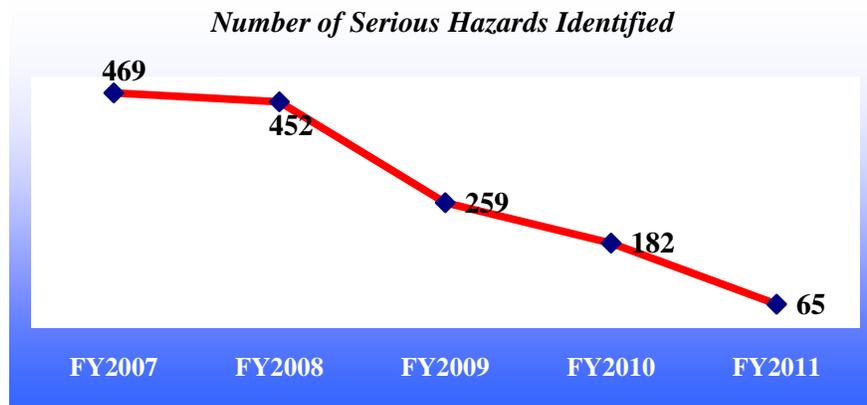
In FY 2010, the program experienced another vacancy. This one occurred in April 2010 as a result of the promotion of one of the consultants to the position of program manager for CONN-OSHA’s 21(d) private sector consultation program. This vacancy lasted for about three months and was not filled until August 2010.

The CSHO who was hired toward the latter part of FY 2010 continued to need additional training in FY 2011. As a result, CONN-OSHA was only able to accomplish 90 percent of its goal for public sector consultation visits in FY 2011 (103 out of 115 visits projected).



Region I found that CONN-OSHA’s public sector consultation program failed to identify Serious hazards adequately in FY 2011, identifying 65, or only 14 percent of the total number of Serious hazards that the program identified five years ago (in FY 2007). In FY 2009, the program identified a total of 259 Serious hazards, which was significantly fewer than the number it had identified in previous years. In FY 2010, CONN-OSHA classified 182 hazards as Serious and in FY 2011, that total fell even further to a mere 65. Since FY 2007, CONN-OSHA’s total number of Serious hazards identified has decreased by 86 percent.

To effectively protect workers from injuries and illnesses, CONN-OSHA must significantly increase the number of Serious hazards identified in FY 2012. Since the new consultant has gained more experience and is now fully trained, the program should improve significantly in terms of hazard identification as FY 2012 progresses.



Finding 11-22: Public Sector Consultation—CONN-OSHA’s public sector consultation program did not perform adequately in terms of identifying serious hazards in FY 2011, having identified 65, or only 14 percent of the total number of serious hazards that the program identified five years ago (in FY 2007).

Recommendation 11-22: CONN-OSHA must increase the number of hazards identified in FY 2012.

Finding 11-23 (10-10): Public Sector Consultation—For “Public Sector Consultation Turnaround Time” which measures the “Average Number of Days between Consultation Closing Conference and Issuance of the Written Report,” CONN-OSHA did not meet the 20-day standard for health visits with a fiscal year-end average of 21.02 days (but did meet the standard for safety visits).

Recommendation 11-23: CONN-OSHA must meet the standard for health visits by the end of FY 2012.

PROGRAM ADMINISTRATION

EMPLOYEE TRAINING

In accordance with OSHA training directive TED 01-00-018, CSHOs must complete all eight courses in the OSHA Training Institute’s initial compliance training track within three years of beginning employment with OSHA. In the FY 2009 EFAME Report, Region I found that some of the program’s CSHOs had exceeded the three-year timeframe for completing OTI Course #2450 (Evaluation of Safety and Health Management Systems) and Course #1310 (Investigative Interviewing Techniques).

However, as of the end of FY 2011, all CSHOs who needed to complete these courses to satisfy the FY 2009 finding had done so.

In late FY 2010 and in early FY 2011, CONN-OSHA hired two new CSHOs, who completed two of the initial compliance training track courses. Both new CSHOs completed Initial Compliance (Course #1000); one CSHO completed Introduction to Safety Standards (Course #1050, while the other completed Introduction to Health Standards (Course #1250).

In the FY 2010 FAME, Region I found that CONN-OSHA had no CSHOs who had completed the three courses at OTI on Process Safety Management (PSM)—**Finding 10-18**. As a corrective action CONN-OSHA planned to have one CSHO complete all three PSM courses by the end of FY 2012. One CSHO completed Safety and Health in the Chemical Processing Industries (OTI Course # 3300) earlier this year but has not been enrolled in any additional PSM courses in FY 2012.

As part of this finding, Region I also recommended that CONN-OSHA determine which facilities on the EPA Risk Management Plan (RMP) are operated by municipalities and which facilities contract with private firms to operate their plants. As of the end of FY 2011, CONN-OSHA had met with the Connecticut Department of Energy and Environmental Protection to make all of these determinations.

Finding 11-24 (10-18): Program Administration—The CSHO who completed one of the three PSM training courses in FY 2012 is not enrolled in the remaining two courses, and therefore will not have completed all three courses by the end of FY 2012.

Finding 11-24: CONN-OSHA must ensure that the CSHO who completed Course #3300 in FY 2012 completes the remaining two courses by no later than FY 2013.

In FY 2011, CONN-OSHA met its goal of providing at least one safety and/or health training course from either OTI or Keene State University. The programs’ CSHOs also completed several webinars offered by OSHA; in-house training on the FOM (in compliance with the FY 2009 EFAME Corrective Action Plan); and a half-day training program provided by Region I on machine guarding. The CSHOs who were interviewed for this report said that they are satisfied with the training opportunities offered by CONN-OSHA.

CSHO #1	
Fall Arrest Systems - 3110	Keene State (Foxwoods)
Permit Required Confined Spaces - 2264	Keene State (Foxwoods)
Machine Guarding	Region I
Permit Required Confined Spaces	Webinar
Field Operations Manual	In-house
Lockout/Tagout	Keene State (Foxwoods)
Electrical Standards - 3095	Keene State (Foxwoods)
Evaluation of Safety & Health Management Systems - 2450	OTI (Arlington Heights)

Investigative Interviewing Techniques - 1310	OTI (Arlington Heights)
Speaking Survival Kit	DAS

CSHO #2	
Permit Required Confined Spaces	Webinar
Field Operations Manual	In-house
Investigative Interviewing Techniques - 1310	OTI (Arlington Heights)
Safety Hazard Awareness for Industrial Hygienists - 1280	OTI (Arlington Heights)

CSHO #3	
Machine Guarding	Region I
Permit Required Confined Spaces	Webinar
Field Operations Manual	In-house
Investigative Interviewing Techniques -1310	OTI (Arlington Heights)
Evaluation of Safety & Health Management Systems - 2450	OTI (Arlington Heights)

CSHO #4 (New Hire)	
Permit Required Confined Spaces - 2264	Keene State (Foxwoods)
Machine Guarding	Region I
Permit Required Confined Spaces	Webinar
Field Operations Manual	In-house
Electrical Standards - 3095	Keene State (Foxwoods)
Initial Compliance - 1000	OTI (Arlington Heights)
Intro to Safety Standards for Safety Officers - 1050	OTI (Arlington Heights)

CSHO #5 (New Hire)	
Permit Required Confined Space - 2264	Keene State (Foxwoods)
Machine Guarding	Region I
Permit Required Confined Space	Webinar
Field Operations Manual	In-house
Initial Compliance - 1000	OTI (Arlington Heights)
Introduction to Health Standards for Industrial Hygienists - 1250	OTI (Arlington Heights)

IMIS MANAGEMENT

Region I verified that CONN-OSHA is running the SAMM monthly and is reviewing IMIS Inspection and Enforcement data to monitor performance. For tracking purposes, CONN-OSHA managers also review the following IMIS reports on a weekly basis:

- Open Inspection;
- Complaint Tracking;
- Cases with Citations Pending;
- Inspection Summary Report;
- Written Reports Pending (public sector consultation); and
- Uncorrected Hazards Report (public sector consultation).

In addition to these IMIS reports, CONN-OSHA has developed its own internal reports for tracking serious hazards and violations not corrected. These reports are run weekly for all CSHOs and consultants. For example, the “Alert for Abatements Due” report shows all serious hazards that have abatements due within one to ten days. For each visit that has hazards due for abatement, the item number of the hazard is listed, as well as the due date and the number of days until due. For enforcement, the “Violations not Corrected” report shows each inspection that has violations overdue for abatement. Each overdue violation is listed by citation, item and group, with the abatement due date and the days overdue.

In the FY 2009 EFAME, Region I recommended that CONN-OSHA develop a formal debt collection policy. In response, CONN-OSHA developed a debt collection policy shortly after the FY 2009 Report was issued. During the onsite review, Region I determined that CONN-OSHA’s adherence to this policy is satisfactory.

STATE INTERNAL EVALUATION PLAN (SIEP)

On a quarterly basis, CONN-OSHA provides the Region with a written analysis of its performance with regard to the following issues:

- Citation Processing
- Public Sector Consultation Turnaround Time
- Assurance of Hazards in Public Sector Consultations

With the exception of “Public Sector Consultation Turnaround Time,” the other SIEP items are measures that are already included in OSHA’s IMIS reports. For example, Citation Processing is measured by SAMM #7, and Assurance of Hazards in Public Sector Consultations is measured in the Mandated Activities Report for Consultation (MARC), #4A. In addition, CONN-OSHA has been using these three items in its SIEP for several years, and only one of them relates to enforcement.

Region I found that CONN-OSHA’s SIEP does not focus on key enforcement issues that the Plan needs to address. Although CONN-OSHA’s SIEP technically meets the criteria outlined in the State Plan Policies and Procedures Manual (SPPPM), Region I would prefer (and has encouraged) CONN-OSHA to develop a SIEP that provides a more in-depth analysis of *key issues of concern*. The Region is available to assist CONN-OSHA in developing a new SIEP that may be more beneficial in terms of

monitoring and evaluating such things as violation classification, fatality investigation procedures, and exploring potential Willful violations.

Finding 11-25: Program Administration—CONN-OSHA’s SIEP does not focus on key enforcement issues that the Plan needs to address.

Recommendation 11-25: CONN-OSHA must develop a SIEP for FY 2013 that addresses key areas of concern such as violation classification, fatality investigation procedures, and exploring potential willful violations.

IV. ASSESSMENT OF STATE PROGRESS IN ACHIEVING ANNUAL PERFORMANCE GOALS

INSPECTIONS/PUBLIC SECTOR CONSULTATION VISITS

PROJECTED V. ACTUAL

During FY 2011, CONN-OSHA completed a total of 101 inspections out of 200 projected. The tables below break out of the number of inspections projected and completed by safety and health for FY 2011 and FY 2010.

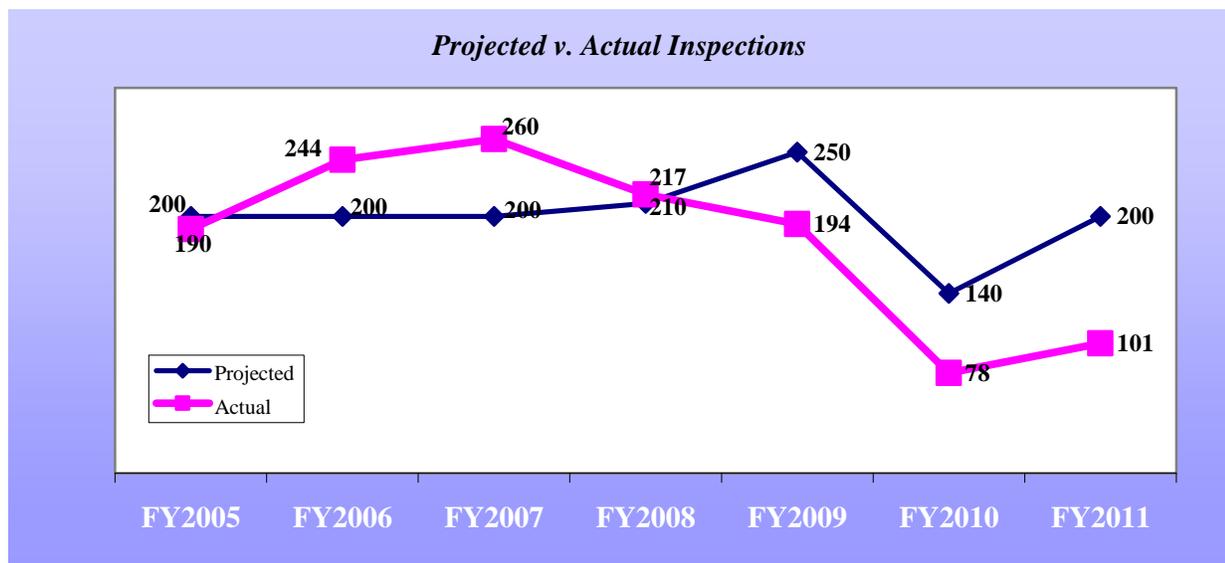
<i>FY 2010 Inspections</i>			
	Projected	Actual	Actual as Percent of Number Projected
<i>Safety</i>	100	51	51
<i>Health</i>	40	27	68
TOTAL	140	78	56

<i>FY 2011 Inspections</i>			
	Projected	Actual	Actual as Percent of Number Projected
<i>Safety</i>	135	61	45
<i>Health</i>	65	40	62
TOTAL	200	101	51

Compared to the previous fiscal year, CONN-OSHA conducted more inspections (101 out of 200 projected in FY 2011 compared to only 78 out of 140 projected in FY 2010). Percentage-wise, however, CONN-OSHA completed only 51 percent of its goal for inspections in FY 2011, compared to 56 percent in FY 2010. As of September 30, 2009, CONN-OSHA had completed a total of 183 inspections, or 73 percent of its goal of 250.

In past years, CONN-OSHA’s annual inspection goals and actual results steadily increased, as shown in the chart below. Unfortunately, this scenario began to change in FY 2009, when the plan began

experiencing staffing vacancies. These vacancies came about as a result of an early retirement incentive program offered by the state to help avoid massive layoffs of state employees during the economic downturn in 2009.



Looking forward to FY 2012, CONN-OSHA is optimistic that it will improve in terms of meeting its goal for inspections. The two new CSHOs who were hired at the end of FY 2010 are gaining more experience and are beginning to conduct more inspections independently. This will enable the veteran CSHOs—who were providing much needed assistance to the newer CSHOs—to conduct more of their inspections independently (and also conduct them more efficiently).

Finding 11-26: Annual Performance Plan—CONN-OSHA did not meet its annual goal for inspections in FY 2011, and did not meet OSHA’s expectations for ensuring safe and healthful work places for public workers in Connecticut.

Recommendation 11-26: In FY 2012, CONN-OSHA must meet its goal for inspections.

In terms of public consultation visits, CONN-OSHA fared a bit better in FY 2011 than in the previous fiscal year, having conducted 102 out of 115 projected (or 89 percent). In FY 2010, CONN-OSHA conducted 91 out of 125 public sector consultation visits projected (or 73 percent), and in FY 2009, the program conducted 103 public sector consultation visits out of 135 projected, or 76 percent.

Finding 11-27: Annual Performance Plan—CONN-OSHA did not meet its annual goal for public sector consultation visits in FY 2011, and did not meet OSHA’s expectations for ensuring safe and healthful workplaces for public workers in Connecticut.

Recommendation 11-27: In FY 2012, CONN-OSHA must meet its goal for public sector consultation visits.

In developing its five-year strategic plan, CONN-OSHA used BLS data¹⁷ to identify six operations that had higher than average DART rates compared to all other public sector operations in the State of Connecticut. In each year of its five-year strategic plan, CONN-OSHA intends to effect a reduction in these DART rates. CONN-OSHA’s goal, at the end of the five-year plan, is to show that each of these DART rates has been reduced cumulatively by at least 10 percent, in comparison with the baseline DART rates.

The table below lists the six identified operations and compares CONN-OSHA’s baseline data to calendar year 2010 results (the latest year for which the BLS has published statistics. In FY 2010, only one targeted operation’s DART rate declined from the baseline rate. In FY 2011, however, just the opposite occurred: all but one targeted operation’s DART rate declined from the baseline. If anything, the data in the table above shows that there is a large fluctuation in the state’s public sector DART rates from year to year.

NAICS	State Agency	2004-2006 Avg. DART (BASELINE)	2008 DART	2009 DART	2010 DART	Pct. Change (from baseline to 2010 DART)
622000	Hospitals	10.0	10.4	10.0	9.5	(5.0)
623000	Nursing & Residential Care Facilities	9.9	10.3	9.9	14.5	46.5
237000	Highway Maintenance & Repair Operations	10.0	15.2	15.8	8.8	(12.0)
NAICS	Municipal Agency	2004-2006 Avg. DART (BASELINE)	2008 DART	2009 DART	2010 DART	Pct. Change (from baseline to 2010 DART)
221300	Water, Sewage & Other Systems	9.3	11.5	6.9	8.8	(5.4)
237000	Public Works—Street & Highway	10.0	15.2	15.8	4.3	(57.0)
562000	Waste Mgt. & Remediation Services	22.6	18.1	31.3	8.8	(61.1)

¹⁷ CONN-OSHA used BLS data from calendar year (CY) 2006, the most recent BLS data available at the time the program developed the strategic plan.

As shown in the next table, Connecticut met or exceeded its FY 2011 Annual Performance Plan goals, as detailed in the CONN-OSHA SOAR.

STRATEGIC GOAL 1: IMPROVE WORKPLACE SAFETY AND HEALTH FOR ALL WORKERS, BY REDUCING HAZARDS, EXPOSURES, INJURIES, ILLNESSES AND FATALITIES.			
ANNUAL PERFORMANCE GOAL	OUTCOME MEASURES	RESULTS	DISCUSSION
<p>1.1a,1b: Reduce the average DART rates by 10 percent in six state and municipal operations identified by CONN-OSHA as having higher than average DART rates (compared to all other public sector operations).</p>	<p>Intermediate outcome Measure: Perform 25 percent of all inspections and consultation visits in these targeted state and municipal industries.</p> <p>Primary Outcome Measure: CONN-OSHA will effect a 10 percent reduction in the DART rate (to be evaluated at the conclusion of the five-year strategic plan).</p>	<p>GOAL ACHIEVED (for intermediate outcome measures)</p>	<p>Total inspections: 103¹⁸ Total inspections in targeted agencies: 39 Percent of inspections in targeted agencies: 38</p> <p>Total consultation visits: 103 Total consultation visits in targeted agencies: 31 Percent of consultation visits in targeted agencies: 30</p> <p>CONN-OSHA’s baseline was established by averaging the targeted groups’ DART rates for FY 2004 through FY 2006.</p> <p>The extent to which CONN-OSHA is successful in effecting a 10 percent reduction in DART rates for the targeted groups will be assessed at the conclusion of the five-year strategic plan. However, three years into the five-year strategic plan, none of the targeted industries’ DART rates appears to be exhibiting a steady decline, which is not a factor that can be attributed to the CONN-OSHA program.</p>
<p>1.1c: Goal: Investigate fatalities within one workday of notification. Each issue of the <i>CONN-OSHA Quarterly</i> will discuss fatality prevention. Strategy: Focus resources on the most hazardous industries to reduce fatalities.</p>	<p>The baseline for investigating fatalities in 0.34 days, which is based on a three-year average of lapse time from date reported to inspection.</p> <p>Number of issues of the <i>CONN-OSHA Quarterly</i> that discuss prevention.</p>	<p>GOALS ACHIEVED</p>	<p>CONN-OSHA conducted three fatality investigations.</p> <p>CONN-OSHA’s average lapse time from date reported to inspection was 0.67 days. Although CONN-OSHA exceeded the baseline average, the program met the one-day standard.</p> <p>Each issue of the <i>CONN-OSHA Quarterly</i> discussed fatality prevention.</p>

¹⁸ This total is based on CONN-OSHA’s Inspection Summary Report, and shows two more inspections completed than the Federal report run on November 8, 2011.

STRATEGIC GOAL 2: PROMOTE A SAFETY AND HEALTH CULTURE THROUGH COMPLIANCE ASSISTANCE, COOPERATIVE PROGRAMS AND STRONG LEADERSHIP			
PERFORMANCE GOAL/STRATEGY	OUTCOME MEASURES	RESULTS	DISCUSSION
<p>2.1a: Goal: Improve safety and health awareness in municipal governmental agencies.</p> <p>Strategy: Conduct a minimum of seven training programs that focus on the most hazardous municipal operations, such as: confined space entry; lockout/tagout; material handling and ergonomics; safe driving; trenching and excavation; work zones; and workplace violence.</p>	<p>Post- seminar questionnaires (100 % of training program participants will indicate a positive change in safety and health awareness in post seminar questionnaires)</p>	<p>GOAL ACHIEVED</p>	<p>CONN-OSHA planned to complete seven training programs for municipal workers on specific topics. CONN-OSHA conducted a total of 24 seminars for 253 municipal employees.</p> <p>All completed questionnaires reported that the training programs would help improve safety and health awareness.</p>
<p>2.1b: GOAL: Improve safety and health awareness in state governmental agencies.</p> <p>Strategy: Conduct a minimum of seven training programs that focus on the most hazardous municipal operations, such as: confined space entry; lockout/tagout; material handling and ergonomics; safe driving; trenching and excavation; work zones; and workplace violence.</p>	<p>Post- seminar questionnaires (100 % positive response)</p>	<p>GOAL ACHIEVED</p>	<p>CONN-OSHA planned to complete seven training programs for municipal workers on specific topics. CONN-OSHA conducted a total of 433 seminars for 393 state employees</p> <p>All completed questionnaires reported that the training programs would help improve safety and health awareness.</p>
<p>2.1c: Increase public sector awareness of workplace safety and health by providing training, outreach, and seminars based on needs and requests.</p>	<p>Post- seminar questionnaires (100 % positive response)</p>	<p>GOAL ACHIEVED</p>	<p>CONN-OSHA fulfilled all 14 requests for training from municipalities and state agencies.</p> <p>All completed questionnaires reported that the training programs would help improve safety and health awareness.</p>

STRATEGIC GOAL 2: PROMOTE A SAFETY AND HEALTH CULTURE THROUGH COMPLIANCE ASSISTANCE, COOPERATIVE PROGRAMS AND STRONG LEADERSHIP			
PERFORMANCE GOAL/STRATEGY	OUTCOME MEASURES	RESULTS	DISCUSSION
<p>2.1d: Goal: Maintain current Alliances and solicit additional Alliances that support CONN-OSHA’s strategic goals.</p> <p>Strategy: Participate in training and outreach activities with existing Alliances so that they will remain active.</p>	<p>Renew Alliances that expire in FY 2011.</p> <p>Participate in training and outreach with Alliance partners in order to improve their safety and health awareness.</p>	<p>GOAL ACHIEVED</p>	<p>CONN-OSHA did not recruit any new Alliance partners in FY2011. CONN-OSHA renewed one Alliance with Prevent Blindness tri-State. CONN-OSHA conducted 7 training programs for its Alliance partners and also participated in 5 conferences/trade shows with Alliance partners.</p>
<p>2.2a: CONN-OSHA will include workers in 100 percent of its onsite activities</p>	<p>Outcome measure: Mandated Activities Report for Consultation (MARC) (measure #3).</p>	<p>GOAL ACHIEVED</p>	<p>The FY 2011 MARC indicates that CONN-OSHA met its goal by having workers participate in 100 percent of all public sector consultation visits.</p>

STRATEGIC GOAL 3: MAXIMIZE CONN-OSHA EFFECTIVENESS AND EFFICIENCY BY STRENGTHENING ITS CAPABILITIES AND INFRASTRUCTURE			
PERFORMANCE GOAL	OUTCOME MEASURES	RESULTS	DISCUSSION
3.1a: CONN-OSHA staff members will complete at least one safety and/or health training course each year.	Outcome measure: Percentage of CONN-OSHA staff completing at least one training course.	GOAL ACHIEVED	CONN-OSHA met its goal of having 100 percent of its staff complete at least one training course.
3.1b: All CONN-OSHA staff members will have the opportunity to complete at least one professional development course/seminar per year.	Outcome measure: Percentage of staff that has completed at least one professional development course or seminar.	GOAL ACHIEVED	This goal should be revised when the new five-year strategic plan is developed. As it is currently written, this goal simply requires that CONN-OSHA provide the “opportunity” for staff members to attend professional development training. Region I prefers that CONN-OSHA revise this goal so that attainment is based on the percentage of staff members completing at least one professional development course per year.
3.2a: CONN-OSHA will maintain and revise as necessary its Local Emergency Management Plan	CONN-OSHA planned to participate as a team member; schedule training sessions; coordinate the development and implementation of plan changes with state and local agencies; and monitor development and implementation of the plan.	GOAL ACHIEVED	CONN-OSHA monitors its Emergency Operations Plan continuously. No incidents arose that required CONN-OSHA to revise its plan. CONN-OSHA staff attended local emergency planning committee monthly meetings.

Appendix A
 FY 2011 Connecticut Occupational Safety and Health Administration (CONN-OSHA) State Plan FAME Report
 Findings and Recommendations

Rec #	Findings	Recommendations	FY 10 #
11-01	Complaint and Referral Response (SAMM#1) —CONN-OSHA did not meet the five-day standard.	Meet the five-day standard for average number of days to initiate a complaint inspection (SAMM #1) by the end of FY 2012.	10-01
11-02	Average Number of Days to Initiate Complaint Investigations SAMM#2) —With an average of 9.83 days, CONN-OSHA did not meet the one-day standard for this measure.	Meet the one-day standard for average number of days to initiate complaint investigations (SAMM #2) by the end of FY 2012.	10-12
11-03	Fatality Investigation —CONN-OSHA did not adequately document incident data, such as the physical layout of the worksite, and sketches/drawings and measurements, etc., in accordance with Chapter 11 of the FOM, Section II, E. In the same case, the program did not adequately document equipment or process involved (i.e., personal protective equipment that the victim was using at the time the incident occurred).	FY 2012 fatality case files will reflect that CONN-OSHA is adhering to the requirements in Chapter 11 of the FOM for fatality investigations.	N/A
11-04	Fatality Investigation —In one case file there were no field notes.	FY 2012 fatality case files will reflect that CONN-OSHA is adhering to Chapter 5 of the FOM, Section XII, Inspection Records, which states that “All official forms and notes constituting the basic documentation of a case must be part of the case file.”	N/A
11-05	Programmed inspections —CONN-OSHA’s percentage for programmed inspections does not closely align with Federal OSHA’s percentage.	CONN-OSHA must align more closely with Federal OSHA’s percentages for programmed inspections and non-programmed inspections by the end of FY 2012.	10-11
11-06	Inspections with Violations Cited/Inspections NIC with Serious Violations —CONN-OSHA fell below Federal OSHA’s percentages for inspections with violations cited, and percentage of inspections not-in-compliance with serious violations.	CONN-OSHA must align more closely with Federal OSHA’s percentages for these two indicators by the end of FY 2012.	10-14
11-07	Percent of Programmed Inspections with S/W/R Violations (SAMM #8) —CONN-OSHA did not meet the national standard for health inspections for SAMM #8.	CONN-OSHA must meet the standard in SAMM#8 by the end of FY 2012.	N/A
11-08	Citations and Penalties —CONN-OSHA’s lapse time from inspection to citation issuance does not compare favorably to Federal OSHA’s lapse time and does not meet the standard for SAMM #7.	By the end of FY 2012, CONN-OSHA must decrease its lapse time from inspection to citation issuance to align more closely with Federal OSHA’s lapse time and to meet the standard for SAMM #7.	10-16
11-09	Citations and Penalties —CONN-OSHA’s total number of violations cited in FY 2011 was too low.	CONN-OSHA must increase the number of violations cited in FY 2012, and the number of violations cited as Serious.	N/A
11-10	Citations and Penalties — CONN-OSHA is <i>misclassifying</i> some Serious violations as Other-than-Serious. This results in CONN-OSHA having a much lower percentage of all violations classified as Serious	CONN-OSHA must correctly classify violations, so that its percentages for Serious and Other-than-Serious violations align more closely with Federal OSHA’s percentages by the end of FY	10-6

	compared to Federal OSHA.	2012. The CONN-OSHA managers and CSHOs must follow the guidelines in the FOM, Chapter 4, Violations, Section II, when classifying violations.	
11-11	Citations and Penalties —CONN-OSHA has not classified any violations as Willful (and only one as Repeat) since at least FY 2005.	CONN-OSHA must align more closely with Federal OSHA’s percentages for Willful (and Repeat) violations by the end of FY 2012. By the end of the third quarter, the CONN-OSHA manager should have a meeting with its CSHOs to explain the reasoning behind the use of Willful violations.	10-15
11-12	Standards and Federal Program Changes —CONN-OSHA was overdue in emailing responses for intention to adopt for some FPCs.	In FY 2012 and going forward, CONN-OSHA will inform Region I of its intent to adopt FPCs in a timely manner.	N/A
11-13	Discrimination Case Files —Case files were not organized in any consistent fashion.	CONN-OSHA should adopt the case file organization standards as outlined in the Federal Whistleblower Investigations Manual (Chapters 3 and 5). All investigators need to follow this format and investigators should be trained to adhere to these new standards. This will also facilitate oversight of CONN-OSHA’s program in the future.	N/A
11-14	Discrimination Case Files — The Activity Log is handwritten and mostly illegible. This is problematic because CONN-OSHA does not conduct an investigation, nor does it submit an investigative report. Therefore, the only reference to what actually occurred in the case is the Activity Log.	For all discrimination cases opened in FY 2012 and going forward, CONN-OSHA must ensure that Investigators’ notes are legible. The activity the log should be placed in a separate tab. This will aid in the organization of the case file, and make any FOIA requests more manageable.	N/A
11-15	Discrimination Case Files —Investigators do not submit an Investigative Report. Because there is no summation of what occurred during the course of the mediation and/or hearing, it is difficult for a reviewer to evaluate the process and the outcome. None of the case files included determination letters.	For all discrimination cases opened in FY 2012 and going forward, CONN-OSHA should write a Memo to File for each case to be retained in the case file, explaining the Complainant’s allegation, the Respondent’s defense, and the determination and reasoning for all settlements and/or dismissals.	N/A
11-16	Discrimination Case Files —CONN-OSHA’s classification of settled cases in IMIS is incorrect. Currently, CONN-OSHA considers cases that are settled without its participation as “settled” when in fact these cases should be classified as “settled other”. Conversely, CONN-OSHA designates cases that are settled during its mediation and/or hearing process as “settled other” when they should be classified as “settled.”	For all discrimination cases opened in FY 2012 and going forward, CONN-OSHA must adopt the same criteria for classifying settlement agreements in IMIS as Federal OSHA. Cases that are settled during the mediation and/or hearing process should be classified as “settled,” while cases that are settled between the parties without CONN-OSHA’s participation (i.e. during a grievance process, other agency process, private attorney), should be classified as “settled other.”	N/A
11-17	Discrimination Case Files —In cases that were classified as “settled other,” there is no indication that CONN-OSHA reviewed the settlement agreement using the appropriate criteria. The files do not contain any information related to review of settlement agreements.	For all discrimination cases opened in FY 2012 and going forward, CONN-OSHA should document that it has reviewed “settled other” determinations to ensure that there is nothing repugnant to the Act.	N/A
11-18	Discrimination Case Files —Settlement agreements were not	For all discrimination cases opened in FY 2012 and going forward,	N/A

	included in the case file.	settlement agreements and determination letters must be retained in the case file.	
11-19	Discrimination Case Files —The average lapse time for the three cases reviewed is 371 days, compared to the national average of 185 days for the same time period.	For all discrimination cases opened in FY 2012 and going forward, investigators should monitor pending open cases more closely to ensure that the cases are not neglected. CONN-OSHA explained that its two currently pending cases remain open at the request of the complainants, who are awaiting results of other agency investigations or the grievance processes. CONN-OSHA explained that hearings will be scheduled soon for each case.	N/A
11-20	Discrimination Case Files —CONN-OSHA’s Whistleblower Program has been without a supervisor for three years.	CONN-OSHA should include a supervisory position for its Whistleblower Protection Program. Program oversight would alleviate many of the issues raised in this review.	N/A
11-21	Voluntary Compliance —CONN-OSHA’s Alliance documentation does not comply with requirements of OSHA’s Alliance Directive of June 10, 2004, specifically Section XII, Program Requirements, D. Alliance Documentation 1 and 2.	By the end of FY 2012, CONN-OSHA must ensure that all Alliance documentation complies with OSHA’s requirements. CONN-OSHA should review Alliance files periodically to ensure compliance.	N/A
11-22	Public Sector Consultation —CONN-OSHA’s public sector consultation program did not perform adequately in terms of identifying serious hazards in FY 2011, having identified 65, or only 14 percent of the total number of serious hazards that the program identified five years ago (in FY 2007).	CONN-OSHA must increase the number of hazards identified in FY 2012.	N/A
11-23	Public Sector Consultation —For “Average Number of Days between Consultation Closing Conference and Issuance of the Written Report” CONN-OSHA did not meet the 20-day standard for health visits.	CONN-OSHA must meet the standard for health visits by the end of FY 2012.	10-10
11-24	Program Administration — The CSHO who completed one of the three PSM training courses in FY 2012 is not enrolled in the remaining two courses, and therefore will not have completed all three courses by the end of FY 2012.	CONN-OSHA must ensure that the CSHO who completed Course #3300 in FY 2012 completes the remaining two courses by no later than FY 2013.	10-18
11-25	Program Administration —CONN-OSHA’s SIEP does not focus on key enforcement issues that the Plan needs to address.	CONN-OSHA must develop a SIEP for FY 2013 that addresses key areas of concern such as violation classification, fatality investigation procedures, and exploring potential willful violations.	N/A
11-26	Annual Performance Plan —CONN-OSHA did not meet its annual goal for inspections in FY 2011, and did not meet OSHA’s expectations for ensuring safe and healthful work places for public workers in Connecticut.	In FY 2012, CONN-OSHA must meet its goal for inspections.	N/A
11-27	Annual Performance Plan —CONN-OSHA did not meet its annual goal for public sector consultation visits in FY 2011, and did not meet OSHA’s expectations for ensuring safe and healthful workplaces for public workers in Connecticut.	In FY 2012, CONN-OSHA must meet its goal for public sector consultation visits.	N/A

Appendix B
 FY 2011 Connecticut Occupational Safety and Health Administration (CONN-OSHA) State Plan FAME Report
 Status of FY 2010 Findings and Recommendations

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
10-1(09-#1)	COMPLAINT AND REFERRAL RESPONSE (SAMM#1) —CONN-OSHA MUST CONTINUE TO STRIVE TO MEET THE FIVE-DAY STANDARD FOR AVERAGE NUMBER OF DAYS TO INITIATE A COMPLAINT INSPECTION.	MEET THE FIVE-DAY STANDARD FOR SAMM #1	THE CONN-OSHA MANAGER WILL TRACK COMPLAINT AND REFERRAL RESPONSE TIMES BY RUNNING THE SAMM MONTHLY AND RUNNING IMIS COMPLAINT TRACKING REPORTS WEEKLY.	THESE CORRECTIVE ACTIONS ARE ONGOING. HOWEVER, CONN-OSHA ENDED FY 2011 WITH AN AVERAGE OF 19.04 DAYS.	Pending correction
10-2 (09-#2)	Diary sheets —Case file diary sheets do not sufficiently document important events and actions related to the case.	Ensure that all case diary sheets contain all entries and information required by the FOM, Chapter 5.	The CONN-OSHA manager will review <i>all</i> case files using the case file review checklists to ensure that diary sheets contain all required information.	This corrective action has been completed and is ongoing.	Corrected
10-3 (09-#2)	Case File Review Checklist	Implement the case file review checklist as prescribed in the plan’s FY2009 EFAME Corrective Action Plan by May 1, 2011.	CONN-OSHA will develop and implement the case file check list as prescribed in the FY2009 EFAME Corrective Action Plan.	This action has been completed and is ongoing.	Corrected
10-4 (09-#3)	Case File Organization —Some case files’ documents were not in the order established by Appendix C of ADM 03-01-005.	Ensure that case files are organized in accordance with Appendix C of ADM 03-01-005.	The CONN-OSHA manager will review all case files monthly to ensure proper organization of case file documents.	This action has been completed and is ongoing.	Corrected

<p>10-5 (09-#4)</p>	<p>SAMM#8 (Percent of Programmed Inspections with S/W/R violations)—CONN-OSHA did not meet the standard for safety during the first quarter of FY2011 (but did exceed the standard for safety in FY2010). For health, CONN-OSHA has only conducted one programmed inspection in the past several months so the program’s performance will have to be monitored in subsequent quarters in FY2011.</p>	<p>Meet the standards for SAMM#8 for both safety and health inspections. The SAMM report for the 4th quarter (FY2011) will reflect that CONN-OSHA has met the standards.</p>	<p>The CONN-OSHA manager will review all case files to ensure that violations have been properly classified.</p>	<p>This action is ongoing. However, CONN-OSHA has met the standard for safety inspections only, with a percentage of 72.41, compared to the standard of 58.5. CONN-OSHA did not conduct any health programmed inspections in FY 2011.</p>	<p>Pending correction</p>
<p>10-6 (09-#5)</p>	<p>Classifying/Grouping Violations—CONN-OSHA’s percentage for all violations classified as Serious continue to be too low (in comparison to Federal OSHA’s percentage)\ and its percentage for all violations classified as Other-than-Serious continues to be too high.</p>	<p>Align more closely with Federal OSHA’s percentages for violations classified as Serious and those violations classified as Other-than-Serious. The Inspection Summary Report for the third quarter of FY 2011 will show that CONN-OSHA’s percentages for Serious and Other-than-Serious violations are at least within a few percentage points of Federal OSHA’s percentages.</p>	<p>The CONN-OSHA manager will review all case files to ensure that violations have been properly classified.</p>	<p>This action is ongoing. However, CONN-OSHA concluded FY 2011 with the following percentages: 50% for Serious and 49.5% for Other-than-Serious.</p>	<p>Pending correction</p>
<p>10-7 (09-#11)</p>	<p>PMA Tracking Sheet – CONN-OSHA has not yet implemented the sample tracking sheet developed by Region I for ensuring that abatement information is received from the employer by the required due dates.</p>	<p>Implement use of the PMA tracking sheet by June 1, 2011.</p>	<p>CONN-OSHA will implement the use of the PMA tracking sheet provided by Region I.</p>	<p>CONN-OSHA has completed this action (although in one case file, there was no response from the employer to the program’s request for additional information regarding the PMA request).</p>	<p>Corrected</p>
<p>10-8 (09-#17)</p>	<p>Whistleblower Cases – Due to its complex regulatory</p>	<p>Explore the possibility of simplifying the state’s</p>	<p>CONN-OSHA will explore the possibility of simplifying</p>	<p>CONN-OSHA discussed this matter with the</p>	<p>Corrected</p>

	system for handling Whistleblower cases, CONN-OSHA has advised that it cannot realistically meet the 90-day deadline for completing Whistleblower cases.	procedures for handling Whistleblower complaints. CONN-OSHA should discuss its findings in regard to modifying this process during the fourth quarterly meeting with Region I.	procedures with the Region I Whistleblower Supervisor. CONN-OSHA has a statute of limitations of 180 days and all complaints are treated as if they have merit, leading to a merit rate of 81%, far exceeding the federal rate.	Region I Supervisory Investigator (RSI). The RSI found that no further action was required, since CONN-OSHA has a merit rate which far exceeds the Federal rate.	
10-9 (09-#18)	Standards/Federal Program Change Adoptions —CONN-OSHA has not implemented the FOM.	Complete a review of the FOM and submit a comparison document (which describes the changes it has made to the Federal FOM) to the Region by June 1, 2011. Once the Region approves this comparison document, CONN-OSHA may fully implement the FOM.	CONN-OSHA will adopt the FOM in its entirety with the exception of the penalty structure which is specified in its State Plan (Connecticut General Statute 31-382).	This action has been completed.	Corrected
10-10 (09-#22)	Average Number of Days between Consultation Closing Conference and Issuance of the Written Report — CONN-OSHA did not meet the 20-day standard for health visits.	Meet the 20-day standard for safety and health visits.	The CONN-OSHA manager will closely monitor the time it takes its three consultants to issue written reports, using local run IMIS reports (ACE reports).	This action is ongoing. CONN-OSHA concluded FY2011 with the one safety consultant averaging 10.33 days and the two health consultants averaging 21.02 days. Therefore, CONN-OSHA did not meet the 20-day standard for health visits.	Pending correction
10-11	Percentage of Programmed Inspections —CONN-OSHA's percentage for programmed inspections was far below Federal OSHA's percentage in FY 2010.	Align percentages for programmed (and un-programmed) inspections with Federal OSHA's percentages.	The CONN-OSHA manager will assign programmed inspections to the program's newly hired health CSHOs. These CSHOs are now trained and have adequate experience to conduct inspections independently. As a result, CONN-OSHA's percentage of programmed inspections will compare favorably to Federal OSHA's as of the end of the	The new CSHOs are conducting inspections independently. However, CONN-OSHA concluded FY 2011 with a percentage of 44 for programmed inspections, compared to Federal OSHA's percentage of 58.	Pending correction

			second quarter in FY 2012.		
10-12	Average Number of Days to Initiate Complaint Investigations (SAMM#2) —With an average of 5.50 days, CONN-OSHA did not meet the one-day standard.	Meet the one-day standard for average number of days to initiate complaint investigations (SAMM #2).	CONN-OSHA will run the complaint tracking report on a weekly basis in order to monitor and improve the time to initiate compliant investigations.	This action is ongoing. CONN-OSHA concluded FY 2011 with 9.83 days to initiate complaint investigations.	Pending correction
10-13	Site Specific Inspection Targeting —CONN-OSHA has not developed a site specific inspection targeting system in accordance with OSHA’s SST Directive 10-06 (CPL 02).	Develop its own site specific inspection targeting system and provide documentation to the Region showing that it is as least effective as the Federal program by June 1, 2011.	CONN-OSHA will survey establishments, determine high industry rates, establish a threshold DART rate, and establish an inspection list placing those entities within the top 25% on the inspection list.	CONN-OSHA has developed an SST system that has been determined by Region I to be at least as effective as the Federal SST.	Corrected
10-14	Percentage of Inspections with Violations Cited/Percentage of Inspections Not In-Compliance with Serious Violations —CONN-OSHA is not in line with Federal OSHA’s percentages for inspections with violations cited and inspections not in-compliance with Serious violations cited.	Align percentages more closely with Federal OSHA for these two indicators by citing more Serious violations per inspection.	The CONN-OSHA manager will review all open case files to ensure that CSHOs have not overlooked citing violations, and to ensure that violations are properly classified.	This action is ongoing. However, CONN-OSHA concluded FY 2011 with 48% of its inspections having violations cited with violations compared to 71% for Federal OSHA. CONN-OSHA’s percentage for Not-in-Compliance violations with Serious violations was 73, compared to Federal OSHA’s percentage of 86.	Pending correction
10-15	Willful Violations —CONN-OSHA has not classified any violations as Willful since at least FY 2005. FY 2010 was the first time since at least FY 2005 that the plan classified a violation as Repeat.	As of the end of FY2011, CONN-OSHA’s percentages for Serious, Willful, Repeat and S/W/R violations should be comparable to Federal OSHA’s percentages.	The CONN-OSHA manager will review all open case files to ensure that compliance staff follow the FOM when classifying and issuing citations.	This action is ongoing. However, CONN-OSHA concluded FY2011 without issuing any Willful violations and only one repeat violation.	Pending correction
10-16	Average Number of Lapse Days from Opening Conference to Citation	Meet the standards for SAMM #7.	The CONN-OSHA manager is meeting regularly with compliance staff to reduce the	This action is ongoing. CONN-OSHA concluded FY2011 with very poor	Pending correction

	Issue (SAMM#7) —CONN-OSHA did not meet the standard for the average number of calendar days from the opening conference to citation issue.		number of days. The citations pending report will be run and monitored closely each week	results for SAMM #7 (119 days for safety inspections compared to the national data standard of 52 days. For health, CONN-OSHA performed better than the 65 day standard, with a percentage of 49 days).	
10-17	Adoption of the Severe Violator Enforcement Program —CONN-OSHA has failed to adopt the SVEP FPC within six months of issuance.	Adopt the SVEP by June 1, 2011.	CONN-OSHA will adopt accordingly.	CONN-OSHA adopted a state plan policy on severe violators on July 1, 2011.	Corrected
10-18	PSM Training —CONN-OSHA has no staff who have completed the three courses at the OSHA Training Institute on PSM (Course #3300—Safety and Health in Chemical Processing Industries; Course #3400—Hazard Analysis in the Chemical Processing Industries; and Course #3410—Advanced Process Safety Management).	Ensure that at least one CSHO completes all of the three PSM training courses by the end of FY2012. (B) Determine which facilities on the EPA RMP list are actually operated by municipalities (and therefore are subject to CONN-OSHA’s jurisdiction), and which facilities contract with private firms to operate their plants. (C) Investigate further to determine if there are any other state or municipal facilities (aside from those that appear on this particular list) that may be covered under OSHA’s PSM standard. The latter two recommendations should be completed by the end of the 4 th quarter (FY2011). The CONN-OSHA manager has coordinated with the State of Connecticut Department of Energy and Environmental Protection (DEP) to determine	CONN-OSHA will continue to work toward completion of the process safety management courses for its compliance staff by September 30, 2012. By March 31, 2012, CONN-OSHA will determine which facilities on the EPA RMP list are operated by municipalities and which facilities contract with private firms to operate their plants. By March 31, 2011, CONN-OSHA will have concluded its investigation to determine if any other state or municipal facilities are covered under OSHA’s PSM standard.	One CSHO has completed the Safety and Health in the Chemical Processing Industries course (OTI Course #3300), but is not scheduled to completed the remaining two courses until after FY 2012. All other actions have been completed.	Pending correction

		which public sector entities are subject to the requirements of the PSM standard.			
--	--	---	--	--	--

**Appendix C
Connecticut Public Sector Only State Plan
FY 2011 Enforcement Activity**

	CT*	State Plan Total	Federal OSHA
Total Inspections	101	52,056	36,109
Safety	61	40,681	29,671
% Safety	60%	78%	82%
Health	40	11,375	6,438
% Health	40%	22%	18%
Construction	5	20,674	20,111
% Construction	5%	40%	56%
Public Sector	101	7,682	N/A
% Public Sector	100%	15%	N/A
Programmed	44	29,985	20,908
% Programmed	44%	58%	58%
Complaint	42	8,876	7,523
% Complaint	42%	17%	21%
Accident	2	2,932	762
Insp w/ Viols Cited	48	31,181	25,796
% Insp w/ Viols Cited (NIC)	48%	60%	71%
% NIC w/ Serious Violations	72.9%	63.7%	85.9%
Total Violations	194	113,579	82,098
Serious	97	50,036	59,856
% Serious	50%	44%	73%
Willful	-	295	585
Repeat	1	2,014	3,061
Serious/Willful/Repeat	98	52,345	63,502
% S/W/R	51%	46%	77%
Failure to Abate	-	333	268
Other than Serious	96	60,896	18,326
% Other	49%	54%	22%
Avg # Violations/ Initial Inspection	4	3.4	2.9
Total Penalties	\$24,115	\$ 75,271,600	\$ 181,829,999
Avg Current Penalty / Serious Violation	\$234.80	\$ 963.40	\$ 2,132.60
% Penalty Reduced	42.0%	46.6%	43.6%
% Insp w/ Contested Viols	0.0%	14.8%	10.7%
Avg Case Hrs/Insp- Safety	4.0	17.1	19.8
Avg Case Hrs/Insp- Health	16.0	26.8	33.1
Lapse Days Insp to Citation Issued- Safety	86.2	35.6	43.2
Lapse Days Insp to Citation Issued- Health	35	43.6	54.8
Open, Non-Contested Cases w/ Incomplete Abatement >60 days	1	1,387	2,436

*Note: Federal OSHA does not include OIS data.
The total number of inspections for Federal OSHA is 40,684.*

Source: DOL-OSHA. State Plan & Federal INSP & ENFC Reports, 11.8.2011.

Appendix D FY 2011 State Activity Mandated Measures Report

U. S. DEPARTMENT OF LABOR
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
STATE ACTIVITY MANDATED MEASURES (SAMMs)

NOV 08, 2011
PAGE 1 OF 2

State: CONNECTICUT

RID: 0150900

MEASURE	From: 10/01/2010 To: 09/30/2011	CURRENT FY-TO-DATE	REFERENCE/STANDARD
1. Average number of days to initiate Complaint Inspections	781 19.04 41	34 17.00 2	Negotiated fixed number for each State
2. Average number of days to initiate Complaint Investigations	59 9.83 6	0 0 0	Negotiated fixed number for each State
3. Percent of Complaints where Complainants were notified on time	40 100.00 40	3 100.00 3	100%
4. Percent of Complaints and Referrals responded to within 1 day -ImmDanger	1 100.00 1	0 0 0	100%
5. Number of Denials where entry not obtained	0	0	0
6. Percent of S/W/R Violations verified			
Private	0 0	0 0	100%
Public	125 100.00 125	6 100.00 6	100%
7. Average number of calendar days from Opening Conference to Citation Issue			
Safety	4533 119.28 38	585 146.25 4	2631708 51.9 50662 National Data (1 year)

FY 2011 CONN-OSHA FAME

OSHA REGION I

Health		440		699		767959	
		48.88		139.80		64.8	National Data (1 year)
		9		5		11844	

*CT FY11

**PRELIMINARY DATA SUBJECT TO ANALYSIS AND REVISION

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

NOV 08, 2011
 PAGE 2 OF 2

State: CONNECTICUT

RID: 0150900

MEASURE	From: 10/01/2010		CURRENT		REFERENCE/STANDARD
	To: 09/30/2011		FY-TO-DATE		
8. Percent of Programmed Inspections with S/W/R Violations					
	21		4	90405	
Safety	72.41		100.00	58.5	National Data (3 years)
	29		4	154606	
	0		3	10916	
Health		75.00		51.7	National Data (3 years)
	0		4	21098	
9. Average Violations per Inspection with Vioations					
	98		17	419386	
S/W/R	2.08		1.88	2.1	National Data (3 years)
	47		9	198933	
	96		24	236745	
Other	2.04		2.66	1.2	National Data (3 years)
	47		9	198933	
10. Average Initial Penalty per Serious Violation (Private Sector Only)					
	0		0	611105829	
				1679.6	National Data (3 years)
	0		0	363838	
11. Percent of Total Inspections in Public Sector					
	101		3	374	
	100.00		100.00	100.0	Data for this State (3 years)
	101		3	374	
12. Average lapse time from receipt of Contest to first level decision					
	0		0	3533348	
				199.7	National Data (3 years)
	0		0	17693	
13. Percent of 11c Investigations Completed within 90 days					
	0		0	100%	
	0		0		
14. Percent of 11c Complaints that are Meritorious					
	0		0	1517	
				23.0	National Data (3 years)
	0		0	6591	
15. Percent of Meritorious 11c					
	0		0	1327	

FY 2011 CONN-OSHA FAME

OSHA REGION I

Complaints that are Settled

|
| 0 | |
| 0 | |

87.5
1517

National Data (3 years)

*CT FY11

**PRELIMINARY DATA SUBJECT TO ANALYSIS AND REVISION

MEASURE NUMBER: 15

MEASURE 15

PAGE 1

REPORT-ID ACT-NR DISP-DATE DISP-CODE DISP-LEVEL
0000000 000000000 00000000

*****TOTAL ***** 1

\$\$EOF SPXREC

KEEP THIS PAGE WITH THIS REPORT.
 IT CONTAINS IMPORTANT INFORMATION ABOUT
 THE WAY CASES WERE SELECTED

TYPE OF REPORT: CONSULTATION
 USER SELECTION NAME: 23G FY11
 REQUESTOR: OSH726
 ***** SELECTION CRITERIA *****
 REPORT LEVEL/ORDER: REGION (BY STATE)
 OPEN CONF. DATE FROM 10/01/10 TO 09/30/11
 OWNERSHIP: PUBLIC 23(g)

10SHA REPORT CNSLT2
 1 OCT 10 - 30 SEP 11

U. S. D E P A R T M E N T O F L A B O R
 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
 CONSULTATION REPORT

11/29/11
 PAGE 1

REGION 1

PUBLIC 23(G)	STATE CT	STATE NH	STATE VT	REGION TOTAL	NATIONAL TOTAL
REQUESTS					
SAFETY	38	1	10	49	733
HEALTH	61	0	7	68	569
BOTH	0	0	11	11	192
WITHDRAWN					
SAFETY	0	0	0	0	32
HEALTH	0	0	0	0	38
BACKLOG					
SAFETY	2	0	1	3	51
HEALTH	6	0	2	8	55
BOTH	0	0	0	0	13
VISITS					
FULL SERVICE					
SAFETY	2	0	8	10	507
HEALTH	0	0	0	0	222
BOTH	0	0	11	11	45
LIMITED SERVICE					
SAFETY	28	0	3	31	236
HEALTH	54	0	6	60	341
BOTH	0	0	0	0	1
INITIAL	84	0	28	112	1352
TRAINING & ASSISTANCE	9	1	12	22	177
FOLLOW-UP	9	0	3	12	121
PROGRAM ASSISTANCE - SAFETY					
COMPREHENSIVE	1	0	4	5	171
SPECIFIC	33	0	22	55	383

FY 2011 CONN-OSHA FAME

OSHA REGION I

PROGRAM ASSISTANCE - HEALTH					
COMPREHENSIVE	56	0	16	72	425
SPECIFIC	0	0	0	0	0
CLOSED VISITS					
CONSTRUCTION	10	0	0	10	162
MANUFACTURING	0	0	0	0	2
AGRICULTURE	0	0	0	0	5
WHOLESALE & RETAIL	0	0	0	0	3
SERVICES	36	0	11	47	371
OTHER	51	1	30	82	1071

(23G FY11) PRELIMINARY REPORT - SUBJECT TO ANALYSIS AND REVISION
 1 OSHA REPORT CNSLT2 U. S. D E P A R T M E N T O F L A B O R 11/29/11
 1 OCT 10 - 30 SEP 11 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION PAGE 2
 CONSULTATION REPORT

REGION 1

PUBLIC 23(G)	STATE CT	STATE NH	STATE VT	REGION TOTAL	NATIONAL TOTAL
WITHOUT HAZARDS					
SAFETY	17	0	7	24	173
HEALTH	30	0	2	32	284
BOTH	0	0	0	0	6
W/CORRECTION ASSISTANCE CITED	1	0	0	1	62
W/CORRECTION ASSISTANCE NOT C	0	0	0	0	16
% INITIAL VISITS W/PROG. ASSI	100.0	0.0	75.0	93.8	63.9
% OF INITIAL VISITS W/COMPANY EMPLOYEE PARTICIPATION	100.0	0.0	100.0	100.0	100.0
EMPLOYEES TRAINED					
INITIAL	183	0	69	252	2168
TRAINING & ASSISTANCE	383	10	267	660	2936
EMPLOYEES					
EMPLOYED IN ESTABLISHMENT	14128	10	1315	15453	146692
COVERED BY CONSULTATION	4838	10	1083	5931	90013
CONTROLLED BY EMPLOYER	54625	10	3786	58421	497319
HAZARDS					
IMMINENT DANGER	0	0	0	0	3
SERIOUS	175	0	188	363	4826
OTHER THAN SERIOUS	1	0	14	15	1173
REGULATORY	6	0	0	6	85
REFERRALS TO ENFORCEMENT	0	0	0	0	6
WORKERS REMOVED FROM RISK					
IMMINENT DANGER	0	0	0	0	55

FY 2011 CONN-OSHA FAME

SERIOUS	5699	0	2281
OTHER THAN SERIOUS	1	0	176
REGULATORY	234	0	0

OSHA REGION I

7980	137098
177	26050
234	80

APPENDIX E

FY 2011 State OSHA Annual Report (SOAR)
(Available Separately)

Appendix F
FY 2011 23(g) Consultation Data

1

DOL-OSHA-OMDS
(RSCCOVER)

U. S. D E P A R T M E N T O F L A B O R
OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
CONSULTATION REPORT
KEEP THIS PAGE WITH THIS REPORT.
IT CONTAINS IMPORTANT INFORMATION ABOUT
THE WAY CASES WERE SELECTED

11/29/11

TYPE OF REPORT: CONSULTATION
USER SELECTION NAME: 23G FY11
REQUESTOR: OSH726
***** SELECTION CRITERIA *****
REPORT LEVEL/ORDER: REGION (BY STATE)
OPEN CONF. DATE FROM 10/01/10 TO 09/30/11
OWNERSHIP: PUBLIC 23(g)

1 OSHA REPORT CNSLT2
1 OCT 10 - 30 SEP 11

U. S. D E P A R T M E N T O F L A B O R
O C C U P A T I O N A L S A F E T Y A N D H E A L T H A D M I N I S T R A T I O N
C O N S U L T A T I O N R E P O R T

11/29/11
PAGE 1

REGION 1

PUBLIC 23(G)	STATE CT	STATE NH	STATE VT	REGION TOTAL	NATIONAL TOTAL
REQUESTS					
SAFETY	38	1	10	49	733
HEALTH	61	0	7	68	569
BOTH	0	0	11	11	192
WITHDRAWN					
SAFETY	0	0	0	0	32
HEALTH	0	0	0	0	38
BACKLOG					
SAFETY	2	0	1	3	51
HEALTH	6	0	2	8	55
BOTH	0	0	0	0	13
VISITS					
FULL SERVICE					
SAFETY	2	0	8	10	507
HEALTH	0	0	0	0	222
BOTH	0	0	11	11	45
LIMITED SERVICE					
SAFETY	28	0	3	31	236
HEALTH	54	0	6	60	341
BOTH	0	0	0	0	1
INITIAL TRAINING & ASSISTANCE	84	0	28	112	1352
FOLLOW-UP	9	1	12	22	177
PROGRAM ASSISTANCE - SAFETY					
COMPREHENSIVE	1	0	4	5	171
SPECIFIC	33	0	22	55	383
PROGRAM ASSISTANCE - HEALTH					
COMPREHENSIVE	56	0	16	72	425
SPECIFIC	0	0	0	0	0
CLOSED VISITS					
CONSTRUCTION	10	0	0	10	162
MANUFACTURING	0	0	0	0	2
AGRICULTURE	0	0	0	0	5
WHOLESALE & RETAIL	0	0	0	0	3

SERVICES	36	0	11	47	371
OTHER	51	1	30	82	1071

(23G FY11)
 LOSHA REPORT CNSLT2
 1 OCT 10 - 30 SEP 11

PRELIMINARY REPORT - SUBJECT TO ANALYSIS AND REVISION
 U. S. D E P A R T M E N T O F L A B O R
 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
 CONSULTATION REPORT

11/29/11
 PAGE 2

REGION 1

PUBLIC 23(G)	STATE CT	STATE NH	STATE VT	REGION TOTAL	NATIONAL TOTAL
	-----	-----	-----	-----	-----
WITHOUT HAZARDS					
SAFETY	17	0	7	24	173
HEALTH	30	0	2	32	284
BOTH	0	0	0	0	6
W/CORRECTION ASSISTANCE CITED	1	0	0	1	62
W/CORRECTION ASSISTANCE NOT C	0	0	0	0	16
% INITIAL VISITS W/PROG. ASSI	100.0	0.0	75.0	93.8	63.9
% OF INITIAL VISITS W/COMPANY EMPLOYEE PARTICIPATION	100.0	0.0	100.0	100.0	100.0
EMPLOYEES TRAINED					
INITIAL	183	0	69	252	2168
TRAINING & ASSISTANCE	383	10	267	660	2936
EMPLOYEES					
EMPLOYED IN ESTABLISHMENT	14128	10	1315	15453	146692
COVERED BY CONSULTATION	4838	10	1083	5931	90013
CONTROLLED BY EMPLOYER	54625	10	3786	58421	497319
HAZARDS					
IMMINENT DANGER	0	0	0	0	3
SERIOUS	175	0	188	363	4826
OTHER THAN SERIOUS	1	0	14	15	1173
REGULATORY	6	0	0	6	85
REFERRALS TO ENFORCEMENT	0	0	0	0	6
WORKERS REMOVED FROM RISK					
IMMINENT DANGER	0	0	0	0	55
SERIOUS	5699	0	2281	7980	137098
OTHER THAN SERIOUS	1	0	176	177	26050
REGULATORY	234	0	0	234	80