



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
MARTHA B. YODER
DIRECTOR

STEVEN H. HILFINGER
DIRECTOR

August 31, 2012

Mr. Nick A. Walters, Regional Administrator
Region V
Occupational Safety and Health Administration
United States Department of Labor
230 South Dearborn Street, Room 3244
Chicago, Illinois 60604

Subject: MIOSHA's Statement in Response to Final FY 2011 Federal Annual Monitoring and Evaluation (FAME) Report - October 1, 2010 to September 30, 2011

Dear Mr. Walters:

Thank you for the opportunity to participate in the OSHA FAME evaluation of the Michigan Safety and Health Administration (MIOSHA) state plan program. MIOSHA strives to be a continuous improvement organization and values constructive input and feedback.

This letter provides MIOSHA's statement in response to the Fiscal Year 2011 FAME report. We request this letter be posted with the SOAR report on the OSHA webpage.

MIOSHA Program Effectiveness

We believe the Michigan program for occupational safety and health continues to be highly effective in protecting Michigan workers from on-the-job injuries, illnesses and exposures as evidenced by:

- Michigan's ongoing downward trend in both overall injury and illness rates and workplace fatalities.
- For the most recent five years of data, Michigan's decreases in injury and illness have followed the downward trend seen in national averages. Michigan's fatality rates have been lower than the national averages in two of the last three years.
- Ranking as fourth best of all 50 states in ability to inspect high hazard workplaces indicating adequate compliance staffing levels. (AFL-CIO Report, Death on the Job The Toll of Neglect, April 2011)
- Partnerships with data that demonstrate effectiveness in significantly reducing injuries and illnesses for these projects.
- Ability to consistently meet or exceed most of the State Activity Mandated Measures (SAMMs).

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- Implementation of special enforcement and outreach initiatives to address emerging trends or special needs.
- Four-year recipient of the Alfred P. Sloan Award for Workplace Flexibility recognizing MIOSHA as a great place to work.

MIOSHA Strategic Plan and Initiatives

Michigan operates under five-year strategic plans to guide program activities and resource allocation. The MIOSHA strategic plan focuses on three strategic goals that are consistent with those of federal OSHA. Fiscal Year 2011 was the third year of MIOSHA's third strategic plan. MIOSHA implemented a number of new or revised strategies to strengthen the program's effectiveness in protecting Michigan workers including:

- New good faith penalty reductions aimed at more closely assessing an employer's efforts to comply with MIOSHA rules and requirements.
- An aggressive approach for targeting 13 general industries and construction for prioritized outreach and enforcement activity.
- A new safety and health management system evaluation for use in programmed inspections.
- A new safety and health management system evaluation customized for the construction industry.
- An updated customer comment card to obtain ongoing feedback.
- MIOSHA Training Institute courses on specific MIOSHA standards and advanced management track courses for employers and employees in Michigan.
- A "Tough Economic Times" initiative to remind employers of their ongoing obligations to provide workplace safety and health protections and offer assistance to ease economic hardships.
- A "Safety Pays" initiative to remind and discuss with employers the economic value of good safety and health programs.
- Enhanced communications through implementing new strategies such as Facebook, Twitter and creating a monthly eNews letter.

Plans are currently underway to develop a new strategic plan covering Fiscal Years 2014 to 2018. Stakeholder input is being expanded to include a series of three stakeholder focus groups prior to the start of plan development. The purpose of the focus groups is to learn stakeholder suggestions for how MIOSHA can improve program effectiveness by having the greatest impact in reducing workplace injuries, illnesses, exposures, and fatalities.

Relationship with Federal OSHA

MIOSHA has established and continues to maintain a positive and transparent relationship with OSHA. The Lansing Area OSHA Office and Region V are included in the distribution of MIOSHA policy documents, publications, and newsletters and are invited to participate in staff training, meetings, and conferences.

Comments on Specific FAME Findings

Violation Classification and Penalties: Both the Construction Safety and Health Division and the General Industry Safety and Health Division have incorporated training into regional and district meetings to address proper classification of violations. Managers and supervisors have

worked together to ensure uniformity in applying penalty calculations. These are both ongoing activities to help ensure that guidance provided by the Field Operations Manual is consistently applied. In addition, MIOSHA has arranged for training by federal OSHA for MIOSHA's management and appeals staffs on proper hazard classification.

Diary Sheet: MIOSHA piloted the use of diary sheets and will implement their use in both the Construction Safety and Health Division and the General Industry Safety and Health Division.

Discrepancies

There are several discrepancies in the FAME report that we would like to bring to your attention. The executive summary and appendix A switched findings #11-07 and #11-08 from what is listed in the body of the report. The executive summary also discusses finding #11-09 which should be #11-10. The biggest discrepancy is that the language found for all of the findings in the body of the report does not match the language found in appendix A. The language found in the body of the report is reflective of the discussions with the OSHA Lansing Area Director. Appendix A should be modified to reflect the findings language in the body of the report. Per direction from the OSHA Lansing Area Director, the Corrective Action Plan (CAP) MIOSHA has prepared, uses the language from the body of the FAME report not the language in appendix A.

Conclusions

MIOSHA appreciated working with the evaluation team. The team was courteous in working with our staff. Please know that MIOSHA's commitment to providing a comprehensive and effective program remains firm. MIOSHA has established firm and fair enforcement, effective consultation, education and training, adoption of relevant fact-based standards, and meaningful cooperative agreements with individual employers, employees, and employer organizations. We continue to believe this comprehensive approach is the most effective way to increase safety and health awareness, gain compliance, and ultimately keep Michigan's working men and women safe on the job.

Thank you for this opportunity to submit a statement in response to the FY 2011 FAME Report. If you have questions or would like additional information, please contact me at (517) 322-1817.

Sincerely,



Martha B. Yoder
Director

cc: Rob Nederhood, Deputy Director, LARA
Robert Bonack, Director, Lansing Area Office, OSHA
Barton G. Pickelman, Deputy Director, MIOSHA