

**FEDERAL ANNUAL MONITORING
EVALUATION (FAME) FOLLOW-UP REPORT**

FOR THE

SOUTH CAROLINA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

DESIGNATED STATE AGENCY:

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING, AND REGULATION
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH**

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OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

REGION IV, ATLANTA

**South Carolina Department of Labor, Licensing & Regulation
Office of Occupational Safety and Health
FY 2011 FAME Report**

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**South Carolina Department of Labor, Licensing & Regulation
Office of Occupational Safety and Health
FY 2011 FAME Report**

I. Executive Summary

A. Summary of the Report

The fiscal year (FY) 2011 South Carolina FAME is a comprehensive report focused on the State's overall enforcement, administration and compliance assistance programs, as well as the State's progress in achieving the recommendations resulting from the earlier Enhance FAME (EFAME) reports. This report is also based on the results of quarterly onsite monitoring visits, the State Office Annual Report (SOAR) for FY 2011, the State Activity Mandated Measures (SAMM) Report, as well as the State Indicator Report (SIR) ending September 30, 2011

This report indicates that South Carolina has not resolved three findings and recommendations, which were also identified in the previous EFAME and Follow-up reports. Additionally the State permitted three findings to reoccur, which were previously identified as corrected in the FY 2010 Follow-up Report. This FAME Report contains seven new findings and recommendations. The complete list of recommendations contained in this report include the following: timely processing of complaints; forwarding final next-of-kin (NOK) letters to families; proper coding of inspections; consistent evaluation of employer safety and health programs; properly documenting case files; properly classifying violations; properly documenting hazard abatement; properly document changes to citations; timely notification of standards adoption; reinstatement of the State 11(c) program; establishment of a record retention plan for the Palmetto Star Program; establish an internal self-evaluation system; and completion of a comprehensive SOAR. Finally, during this process an attempt was made to contact all of the stakeholders previously interviewed during the FY 2009 EFAME. This group included representatives from industry groups, labor unions and professional organizations. Unfortunately many stakeholders were unavailable; however, those contacted expressed continued support for the South Carolina Occupational Safety and Health (SC OSHA) Program.

B. State Plan Introduction

The South Carolina Occupational Safety and Health Plan was one of the first programs approved by the U. S. Department of Labor in accordance with the guidelines of the Occupational Safety and Health Act of 1970. This was accomplished on November 30, 1972, and final approval was granted in 1987. In 1994, the South Carolina Department of Labor was eliminated as part of the reorganization of State government and the Department of Labor, Licensing, and Regulation (LLR) was created. During this review period, Ms. Catherine Templeton served as the Director of LLR, the official designated to administer the State Program. Ms. Templeton has prior experience with the agency, having served as an advisor to the department on labor issues for three years, during a

previous administration. She is also an attorney and her legal experience was focused on labor and employment law. LLR is divided into three divisions: Labor; Fire and Life Safety; and Professional and Occupational Licensing. The Office of OSHA within the Division of Labor is responsible for management and operation of the State plan. Ms. Dottie Ison remains in the position as Administrator for the SC OSHA program.

Since a reorganization of SC OSHA in 2006, the OSHA Administrator has been over the Office of Voluntary Programs (OVP), as well as: Training; Safety and Health Compliance; Technical Support and Standards; Integrated Management Information System (IMIS); and the SC Bureau of Labor Statistics. South Carolina's Office of Technical Support and Standards provides information and assistance to the public to assist them in complying with their standards. That office also supports the compliance program with enforcement by providing guidance for internal and external use. In addition, the office reviews new federal OSHA standards and directives to determine whether they should be adopted by South Carolina. An Informal Conference Hearing Officer reports directly to the OSHA Administrator. In South Carolina, public sector agencies and employees are afforded the same rights, responsibilities, and coverage as the private sector, except for cases of discrimination, and these activities are handled by the same staff as for the private sector. Private sector onsite consultative services are provided through a 21(d) Grant administered by the OVP.

A Compliance Manager supervises the Offices of Safety and Health Compliance, as well as the individuals responsible for complaint processing and inspection assignments. SC OSHA categorizes inspectors as safety-construction, safety-general industry, and health, and has one supervisor over each of the three teams of inspectors. South Carolina's inspectors all work out of their homes and routinely come in to the office on Mondays and Fridays to receive assignments, turn in reports, meet with supervisors, and conduct research. The three compliance supervisors also work out of their homes, with one of them being on duty in the office each week. Assignments to inspectors are centralized, with one individual in the office making all inspection assignments, with input from the supervisors and inspectors if needed. Since 1986, South Carolina has maintained a benchmark of 17 safety and 12 health compliance officer positions.

C. Data & Methodology

This report was prepared under the direction of Cindy A. Coe, Regional Administrator, Region IV, Atlanta, Georgia, and covers the period of October 1, 2010 through September 30, 2011. The SC OSHA Program is administered by the South Carolina LLR, Office of Occupational Safety and Health.

This report on the operation and performance of SCOSHA was compiled using information gained from the State's SOAR for FY 2011, IMIS reports, and the SAMM and SIR reports for FY 2011. On-site monitoring for this evaluation included case file reviews, formal interviews with SC OSHA staff, and interviews with stakeholders. Information obtained during routine monitoring of the South Carolina program by Federal OSHA's Regional and Columbia Area Offices was also used as a basis for this

evaluation. A total of 146 files were reviewed. This included 107 inspection case files, 11 complaint investigation (non-formal) files, 13 accidents, and 15 closed fatality investigations for FY 2011.

Findings and Recommendations

This FAME Report contains ten new findings and recommendations, two findings/recommendations from the FY 2009 EFAME which are still unresolved and were additionally identified in the FY 2010 FAME follow-up report, and three findings/recommendations that were previously closed in the FY 2010 report, which have reoccurred in FY 2011. The specific recommendations are as follows:

Finding 11-01: The complaint tracking mechanism in the State's database used to record dates and actions taken during complaint investigations is not being utilized.

Recommendation 11-01: SC OSHA should ensure that non-formal complaints are processed timely and effectively by requiring the appropriate fields to be updated in the database. CSHOs should be provided refresher training and supervisors should ensure that case files are reviewed more carefully.

Finding 11-02: Responses to non-formal complaints do not provide sufficient documentation and the State is not following up to get the information.

Recommendation 11-02: SC OSHA should ensure that non-formal complaint responses adequately address the complaint and sufficient documentation is received. Procedures should be implemented for contacting employers who do not respond within the prescribed timeframe. CSHOs should be provided refresher training and supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

Finding 11-03: Several of the fatality case files reviewed did not provide evidence that the initial and final NOK letters are sent to the families.

Recommendation 11-03: SC OSHA should develop and implement a tracking system to ensure that all communications with the NOK are completed. The information to be tracked includes but is not limited to: written correspondence at the beginning and end of an investigation; a letter informing the NOK of the fatality investigation results; and a letter informing NOK of any changes to the citation, as the result of an informal conference, Formal Settlement Agreement, or litigation as well as hearing dates and other pertinent information. CSHOs and Supervisors should be provided refresher training and supervisors should ensure that case files are reviewed more carefully and ensure that signed copies are included in the case file and date sent documented on the diary sheet.

Finding 11-04: Over twenty-seven (27) percent of fatality investigation files reviewed did not contain adequate supporting documentation and several violations were either not addressed at all or minimally.

Recommendation 11-04: SC OSHA should develop guidance for and provide CSHOs with additional training regarding obtaining information that thoroughly supports the violations and that all violations are addressed in the file. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

Finding 11-05: The worksheet used to evaluate an employer's safety and health program contained little or no documentation to justify a rating of effective, deficient or ineffective and in many cases still lead to an employer receiving the 15% good faith penalty reduction.

Recommendation 11-05: SC OSHA should develop guidance for and provide CSHOs with additional training to maintain consistency when evaluating an employer's Safety and Health program, applying the 15% good faith penalty reduction, and supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

Finding 11-06 (formerly finding 9-02): Case file documentation consists of checklists and/or fill in the blank forms that provide little or no narrative description of the hazardous condition. Employees not always interviewed; documentation inadequate or missing; sampling forms lacked information on operations being sampled.

Recommendation 11-06 (formerly 9-02): SC OSHA should provide additional training to CSHOs and implement procedures to ensure that each violation is documented adequately for employer knowledge, employee exposure, health sampling factors, and description of the hazardous condition. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

Finding 11-07: The State only provides sampling results verbally to the employer and it is the employer's burden to request written documentation through FOIA. Employees are also not informed of their sampling results, even if overexposures were found, by SC OSHA.

Recommendation 11-07: SC OSHA should develop and implement procedures to ensure employers receive a copy of the air sampling results performed by the State immediately after sampling results are received. Summaries of the results should be provided on request to the appropriate employees, including those exposed or likely to be exposed to a hazard, employer representatives and employee representatives. CSHOs should be provided training and supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

Finding 11-08 (formerly finding 09-03): Violations are often misclassified as low severity rather than medium or high severity. Violations are also incorrectly rated as low probability rather than greater probability.

Recommendation 11-08 (formerly 09-03): SC OSHA should provide additional training to CSHOs to ensure each violation is classified accurately for severity and probability. Guidelines for rating the severity of the injury or illness being prevented should be reviewed and revised as needed to assure that they are consistent with the definitions of high, medium, and low severity in SC OSHA's procedures. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

Finding 11-09 (formerly finding 9-05): Acceptable abatement documentation is not consistent. Some files had documentation (programs, invoices, etc), while other files only included a certification sheet. There is no follow-up on abatement documentation that states the item(s) will be completed at a future.

Recommendation 11-09 (formerly 9-05): SC OSHA should conduct additional training for supervisors and implement management controls to assure that adequate abatement certification or documentation is received for each violation, and that the abatement information is maintained in the case file. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

Finding 11-10: Not all cases files provided documentation of the rationale to support or explain the reason changes were made to the violations and penalties during informal conferences. Additionally, no follow-up documentation was provided to SC OSHA following the 50% EPO reduction in some case files.

Recommendation 11-10: SC OSHA should ensure that informal conference notes documenting changes made to the citations and/or penalties are legible, organized and include the justification in the case file and documentation is received following the EPO.

Finding 11-11 (formerly 10-1, 9-06): Although the State typically adopts federal program changes and standards within 6-months, this information is not consistently shared with Federal OSHA in a timely manner.

Recommendation 11-11 (formerly 10-1, 9-06): SC OSHA should develop and implement procedure to ensure that Federal OSHA is notified of the adoption of all federal standards and directives, as well as State-initiated standards, in a timely manner. This process should also include appropriate legislative actions such as the recent State law, which eliminated the State authority to investigate discrimination complaints.

Finding 11-12: Following legislation on June 14, 2011, Section 41-15-520 of the 1976 Code of Laws, relating to remedies for employees charging discrimination, was modified to provide a referral to the USDOL. This action replaced Section 3.07-2 and revoked Section 3.07-3 of the SC OSHA State Plan.

Recommendation 11-12: South Carolina must take action to reinstate the State's 11(c) authority to ensure its program maintains an "as least as effective" (ALAE) status of operation.

Finding 11-13: A clear definition of what documents should be maintained for the State's official Palmetto Star file is not evident. Files were not consistent as to what files they contained and for how long they should be retained.

Recommendation 11-13: SC OSHA should develop and implement criteria for public files that there is a clear understanding of what documents should be maintained for disclosure to the public, if requested. The internal self-evaluation program should include the Palmetto Star program in audits to ensure policies and procedures are followed.

Finding 11-14 (Formerly 10-3, 9-10): South Carolina OSHA does not have an internal evaluation program as required by the State Plan Policies and Procedures Manual.

Recommendation 11-14 (Formerly 10-3, 9-10): South Carolina must develop and implement a written formal program for conducting periodic internal self-evaluations of all SC OSHA programs. The procedures should assure that internal self-evaluations possess integrity and independence. Reports resulting from internal self-evaluations will be made available to federal OSHA.

Finding 11-15: The current FY 2011 SOAR merely provides a narrative overview of the State's activities and does not fully address the Strategic Performance Plan.

Recommendation 11-15: SC OSHA should implement a procedure to ensure future SOAR reports effectively address the following areas: summarize of the annual performance plan; track strategic plan accomplishments; address special accomplishments; and review the mandated activities.

II. Major New Issues

During this evaluation period, the South Carolina took legislative action eliminating the SC OSHA Program's ability to conduct safety and health-related discrimination investigations. This act took effect upon approval by the Governor on June 14, 2011, following ratification by the legislature on June 8, 2011.

Since learning of this action, Regional IV has worked with the SC LLR and the OSHA National Office to reinstate the State's 11(c) authority. The reinstatement of the State's 11(c) authority is addressed in more detail in the Whistleblower section for this report, including an appropriate recommendation.

III. State Response to FY 2010 FAME Recommendations

The FY 2010 FAME follow-up report contained three findings and recommendations, which remain unresolved from the FY 2009 FAME.

One recommendation indicated that SC OSHA should notify Federal OSHA of the adoption of all federal standards and directives, as well as State-initiated standards, in a timely manner. This process should also include appropriate legislative actions such as the recent State law, which eliminated the State authority to investigate discrimination complaints.

A recommendation was made for SC OSHA's discrimination program procedures to be revised to be made similar to federal OSHA and to assure that a quality investigation is conducted and documented. In 2011, South Carolina made the determination that it would be in the best interest of the State for 11(c) activities to fall under federal OSHA jurisdiction. An amendment was made to the State statute during the 2011 legislative session that returned jurisdiction to Federal OSHA, without any notification to federal OSHA.

The last unresolved recommendation from the FY 2009 EFAME stated that SC OSHA must develop and implement a formal program for conducting periodic internal self-evaluations, as required by the State Plan Policies and Procedures Manual. Currently the Compliance Manager monitors all enforcement data on a weekly basis, often even daily. SC OSHA indicated that internal monitoring has become a routine part of the enforcement program. South Carolina has indicated a willingness to update their informal internal monitoring program and develop a written program in accordance with the State Plan Policy and Procedures Manual.

IV. Assessment of State Performance

A. Enforcement

The evaluation of South Carolina's enforcement program included case file reviews, interviews of staff, data analysis, and review of procedures. A total of 146 files were reviewed. This included 107 inspection case files, 11 complaint investigation (non-formal) files, 13 accidents, and 15 closed fatality investigations for FY 2011. In addition, a random selection of files was selected from the following categories: programmed general industry safety; programmed general industry health; programmed construction safety; programmed construction health; complaint inspections; and non-formal complaint investigations. Data associated with the case files reviewed was found to be comparable to data for all inspections.

1. Complaint

In general, SC OSHA's procedures for handling complaints are similar to those of federal OSHA with just a few differences. Chapter III of the State's Field Operations Manual (FOM) contains detailed instructions for the handling of complaints. SC

OSHA did not adopt OSHA's phone and fax procedures, and handle all non-formal complaints (investigations) by mailing a letter to the company, with few exceptions. By comparison, federal OSHA procedures allow the Area Director greater flexibility to choose to conduct an inspection in response to a non-formal complaint in some circumstances. Verbal complaints are considered non-formal complaints. SC OSHA sends a letter to the employer requesting a response. If the complainant states they are a current employee, SC OSHA would encourage the complainant to put the complaint in writing to meet the requirement for a formal complaint. Complainants of non-formal complaints are notified in writing of the employer's response and whether the State finds the response satisfactory. There is no formal right of review for non-formal complaints; however if they call or write and disagree with the findings, the State will review the complaint and reply to the complainant. No issues were identified with this process.

All complaints are initially handled by a single individual within SC OSHA, who prepares the correspondence or sends the complaint for assignment. If there are any questions about the handling of a complaint, the Compliance Manager or a supervisor are consulted. The compliance supervisor on duty reviews the responses to non-formal complaints. Inspection data indicates that SC OSHA handled 148 complaints in FY 2011, compared with 176 in FY 2010. Approximately 38% of complaint inspections were found to be in-compliance. According to the SAMM report, complaint investigations were initiated within an average of one day from the time of the receipt, which is well below the negotiated standard of 15 days and complaint inspections were initiated within an average of 8.32 days, which is above the negotiated standard of seven days. During the evaluation, Federal OSHA discovered that SC OSHA is not updating the complaint letter received field in their database to reflect complaints that were upgraded from an investigation to an inspection.

During the case file review for complaint investigations (non-formal), there were several case files where at least 3-5 months had passed between the time the employer was notified of the complaint and the response received from the employer. There was no indication in the file that the employer was contacted during this time. The complaint tracking mechanism in place to record dates and actions taken during the complaint investigation was not being utilized. In addition, complaint responses received from the employer do not adequately address the complaint items. Specifically, some responses stated that the employer had a "safe workplace." No further details addressing the specific hazard were received.

Findings and Recommendations

Finding 11-01: The complaint tracking mechanism in the State's database used to record dates and actions taken during complaint investigations is not being utilized.

Recommendation 11-01: SC OSHA should ensure that non-formal complaints are processed timely and effectively by requiring the appropriate fields to be updated in

the database. CSHOs should be provided refresher training and supervisors should ensure that case files are reviewed more carefully.

Finding 11-02: Responses to non-formal complaints do not provide sufficient documentation and the State is not following up to get the information.

Recommendation 11-02: SC OSHA should ensure that non-formal complaint responses adequately address the complaint and sufficient documentation is received. Procedures should be implemented for contacting employers who do not respond within the prescribed timeframe. CSHOs should be provided refresher training and supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

2. Fatalities

In FY 2011, SC OSHA investigated 17 workplace fatalities. During this evaluation, 15 closed fatality files and 13 accidents were reviewed. Ninety-three (93) percent of fatality inspections reviewed were opened within one day and the Regional and National Offices were sent the OSHA-36 in a timely manner. During the case file review, it was identified that State does not send a final NOK letter to the family to inform them of the inspection results. The initial letter states that the NOK would need to request the results of the inspection, including copies of the citations, the result of an informal conference, notice of employer protests and any other actions taken toward the resolution of the matter. In addition, there were several case files where the initial NOK letter was not sent to the family.

During the case file review, non-fatality accidents were also coded as fatalities. For example, one case file where the OSHA-36 was marked as a fatality should have been marked as a media referral and an accident.

In FY 2011, the fatality files resulted in the following number of violations:

Violations of Fatality Investigations	SC OSHA
Willful	0
Repeat	0
Serious	31
Other-Than-Serious	4

Over twenty-seven (27) percent of fatality files reviewed did not contain adequate supporting documentation and several violations were either not addressed at all or minimally.

Examples include the following:

- A fatality involved a fall into a tank. The case file did not contain any evidence that the lack of fall protection was addressed.
- A vehicle struck-by fatality occurred. The case file did not contain any evidence of whether or not a hazard assessment was conducted or if the employer followed the Manual on Uniform Traffic Control Devices (MUTCD).
- A fatality occurred when a boat was put in full throttle. The case file did not contain any evidence of whether or not the operator's manual was reviewed.

SC OSHA's average initial penalty for fatality cases was \$4,355.00. Penalties were reduced an average of 34% on citations related to fatalities that were resolved by means of an informal settlement agreement (ISA).

Findings and Recommendations

Finding 11-03: Several of the fatality case files reviewed did not provide evidence that the initial and final NOK letters are sent to the families.

Recommendation 11-03: SC OSHA should develop and implement a tracking system to ensure that all communications with the NOK are completed. The information to be tracked includes but is not limited to: written correspondence at the beginning and end of an investigation; a letter informing the NOK of the fatality investigation results; and a letter informing NOK of any changes to the citation, as the result of an informal conference, Formal Settlement Agreement, or litigation as well as hearing dates and other pertinent information. CSHOs and Supervisors should be provided refresher training and supervisors should ensure that case files are reviewed more carefully and ensure that signed copies are included in the case file and date sent documented on the diary sheet.

Finding 11-04: Over twenty-seven (27) percent of fatality investigation files reviewed did not contain adequate supporting documentation and several violations were either not addressed at all or minimally.

Recommendation 11-04: SC OSHA should develop guidance for and provide CSHOs with additional training regarding obtaining information that thoroughly supports the violations and that all violations are addressed in the file. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

3. Targeting and Programmed Inspections

According to inspection statistics reviewed, SC OSHA conducted 1,662 inspections in FY 2011, of which 1,300 were programmed. Of the 1,300 inspections, 1,066 were conducted in the construction industry and 234 in general industry. According to the SIR, 52.9% of programmed safety inspections and 54.1% of programmed health inspections resulted in violations issued. Additional data indicates that an average of 1.45 violations were cited per programmed inspection, and that 50.04% of safety

violations and 39.66% of health violations were classified as serious, repeat, and willful.

SC OSHA did not adopt OSHA's site-specific targeting (SST) procedures, and the OSHA Data Initiative (ODI) survey is not conducted in the State. No site-specific injury and illness data is available for inspection targeting. Each fiscal year, a safety high hazard planning guide is developed of manufacturing industries that have rates greater than the State Bureau of Labor Statistics (BLS) lost workday rate. A health high hazard planning guide is also developed each year, using the industry history of health violations. SC OSHA inspectors review and collect OSHA 300 logs, but prior to the use of the SCORE system, injury and illness data was not entered into IMIS.

Construction work is also considered high hazard and inspection sites are targeted using several procedures, based on specified criteria. SC OSHA procedures also permit inspectors to stop and conduct limited scope inspections when they observe a serious hazard at a construction site. For several years, in order to make a larger impact on construction hazards, the State routinely concentrates their inspection resources on selected high-construction activity areas.

A specific worksheet for assessing eligibility for the good faith penalty reduction was developed and implemented years ago. While copies of this worksheet were included in the files reviewed, they contained little or no documentation to justify a rating of effective, deficient or ineffective in reference to an employer's safety and health program. Many times the employer's safety and health program would be marked as deficient, but a 15% reduction in penalty was given. In other cases, there were no written Safety and Health programs, but the evaluation was identified as effective. Several of the forms were found with one or two items answered negatively, however the program as a whole was considered to be deficient. In other cases, all items were marked as being in place and the program was also considered to be deficient. For example, in one case file the Safety and Health evaluation indicated that the employer did not have a lockout/tagout program. However, the inspection was comprehensive and mechanical hazards were present. The State should develop guidance to ensure consistency for an effective Safety and health program.

SC OSHA participates in several National Emphasis Programs (NEP) and Regional Emphasis Programs (REP) such as: combustible dust; hexavalent chromium; process safety management (PSM); microwave popcorn processing plants; trenching and excavation; silica; lead; amputations; and sharps injuries in urgent care facilities.

In the construction industry, 59 inspections were conducted at residential construction sites and 11 inspections were conducted under the trenching and excavation emphasis program. The residential construction industry and the hazards associated with trenching and excavations continue to be a focus for SC OSHA.

Health compliance conducted five inspections in industries known to have employees exposed to lead. One inspection was a referral from the Adult Blood Lead

Epidemiology Surveillance (ABLES) program. This inspection resulted in several serious violations of the lead standard to include a willful violation for employee medical surveillance.

The following table outlines the total number of violations for programmed activity:

General Industry Programmed Inspections	SC OSHA	Construction Programmed Inspections	SC OSHA
Average number of violations	4.3	Average number of violations	1.03
In-Compliance Rate	12%	In-Compliance Rate	35%
% violations classified as Serious, Repeat, and Willful	71%	% violations classified as Serious, Repeat, and Willful	46%

Findings and Recommendations

Finding 11-05: The worksheet used to evaluate an employer’s safety and health program contained little or no documentation to justify a rating of effective, deficient or ineffective and in many cases still lead to an employer receiving the 15% good faith penalty reduction.

Recommendation 11-05: SC OSHA should develop guidance for and provide CSHOs with additional training to maintain consistency when evaluating an employer’s Safety and Health program, applying the 15% good faith penalty reduction, and supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

4. Citations and Penalties

In FY 2011, the 1,662 inspections conducted resulted in an average of 2.2 violations per inspection, with 68.1% of safety violations and 37.1% of health violations classified as serious. The average lapse time from opening conference to citation issuance is identified below:

	SC OSHA Average Lapse Time	National Average Lapse Time
Safety	31.4 days	43.2 days
Health	44.9 days	54.8 days
Total Average	38.2 days	49.0 days

One willful violation and four repeat violations were issued in FY 2011. SC OSHA’s procedures for classifying violations as repeat differs from that of federal OSHA, in that South Carolina requires the previous violation to have been issued within two years and federal OSHA allows five years of history to be considered. Inspection

data shows that about 4.5% of inspections conducted were follow-ups, and ten failure-to-abate violations were issued.

Case file reviews indicated several areas where case file documentation was deficient. There was minimal or no narrative description of the hazardous condition. For example, when two employees were injured as a result of a truss collapse, the case file did not provide an explanation as to why there were no hazards cited. The State has also experienced some turnover and some employees have moved to management positions, which could account for the low number of willful violations being cited.

In several case files it was found that additional citations may have been issued with additional review of programs, interviews and photographs such as:

- An unguarded fan was observed, the State cited the exposed wiring only;
- No personal protective equipment (PPE) while grinding was noted, only the missing guard was cited;
- No tread on forklift tires was observed, the State cited lack of training.

Additional hazards identified, but were not cited include: respiratory protection; PPE; combustible dust; lockout/tagout; and hazard communication.

For inspections where sampling was conducted for health inspections, some sampling forms did not include adequate information about factors related to the operations being sampled. It was also identified that air, wipe and noise sampling was not conducted where there was an indication that a hazard could exist. Some of the specific hazards included: total dust; combustible dust; formaldehyde; noise; and lead wipe sampling. The case file narrative did not explain the sampling rationale to conduct or not to conduct sampling during the inspection.

Following the sampling performed by the State during an inspection, the results are only verbally given to the employer. The employer or employee has the opportunity to request it through a Freedom of Information Act (FOIA) request. However, the State does not automatically send out the data. In FY 2011, 172 health inspections were conducted, in which 68 inspections included sampling, and two overexposures to health contaminants were documented.

In FY 2011, the average initial penalty per serious, repeat and willful violations for private sector inspections was as follows:

Classification	SC OSHA	OSHA	% difference
Willful	\$14,000	\$40,928	-65%
Repeat	\$200	\$7,487	-97%
Serious	\$718	\$1,679	-57%

In comparison to the FY 2009 EFAME (\$531) and the FY 2010 FAME Follow-up (\$292), SC OSHA has shown an increase in the average initial penalty issued per

serious violation. South Carolina classifies a lower percentage of violations as serious. Serious violations are categorized as high, medium or low severity serious, for penalty calculation purposes. It was noted that some violations that would most likely have been classified as serious by federal OSHA were classified as other-than-serious (OTS) by the State, and severity and probability ratings were inconsistent with the associated hazards. Additionally, SC OSHA rarely issues willful violations (5 in FY 2009, 1 in FY 2010, 1 in FY 2011). Several files reviewed identified hazards where a willful classification should have been considered. The State has experienced turnover with some employees moved to management positions and others leaving the agency. The lack of experience with the new hires and the CSHO turnover could be seen as a reason for the low willful rate for the past two years.

Percent of Violations Cited Serious/Other Than Serious

	SC OSHA	Federal OSHA
Serious	64%	73%
OTS	35%	22%

Examples of misclassified violations are as follows:

- A rating of higher severity should have been considered for several case files where there was a missing guard on a table saw.
- A rating of higher severity should have been considered for a missing guard on an unused portion of a band saw.
- A rating of high or medium severity should have been considered for a missing guard on a vertical and inclined belt.
- A bloodborne hazard classified as OTS should have been considered a serious violation.
- A rating of higher severity and greater probability should have been considered for a machine guarding violation where the most likely injury was a finger amputation. The file also indicated that the employees worked at the equipment all day long.
- Many electrical violations were classified as low severity that would have been classified as medium or high severity by federal OSHA.
- A rating of greater probability should have been considered for a forklift hazard, where multiple employee interns were involved.
- Overexposure to lead, personal protective equipment for lead dust and combustible dust hazards should have been sought to make it willful based on the information provided in the description.

The difference between the average initial serious penalty between SC OSHA and Federal OSHA is largely due to the lower severity and lower probability assigned to similar violations, the additional 15% reduction for serious violations abated during the inspection and inconsistent use of the good faith reduction described in the programmed and targeting section of this report.

South Carolina has effective debt collection procedures. After administrative efforts to obtain payment of the penalty, the case is turned over to the state's Governmental Enterprises Accounts Receivable (GEAR) collection program. During this collection process, employers have a right to a hearing. Under the GEAR program, the state can collect payment of OSHA penalties through income tax authority. Cases in debt collection can be administratively closed by SC OSHA so they do not remain open for an extended amount of time.

Findings and Recommendations

Finding 11-06 (formerly finding 9-02): Case file documentation consists of checklists and/or fill in the blank forms that provide little or no narrative description of the hazardous condition. Employees not always interviewed; documentation inadequate or missing; sampling forms lacked information on operations being sampled.

Recommendation 11-06 (formerly 9-02): SC OSHA should provide additional training to CSHOs and implement procedures to ensure that each violation is documented adequately for employer knowledge, employee exposure, health sampling factors, and description of the hazardous condition. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

Finding 11-07: The State only provides sampling results verbally to the employer and it is the employer's burden to request written documentation through FOIA. Employees are also not informed of their sampling results, even if overexposures were found, by SC OSHA.

Recommendation 11-07: SC OSHA should develop and implement procedures to ensure employers receive a copy of the air sampling results performed by the State immediately after sampling results are received. Summaries of the results should be provided on request to the appropriate employees, including those exposed or likely to be exposed to a hazard, employer representatives and employee representatives. CSHOs should be provided training and supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

Finding 11-08 (formerly finding 09-3): Violations are often misclassified as low severity rather than medium or high severity. Violations are also incorrectly rated as low probability rather than greater probability.

Recommendation 11-08 (formerly 09-03): SC OSHA should provide additional training to CSHOs to ensure each violation is classified accurately for severity and probability. Guidelines for rating the severity of the injury or illness being prevented should be reviewed and revised as needed to assure that they are consistent with the definitions of high, medium, and low severity in SC OSHA's procedures. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

5. Abatement

SC OSHA has regulations that address requirements for abatement verification. During case file reviews, abatement information sent in by the employer was found to be adequate in most cases, and included the employer's certification. The State accepts either certification or documentation of abatement. SC OSHA should implement control measures to assure that abatement certification or documentation is identified for each violation. The method of abatement is not specified on the citation. The State accepted abatement certification only on high severity and greater probability violations. For example, on a fatality inspection, the State accepted certification on high/greater electrical citations; however no documentation or follow-up was conducted to ensure the hazard was actually abated. During the case file review, it was also noted that in cases without abatement a follow-up inspection was not conducted. SC OSHA did not conduct follow-up inspections on all cases where it was indicated that one should be conducted; however all cases marked did not necessarily require a follow-up. For those cases where a follow-up should have been conducted, additional information was provided in the informal conference or adequate corrective action information was submitted. The State determined that the receipt of the corrective action is sufficient in lieu of a follow-up inspection. The State conducted 4.5% follow-up inspections in FY 2011. Their current practice has not negatively impacted the State's program.

According to the SIR in FY 2011, the State's abatement period, for violations, greater than 30 days was 13.6% for safety and the abatement period, for violations, above 60 days was 21.1% for health. The federal OSHA rates were 17.9% for safety and 9.4% for health.

Findings and Recommendations

Finding 11-09 (formerly finding 9-05): Acceptable abatement documentation is not consistent. Some files had documentation (programs, invoices, etc), while other files only included a certification sheet. There is no follow-up on abatement documentation that states the item(s) will be completed at a future.

Recommendation 11-09 (formerly 9-05): SC OSHA should conduct additional training for supervisors and implement management controls to assure that adequate abatement certification or documentation is received for each violation, and that the abatement information is maintained in the case file. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

6. Employee and Union Involvement

South Carolina's procedures for employee and union involvement are identical to those of federal OSHA. Case files reviewed disclosed that employees were included during fatality investigations and other inspections.

B. Review Procedures

1. Informal Conferences

According to the State Indicator Report, 4.1% of violations were vacated and 0.2% of violations were reclassified as a result of informal settlement agreements. The penalty retention rate was 67.1%. Case files reviewed had similar results, with very few violations noted as being vacated or reclassified, and most cases were resolved with a penalty reduction.

SC OSHA has an Office of Informal Conferences which conducts all informal conferences with employers, in order to maintain consistency in the informal conference process. They have a procedure, known as the Employer Penalty Option (EPO), which provides a 50% reduction in penalty in exchange for the employer's commitment to improve their safety and health program in a manner specific for that company. As a result of the FY 2009 EFAME, the EPO reduction was modified to a maximum of 50% and is evaluated on a case-by-case basis.. The amount of the reduction is based on the company's history and willingness to take affirmative action on safety and health.

Following the 50% reduction, there were several case files that had no evidence of documentation received by SC OSHA. In addition, there was limited information documented to justify the reduction.

In FY2011, 270 informal conferences were requested and held. Informal conference guidelines were revised and implemented in FY 2011. As a result, due in part to the informal conference revisions, the difference between initial penalty and revised penalty was reduced from 42% to 33%, compared to FY2010.

Findings and Recommendations

Finding 11-10: Not all cases files provided documentation of the rationale to support or explain the reason changes were made to the violations and penalties during informal conferences. Additionally, no follow-up documentation was provided to SC OSHA following the 50% EPO reduction in some case files.

Recommendation 11-10: SC OSHA should ensure that informal conference notes documenting changes made to the citations and/or penalties are legible, organized and in include the justification in the case file and documentation is received following the EPO.

2. Formal Review of Citations

In South Carolina contested cases are handled by the South Carolina Administrative Law Court. LLR requested this be changed from the SC OSHA Review Board. South Carolina has regulations for assuring that employers have the right to contest

citations and penalties. South Carolina continues to maintain a very low contest rate. In FY 2011, 1.5% inspections were contested compared to 2.1% in 2010.

C. Standards and Federal Program Change Adoption

In accordance with 29 CFR 1902, States are required to adopt standards and federal program changes within a 6-month time frame. States that do not adopt identical standards and procedures must establish guidelines which are "at least as effective as" the federal rules. States also have the option to promulgate standards covering hazards not addressed by federal standards. During the period addressed by this evaluation report OSHA initiated the following standards and federal directives, which required action by the State:

Federal Standards

Standards Requiring Action	Federal Register Date	Adopted Identical	Date Promulgated
Standards Improvement Project, Phase III	06/08/2011	Yes	10/28/2011
Working Conditions in Shipyards - Final Rule	05/02/2011	Yes	10/28/2011

Federal Program / State Initiated Changes

Federal Program Changes Requiring Action and Federal Directive Number	Date of Directive	Adopted Identical	Notification Due	Notification Received
Recordkeeping NEP - September 2010 Changes, CPL-02(10-06) 2011 401	09/28/2010	Yes	12/19/2010	12/19/2010
PPE in Shipyard Employment, CPL-02-01-049 2011	11/04/2010	No	1/11/2011	1/11/2011
Compliance Guidance for Residential Construction, STD -03-11-002 2011 403	12/16/2010	No	2/26/2011	6/9/2011
NEP Microwave Popcorn Processing Plants, CPL-03 (11-01) 2011 423	01/18/2011	No	4/16/2011	6/9/2011
PPE in General Industry, CPL-02-01-050 2011 422	04/11/2011	Yes	4/16/2011	6/9/2011
Revisions to Field Operations Manual - April 2011, CPL-02-00-150 2011 442	06/23/2011	No	7/2/2011	10/1/2011
NEP Primary Metals, CPL - 03-00-013 2011 444	05/19/2011	Yes	8/1/2011	5/31/2011
Confined Spaces in Shipyards, CPL-02-01-051 2011	07/20/2011	No	7/24/2011	7/24/2011
Commercial Diving Operations, CPL-02-00-051 2011	07/01/2011	Yes	8/16/2011	7/1/2011

During this evaluation period, the State adopted all of the required directives, with the exception of those that were not applicable to the State. An example is the NEP for Microwave Popcorn Processing Plants, since there are no such facilities in South Carolina. Additionally, the State did not adopt directives, which addressed issues currently covered by an equivalent State policy or directive (i.e., Revisions to Field Operations Manual). However, the timeliness of notification of the adoption of standards and federal program changes remains a concern. South Carolina continues to notify Federal OSHA of the adoption of standards and federal directives in a tardy manner. Four out of nine (44.4%) of responses were untimely. See the table above for examples. Of particular concern was the fact that a legislative action was taken to eliminate the State authority to investigate discrimination complaints without notice to federal OSHA.

Findings and Recommendations

Finding 11-11 (formerly 10-1, 9-06): Although the State typically adopts federal program changes and standards within 6-months, this information is not consistently shared with Federal OSHA in a timely manner.

Recommendation 11-11 (formerly 10-1, 9-06): SC OSHA should develop and implement procedure to ensure that Federal OSHA is notified of the adoption of all federal standards and directives, as well as State-initiated standards, in a timely manner. This process should also include appropriate legislative actions such as the recent State law, which eliminated the State authority to investigated discrimination complaints.

D. Variances

South Carolina has 68 permanent variances, none of which are multi-State variances approved by federal OSHA and there are no temporary variances. The most recent variance adopted was in 2006. SC OSHA is in the process of making all variances available on their website.

E. Public Employee Program

SC OSHA's Public Employee Program operates identically as the private sector, except in cases of discrimination regarding safety and health. As with the private sector, public sector employers can be cited with monetary penalties. The penalty structure for both sectors is the same. SC OSHA conducted 48 public sector inspections in FY 2011, or 2.89% of all inspections. Case file reviews documented the same concerns noted in the private sector inspections regarding citations and penalties.

F. Discrimination Program – Special Study

Retraining staff members responsible for conducting discrimination investigations was conducted in FY 2010 by the SCDLLR, Office of General Counsel. In addition to the retraining, discrimination investigations were now limited to the program's senior and

more experienced health CSHOs. During FY 2011, the State of South Carolina did not take any additional actions regarding the group of findings/recommendations identified in the FY 2009 EFAME related to the discrimination program.

On June 14, 2011, the state legislature amended Section 41-15-520 of South Carolina's occupational safety and health law, which provides a remedy for discharge or discrimination against an employee because he or she has filed a complaint; instituted a proceeding under an occupational safety or health law or testified in such a proceeding; or exercised any right afforded by occupational safety or health laws. The legislative change was introduced in the Senate on March 15, 2011, introduced in the House on April 28, 2011, last amended on May 25, 2011, passed by the General Assembly on June 1, 2011 and signed by the Governor on June 14, 2011. Federal OSHA was not made aware of the State Plan change until after the Bill was signed in June 2011.

Specifically, the revised Section 41-15-520 of the 1976 South Carolina Code of Law states, "Any private sector employee believing that he has been discharged or otherwise discriminated against by any person in violation of Section 41-15-510 may, within thirty days after the violation occurs, file a complaint with the Director of the Department of Labor, Licensing and Regulation alleging the discrimination. Upon receipt of the complaint, the director shall within fifteen days forward the complaint to the United States Department of Labor whistleblower program. Any public sector employee believing that he has been discharged or otherwise discriminated against by any person in violation of Section 41-15-510 may proceed with a civil action pursuant to the provisions contained in Chapter 27, Title 8."

The amendment to Section 41-15-520 significantly modified the remedy available to employees who allege unlawful retaliation for safety and health activity. Formerly, timely complaints of retaliation were investigated by SC DLLR and, in meritorious cases; the State was authorized to file a civil action on the complainant's behalf seeking reinstatement, back pay, and other appropriate relief. Under the amended Section 41-15-520, however, when a private sector employee files a complaint of unlawful retaliation, "(t)he director shall within 15 days forward the complaint to the United States Department of Labor whistleblower program." This amendment effectively deprives private-sector discrimination complainants of any remedy under the South Carolina State Plan.

As a result of this legislative change, SC OSHA no longer meets federal requirements for continued approval of its State Plan. Section 18 of the Federal Occupational Safety and Health Act ("OSHA Act") encourages States to develop and operate their own OSHA-approved job safety and health programs. To obtain or retain federal approval, State plans must meet certain criteria. Foremost among these criteria is that set forth in Section 18(c)(2) and codified at 29 U.S.C. 667(c)(2).

Findings and Recommendations

Finding 11-12: Following legislation on June 14, 2011, Section 41-15-520 of the 1976 Code of Laws, relating to remedies for employees charging discrimination, was modified to provide a referral to the USDOL. This action replaced Section 3.07-2 and revoked Section 3.07-3 of the SC OSHA State Plan.

Recommendation 11-12: South Carolina must take action to reinstate the State’s 11(c) authority to ensure its program maintains an “as least as effective” (ALAE) status of operation.

G. Complaints About State Plan Administration (CASPA)

One CASPA was filed during this evaluation period. The CASPA involved a workplace safety and health complaint file with SC OSHA. During this process the South Carolina Occupational Safety and Health Program was cooperative and responsive to the Federal OSHA area office. In summary, OSHA found issues related to the State’s performance and it resulted in recommendations to South Carolina.

Complaint About State Plan Administration (CASPA) Number	Final Notification to Complainant	Initial Letter to State	State Response Letter	Final Report to State & Letter to Complainant
2011-SC-17	Yes	2/18/2011	2/18/2011	4/22/2011 7/27/2011

H. Voluntary Compliance Program

The South Carolina Voluntary Protection Programs (VPP), called Palmetto Star, as well as Consultation, Alliances, and Partnership, is administered by the SCDLLR’s Office of Voluntary Programs (OVP).

Alliances

The SCDLLR still has only one Alliance. The Alliance policy document and the Alliance itself meet the requirements established under the federal Alliance directive. The Alliance addresses the Overhead Powerline industry in South Carolina and has exhibited very positive results with numerous training opportunities for industry employees and a CD developed by the Alliance partners which has seen widespread distribution throughout the State.

Partnerships

The SCDLLR still has one Partnership and are planning to discuss the possibility of another one in FY 2012. The agreement covers a major construction project, initiated under a joint venture, for a larger manufacturing plant in Charleston, South Carolina. The agreement was implemented on April 16, 2010. Currently the partnership has been idle due to labor

management issues experienced on the site. The Partnership policy document and the Partnership itself meet the requirements established under the federal Partnership directive.

Voluntary Protection Programs (VPP)

The South Carolina Voluntary Protection Programs (VPP), called Palmetto Star, is administered by the SCDLLR's Office of Voluntary Programs (OVP). Eligibility requirements for Palmetto Star are more stringent than the federal program. Employers in Standard Industrial Classification (SIC) codes 20-39 may apply. Employers are required to maintain injury and illness rates at least 50% below the rate for that industry in South Carolina. There are currently 45 active sites in the Palmetto Star Program as of January 2012. Following a detailed review of the program during the FY 2009 EFAME, positive action was taken by South Carolina to effectively address the concerns raised by federal OSHA. The review of the SCDLLR Palmetto Star policy also revealed that no provision is documented for tracking the abatement of hazards identified during a VPP evaluation.

A review of the Palmetto Star evaluations conducted for FY 2011 included new applications, onsite reports, and annual self-evaluations. Onsite reports were found to be detailed and verification of corrective action is often done by re-visiting the site. Hazards are documented and tracked by the Palmetto Star Coordinator. Many files contained company's OSHA 300 logs, evaluation reports, the initial application, corrective action documentation, and/or annual self-evaluations. Files reviewed were not consistent with regards to what should be included in an official file. The program does not have a records retention policy to delineate what documents should be included in the file and how long it should be maintained.

Findings and Recommendations

Finding 11-13: A clear definition of what documents should be maintained for the State's official Palmetto Star file is not evident. Files were not consistent as to what files they contained and for how long they should be retained.

Recommendation 11-13: SC OSHA should develop and implement criteria for public files that there is a clear understanding of what documents should be maintained for disclosure to the public, if requested. The internal self-evaluation program should include the Palmetto Star program in audits to ensure policies and procedures are followed.

I. Public Sector On-site Consultation Program

The SC OSHA Consultation program activities meet or exceed all current goals while still focusing on the strategic initiatives outlined in the performance plan. The SC OVP continues to reach small employers and encourage participation in the Safety and Health Achievement Recognition Program; however there are no public sector worksites in SHARP in South Carolina.

OVP continued to provide services to the employers and employees in both the private and public sectors during FY 2011. For public sector visits, the State had a goal to reach

46 establishments and exceeded that goal by conducting 68. The number of hazards abated during on-site consultation public sector visits is listed in the chart below:

Serious Hazards Confirmed Abated		Other Hazards Confirmed Abated	
Public Safety	256	Public Safety	135
Public Health	55	Public Health	26
Total Public	311	Total Public	161

J. Program Administration

Training

South Carolina continues to provide the majority of employee training through the use of SCDLLR trainers, OSHA OTI Education Centers and third party vendors. This allows them to have most training courses locally and minimize costs. OTI has provided state programs with course material from several training courses and SCDLLR trainers use these materials for training conducted within the department. All SCDLLR trainees attend OTI for the standards course, while the other required core courses for trainees are conducted by the SCDLLR training staff. Compliance Officers also attend OTI for selected courses which they do not offer in-house. These include the Combustible Dust course and the Process Safety Management (PSM) courses, among others. SC OSHA has several CSHOs training in PSM and combustible dust. Currently, training on the new crane rule has not been conducted, but the State has employees trained on the crane standard as it was before. Plans to train CSHOs on the new rule will take place once the federal directive has been published. SCDLLR utilizes the Employee Performance Management System in lieu of the federal Individual Development Plan to discuss training needs with employees and determine the training the employee will receive in the upcoming year.

Funding

The last financial monitoring visit by Federal OSHA was conducted June 14-17, 2010 and covered the FY 2009 21(d) Consultation Agreement (CS-1772009-75-F45) and 23(g) State Grant (SP-1775009-55-F45) for the period ending September 30, 2009. During this visit an adverse finding was identified and communicated to State, regarding the draw-downs of grant funds. Specifically, according to records available for review, South Carolina Department of Labor, Licensing and Regulation overstated expenditures on their final SF-269 and drew down an additional \$53,552.10 for 21(d) and \$12,400 for 23(g) on June 14, 2010. The draw was made after the authorized award period. The discrepancy was discussed with the Administrator and Accounting Manager within the Division of Administration. Officials confirmed funds had been drawn past the authorized award period. In response to this finding the State was asked to provide documentation supporting the draw-downs up-to June 14, 2010, or to refund the draw downs. This matter has now been appropriately resolved with the State.

Staffing

South Carolina is committed to maintaining its compliance staffing at the benchmarks levels of 17 safety and 12 health compliance officers. However, in the past some supervisory positions have been eliminated due to reductions in State funding, as well as program reorganization. South Carolina currently has 16 safety and 8 health compliance health officers on staff. During FY 2011, safety conducted approximately 93 inspections per CSHO and 22 per health CSHO. The CSHOs are assigned numerical goals based upon their discipline (different inspection goals for health, safety, and construction). The State has also experienced some turnover and some employees have moved to management positions.

The State is currently working to fill numerous vacancies including the following: standards officer; health supervisor; assistant compliance manager; as well as several safety and health compliance officers. They have plans to fill these vacancies, but SC OSHA officials have expressed concern about State funding for their upcoming State fiscal year.

		FY 2008	FY 2009	FY 2010	FY 2011
Safety	Benchmark	17	17	17	17
	Positions Allocated	17	17	17	17
	Positions Filled	13	14	15	16
	Vacancies	4	3	2	1
	Percent of Benchmarks Filled	76%	82%	88%	94%
Health	Benchmark	12	12	12	12
	Positions Allocated	12	12	12	12
	Positions Filled	7	7	8	8
	Vacancies	5	5	4	4
	Percent of Benchmarks Filled	58%	58%	66%	66%

Information Management

The South Carolina OSHA Redesign and Enhancement (SCORE) project marked its second birthday last November. On November 6, 2009 that the new information system went live. The Compliance Manager is currently using the SCORE system to run reports and to verify the status of activities. He also uses the auditing capability of the system, whereby a percentage of inspection files are selected for his comprehensive review. SC OSHA management reviews each inspector's compliance data regularly, which they use for performance reviews. The SCORE, not only provides an efficient means of data entry and secure storage, it also allows South Carolina OSHA to retrieve and analyze that data instantaneously.

State Internal Evaluation Program

SC OSHA still does not have an internal self-evaluation program that meets the criteria outlined in the State Plan Policies and Procedures Manual. Although the Compliance

Manager has procedures for routine management of the compliance program, the program could benefit from periodic in-depth audits that focus on key issues, program areas, or areas of concern to the State. Having an internal self-evaluation program would have allowed the State a way to identify several of the findings in this evaluation. Federal OSHA is available to assist South Carolina with the development of an internal self-evaluation procedure.

Findings and Recommendations

Finding 11-14 (Formerly 10-3, 9-10): South Carolina OSHA does not have an internal evaluation program as required by the State Plan Policies and Procedures Manual.

Recommendation 11-14 (Formerly 10-3, 9-10): South Carolina must develop and implement a written formal program for conducting periodic internal self-evaluations of all SC OSHA programs. The procedures should assure that internal self-evaluations possess integrity and independence. Reports resulting from internal self-evaluations will be made available to federal OSHA.

V. Assessment of State Progress in Achieving Annual Performance Goals

As previously indicated in the FY 2010 FAME Follow-up Report, following the FY 2009 EFAME the decision was made by South Carolina to revise the annual performance plan, in an effort to enhance the program's effectiveness. This task was effectively accomplished and the revised Five-Year Strategic Plan was included in its 23(g) Grant Application. However, the recent SOAR submitted for FY 2011 did not adequately address South Carolina's accomplishments. At a minimum the SOAR should address the following: summarize of the annual performance plan; track strategic plan accomplishments; address special accomplishments; and review the mandated activities.

Findings and Recommendations

Finding 11-15: The current FY 2011 SOAR merely provides a narrative overview of the State's activities and does not fully address the Strategic Performance Plan.

Recommendation 11-15: SC OSHA should implement a procedure to ensure future SOAR reports effectively address the following areas: summarize of the annual performance plan; track strategic plan accomplishments; address special accomplishments; and review the mandated activities.

Appendix A
 FY 2011 South Carolina State Plan FAME Report
 Findings and Recommendations

Rec #	Findings	Recommendations	FY 10 #
11-01	The complaint tracking mechanism in place to record dates and actions taken during complaint investigations is not being utilized.	SC OSHA should ensure that non-formal complaints are processed timely and effectively by requiring the appropriate fields to be updated in the database. CSHOs should be provided refresher training and supervisors should ensure that case files are reviewed more carefully.	New
11-02	Responses to non-formal complaints do not provide sufficient documentation and the State is not following up to get the information.	SC OSHA should ensure that non-formal complaint responses adequately address the complaint and sufficient documentation is received. Procedures should be implemented for contacting employers who do not respond within the prescribed timeframe. CSHOs should be provided refresher training and supervisors should ensure that case files are reviewed more carefully to ensure this is being done.	New
11-03	Several of the fatality case files reviewed did not provide evidence that final NOK letters are sent to the families at the completion of the investigation and/or settlement process.	SC OSHA should develop and implement a tracking system to ensure that all communications with the NOK are completed. The information to be tracked includes but is not limited to: written correspondence at the beginning and end of an investigation; a letter informing the NOK of the fatality investigation results; and a letter informing NOK of any changes to the citation, as the result of an informal conference, Formal Settlement Agreement, or litigation as well as hearing dates and other pertinent information. CSHOs and Supervisors should be provided refresher training and supervisors should ensure that case files are reviewed more carefully and ensure that signed copies are included in the case file and date sent documented	New

		on the diary sheet.	
11-04	Over twenty-seven (27) percent of fatality investigation files reviewed did not contain adequate supporting documentation and several violations were either not addressed at all or minimally.	SC OSHA should develop guidance for and provide CSHOs with additional training regarding obtaining information that thoroughly supports the violations and that all violations are addressed in the file. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.	New
11-05	The worksheet used to evaluate an employer's safety and health program contained little or no documentation to justify a rating of effective, deficient or ineffective and in many cases still lead to an employer receiving the 15% good faith penalty reduction.	SC OSHA should develop guidance for and provide CSHOs with additional training to maintain consistency when evaluating an employer's Safety and Health program, applying the 15% good faith penalty reduction, and supervisors should ensure that case files are reviewed more carefully to ensure this is being done.	New
11-06	Case file documentation consists of checklists and/or fill in the blank forms that provide little or no narrative description of the hazardous condition. Employees not always interviewed; documentation inadequate or missing; sampling forms lacked information on operations being sampled.	SC OSHA should provide additional training to CSHOs and implement procedures to ensure that each violation is documented adequately for employer knowledge, employee exposure, health sampling factors, and description of the hazardous condition. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.	New
11-07	The State only provides sampling results verbally to the employer and it is the employer's burden to request written documentation through FOIA. Employees are also not informed of their sampling results, even if overexposures were found, by SC OSHA.	SC OSHA should develop and implement procedures to ensure employers receive a copy of the air sampling results performed by the State immediately after sampling results are received. Summaries of the results should be provided on request to the appropriate employees, including those exposed or likely to be exposed to a hazard, employer representatives and employee representatives. CSHOs should be provided training and supervisors should ensure that case files are reviewed more carefully to ensure this is being done.	New

11-08	Violations are often misclassified as low severity rather than medium or high severity. Violations are also incorrectly rated as low probability rather than greater probability.	SC OSHA should provide additional training to CSHOs to ensure each violation is classified accurately for severity and probability. Guidelines for rating the severity of the injury or illness being prevented should be reviewed and revised as needed to assure that they are consistent with the definitions of high, medium, and low severity in SC OSHA's procedures. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.	New
11-09	Acceptable abatement documentation is not consistent. Some files had documentation (programs, invoices, etc), while other files only included a certification sheet. There is no follow-up on abatement documentation that states the item(s) will be completed at a future.	SC OSHA should conduct additional training for supervisors and implement management controls to assure that adequate abatement certification or documentation is received for each violation, and that the abatement information is maintained in the case file. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.	New
11-10	Not all cases files provided documentation of the rationale to support or explain the reason changes were made to the violations and penalties during informal conferences. Additionally, no follow-up documentation was provided to SC OSHA following the 50% EPO reduction in some case files.	SC OSHA should ensure that informal conference notes documenting changes made to the citations and/or penalties are legible, organized and in include the justification in the case file and documentation is received following the EPO.	New
11-11	Although the State typically adopts federal program changes and standards within 6-months, this information is not consistently shared with Federal OSHA in a timely manner.	SC OSHA should develop and implement procedure to ensure that Federal OSHA is notified of the adoption of all federal standards and directives, as well as State-initiated standards, in a timely manner. This process should also include appropriate legislative actions such as the recent State law, which eliminated the State authority to investigated discrimination complaints.	10-1
11-12	Following legislation on June 14, 2011, Section 41-15-520 of the 1976 Code of Laws, relating to remedies for employees charging discrimination, was modified to	South Carolina must take action to reinstate the State's 11(c) authority to ensure its program maintains an "as least as effective" (ALAE) status of operation.	New

	provide a referral to the USDOL. This action replaced Section 3.07-2 and revoked Section 3.07-3 of the SC OSHA State Plan.		
11-13	A clear definition of what documents should be maintained for the State's official Palmetto Star file is not evident. Files were not consistent as to what files they contained and for how long they should be retained.	SC OSHA should develop and implement criteria for public files that there is a clear understanding of what documents should be maintained for disclosure to the public, if requested. The internal self-evaluation program should include the Palmetto Star program in audits to ensure policies and procedures are followed.	New
11-14	South Carolina OSHA does not have an internal evaluation program as required by the State Plan Policies and Procedures Manual.	South Carolina must develop and implement a written formal program for conducting periodic internal self-evaluations of all SC OSHA programs. The procedures should assure that internal self-evaluations possess integrity and independence. Reports resulting from internal self-evaluations will be made available to federal OSHA.	10-3
11-15	The current FY2011 SOAR merely provides a narrative overview of the State's activities and does not fully address the Strategic Performance Plan.	SC OSHA should implement a procedure to ensure future SOAR reports effectively address the following areas: summarize of the annual performance plan; track strategic plan accomplishments; address special accomplishments; and review the mandated activities.	New

Appendix B
 FY 2011 South Carolina State Plan FAME Report
 Status of FY 2010 Findings and Recommendations

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
10-01 (09-06)	Responses to Federal Program Changes are not submitted timely	South Carolina should provide state plan changes, adoption documents, and state procedures for comparison purposes to federal OSHA on a timely basis.	This will result in a state plan change. Once the change is approved, the South Carolina inspectors will be trained on the manual and it will be placed on our website according to our transparency policy.	South Carolina decided to completely revise their Field Operations Manual. Since Federal OSHA developed and implemented a new manual, South Carolina decided to take this opportunity to update the entire manual.	Pending - Currently the new Field Operations Manual is under a final review by our agency staff. The State continues to submit changes untimely.
10-2A (09-8A)	CSHOs conduct all discrimination case investigations usually concurrently with workplace complaint investigations. Discrimination program procedures are different from those of federal OSHA and do not assure that a quality investigation is conducted and documented.	South Carolina should eliminate their written procedures requiring discrimination complaints to be submitted in writing. Complaints should be docketed on the date that the complainant contacts SC OSHA and provides information establishing a prima facie case. Because there is a 30 day time-filing requirement, it is imperative that complaints be filed as promptly as possible.	South Carolina made the determination that it would be in the best interest of the state for 11 (c) activities to fall under Federal OSHA jurisdiction. An amendment was made to the state statute during the 2011 legislative session that returned jurisdiction to Federal OSHA.	South Carolina feels that this is an inaccurate statement. Complaints are taken both orally and in writing. They are logged in on the date of contact by either means. If discriminatory actions are alleged through a phone call, then we may ask the complainant to provide us with a detailed written statement so that protected activity can better be determined.	After discussions with Federal OSHA, South Carolina has agreed to use our best efforts to pass a bill through the South Carolina General Assembly that gives our State Plan the authority to investigate claims under 11 (c) that do not otherwise require federal inquiry.
10-2B (09-8B)	CSHOs conduct all discrimination case investigations usually concurrently with workplace complaint investigations. Discrimination program procedures are different from those of federal OSHA and do not assure that a quality investigation is conducted and	South Carolina should assure that complaint notification letters are sent to the Respondent informing them of the discrimination complaint and requesting a written position statement in response to the complaint.	South Carolina made the determination that it would be in the best interest of the state for 11 (c) activities to fall under Federal OSHA jurisdiction. An amendment was made to the state statute during the 2011 legislative session that returned jurisdiction to Federal OSHA.	South Carolina feels that this would go against current OSHA policy. Since we conduct safety and health complaint inspections in conjunction with discrimination investigations, sending a complaint notification letter to the respondent would result in providing advance notice of an inspection.	After discussions with Federal OSHA, South Carolina has agreed to use our best efforts to pass a bill through the South Carolina General Assembly that gives our State Plan the authority to

	documented.				investigate claims under 11 (c) that do not otherwise require federal inquiry.
10-2C (09-8C)	CSHOs conduct all discrimination case investigations usually concurrently with workplace complaint investigations. Discrimination program procedures are different from those of federal OSHA and do not assure that a quality investigation is conducted and documented.	South Carolina should assure that a signed and dated statement is obtained from the discrimination complainant when he or she is interviewed.	South Carolina made the determination that it would be in the best interest of the state for 11 (c) activities to fall under Federal OSHA jurisdiction. An amendment was made to the state statute during the 2011 legislative session that returned jurisdiction to Federal OSHA.	South Carolina requests that the complainant provide our office with a detailed account of the alleged discriminatory activity. If protected activity is determined, then the OSHA investigator meets with the complainant prior to initiating the on-site investigation. Their statement is reviewed with them, ask questions to ensure that we have as much pertinent information, as possible.	After discussions with Federal OSHA, South Carolina has agreed to use our best efforts to pass a bill through the South Carolina General Assembly that gives our State Plan the authority to investigate claims under 11 (c) that do not otherwise require federal inquiry.
10-2D (09-8D)	CSHOs conduct all discrimination case investigations usually concurrently with workplace complaint investigations. Discrimination program procedures are different from those of federal OSHA and do not assure that a quality investigation is conducted and documented.	South Carolina should assure that each discrimination investigation case includes a written report that represents all of the facts gathered during the investigation. The case file should include an analysis or evaluation of the facts as they relate to the four elements of a prima facie case, a case activity log, documentation of discussions related to the case, and documentation of the closing conference with the complainant.	South Carolina made the determination that it would be in the best interest of the state for 11 (c) activities to fall under Federal OSHA jurisdiction. An amendment was made to the state statute during the 2011 legislative session that returned jurisdiction to Federal OSHA.	South Carolina OSHA inspectors that conduct discrimination investigations receive annual training by our legal staff. The OSHA investigator communicates with our legal staff as the investigation progresses to ensure that documentation is obtained to prove or disprove the prima facie case. Monitoring of our program has been conducted annually and is routinely be shown that in 100% of our cases found to be meritorious, a settlement was reached. While our documentation may not be identical to a Federal 11 (c) case file, we feel that our documentation adequately supports our case.	After discussions with Federal OSHA, South Carolina has agreed to use our best efforts to pass a bill through the South Carolina General Assembly that gives our State Plan the authority to investigate claims under 11 (c) that do not otherwise require federal inquiry.

<p>10-2E (09-8E)</p>	<p>CSHOs conduct all discrimination case investigations usually concurrently with workplace complaint investigations. Discrimination program procedures are different from those of federal OSHA and do not assure that a quality investigation is conducted and documented.</p>	<p>South Carolina should review its settlement policy for discrimination cases and consider adding criteria consistent with federal OSHA guidelines.</p>	<p>South Carolina made the determination that it would be in the best interest of the state for 11 (c) activities to fall under Federal OSHA jurisdiction. An amendment was made to the state statute during the 2011 legislative session that returned jurisdiction to Federal OSHA.</p>	<p>Our settlement policy for discrimination is based on the guidelines consistent with South Carolina Employment Law. According to the latest SAMM report, 100% of the meritorious cases were successfully settled.</p>	<p>After discussions with Federal OSHA, South Carolina has agreed to use our best efforts to pass a bill through the South Carolina General Assembly that gives our State Plan the authority to investigate claims under 11 (c) that do not otherwise require federal inquiry.</p>
<p>10-03 (9-10)</p>	<p>South Carolina OSHA does not have an internal evaluation program as required by the State Plan Policies and Procedures Manual.</p>	<p>South Carolina should develop and implement a formal program for conducting periodic internal self-evaluations. The procedure should assure that internal self-evaluations possess integrity and independence. Reports resulting from internal self-evaluations will be made available to federal OSHA.</p>	<p>South Carolina will update our Internal Monitoring Program and develop a written program in accordance with the State Plan Policy and Procedures Manual.</p>	<p>South Carolina developed a written internal monitoring program several years and was reviewed by federal OSHA at the same time as the quarterly STRAT Plan reviews. As South Carolina operates a relatively small program, it became burdensome to continue with two programs. The internal monitoring gradually became incorporated into the Strat Plan. Monthly reports were compiled and provided to the Area Director, but that was changed under direction of one Area Director. The Compliance Manager monitors all enforcement data on a weekly basis, often even daily. With the implementation of our new database, many different reports can be reviewed immediately. Inspectors meet with their supervisors on a weekly basis, more often, if needed depending on the difficulty of the case or experience of the inspector. Internal monitoring has become a routine part of the enforcement program, not something that has to be scheduled according to procedures.</p>	<p>Pending - A new position, Program Coordinator II, has been filled and will assist the Compliance Manager with implementing the program. The Compliance Manager has several procedures currently in place. The new program will be a priority and be completed quickly. Meetings will be held to discuss the monitoring duties that will apply to employees in specific areas. The State continues to operate without an internal evaluation program.</p>

Appendix C
South Carolina State Plan
FY 2011 Enforcement Activity

	SC	State Plan Total	Federal OSHA
Total Inspections	1,662	52,056	36,109
Safety	1,490	40,681	29,671
% Safety	90%	78%	82%
Health	172	11,375	6,438
% Health	10%	22%	18%
Construction	1,170	20,674	20,111
% Construction	70%	40%	56%
Public Sector	48	7,682	N/A
% Public Sector	3%	15%	N/A
Programmed	1,300	29,985	20,908
% Programmed	78%	58%	58%
Complaint	148	8,876	7,523
% Complaint	9%	17%	21%
Accident	39	2,932	762
Insp w/ Viols Cited	954	31,181	25,796
% Insp w/ Viols Cited (NIC)	57%	60%	71%
% NIC w/ Serious Violations	73.7%	63.7%	85.9%
Total Violations	2,309	113,579	82,098
Serious	1,482	50,036	59,856
% Serious	64%	44%	73%
Willful	1	295	585
Repeat	4	2,014	3,061
Serious/Willful/Repeat	1,487	52,345	63,502
% S/W/R	64%	46%	77%
Failure to Abate	8	333	268
Other than Serious	814	60,896	18,326
% Other	35%	54%	22%
Avg # Violations/ Initial Inspection	2.2	3.4	2.9
Total Penalties	\$ 746,180	\$ 75,271,600	\$ 181,829,999
Avg Current Penalty / Serious Violation	\$ 474.40	\$ 963.40	\$ 2,132.60
% Penalty Reduced	53.4%	46.6%	43.6%
% Insp w/ Contested Viols	1.5%	14.8%	10.7%
Avg Case Hrs/Insp- Safety	9.1	17.1	19.8
Avg Case Hrs/Insp- Health	29.9	26.8	33.1
Lapse Days Insp to Citation Issued- Safety	31.4	35.6	43.2
Lapse Days Insp to Citation Issued- Health	44.9	43.6	54.8
Open, Non-Contested Cases w/ Incomplete Abatement >60 days	84	1,387	2,436

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

Appendix D

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 1 OF 2

State: SOUTH CAROLINA

RID: 0454500

MEASURE	From: 10/01/2010 To: 09/30/2011	CURRENT FY-TO-DATE	REFERENCE/STANDARD
1. Average number of days to initiate Complaint Inspections	1149 8.32 138	262 32.75 8	Negotiated fixed number for each State
2. Average number of days to initiate Complaint Investigations	147 1.00 146	1 .05 18	Negotiated fixed number for each State
3. Percent of Complaints where Complainants were notified on time	132 94.96 139	13 100.00 13	100%
4. Percent of Complaints and Referrals responded to within 1 day -ImmDanger	0 0	0 0	100%
5. Number of Denials where entry not obtained	1	1	0
6. Percent of S/W/R Violations verified			
Private	407 29.11 1398	29 3.21 903	100%
Public	16 50.00 32	5 22.73 22	100%
7. Average number of calendar days from Opening Conference to Citation Issue			
Safety	40058 41.90 956	3562 46.25 77	2631708 51.9 50662

Health	5657	797	767959	
	61.48	66.41	64.8	National Data (1 year)
	92	12	11844	

*SC 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: SOUTH CAROLINA

RID: 0454500

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				
Safety	651	42	90405	
	50.04	44.21	58.5	National Data (3 years)
	1301	95	154606	
Health	23	0	10916	
	39.66	.00	51.7	National Data (3 years)
	58	3	21098	
9. Average Violations per Inspection with Vioations				
S/W/R	1586	149	419386	
	1.51	1.67	2.1	National Data (3 years)
	1048	89	198933	
Other	830	78	236745	
	.79	.87	1.2	National Data (3 years)
	1048	89	198933	
10. Average Initial Penalty per Serious Violation (Private Sector Only)	1109850	88200	611105829	
	718.81	608.27	1679.6	National Data (3 years)
	1544	145	363838	
11. Percent of Total Inspections in Public Sector	48	2	179	
	2.89	1.59	3.5	Data for this State (3 years)
	1662	126	5143	

12. Average lapse time from receipt of Contest to first level decision	4057	697	3533348	
	253.56	348.50	199.7	National Data (3 years)
	16	2	17693	
13. Percent of 11c Investigations Completed within 90 days	2	0	100%	
	25.00			
	8	0		
14. Percent of 11c Complaints that are Meritorious	3	0	1517	
	37.50		23.0	National Data (3 years)
	8	0	6591	
15. Percent of Meritorious 11c Complaints that are Settled	3	0	1327	
	100.00		87.5	National Data (3 years)
	3	0	1517	

*SC FY11

**PRELIMINARY DATA SUBJECT TO ANALYSIS AND REVISION

	2394	48	4978	89	10776	193	23693	404
A. SAFETY PERCENT >30 DAYS	16.6	14.6	16.8	14.4	17.9	13.6	17.9	12.5
	14465	329	29573	616	60243	1423	132414	3232
	259	3	711	11	1451	26	3159	36
B. HEALTH PERCENT >60 DAYS	6.5	9.7	8.6	18.3	9.4	21.1	10.0	15.8
	4006	31	8234	60	15507	123	31619	228

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

PAGE 2

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CURRENT MONTH = SEPTEMBER 2011

INTERIM STATE INDICATOR REPORT (SIR)

STATE = SOUTH CAROLINA

PERFORMANCE MEASURE	----- 3 MONTHS-----		----- 6 MONTHS-----		-----12 MONTHS-----		-----24 MONTHS-----	
	FED	STATE	FED	STATE	FED	STATE	FED	STATE
C. ENFORCEMENT (PRIVATE SECTOR)								
5. AVERAGE PENALTY								
A. SAFETY								
	505479	4800	1258835	10450	2803637	23100	5086228	35550
OTHER-THAN-SERIOUS	1181.0	200.0	1195.5	222.3	1126.9	285.2	1055.2	282.1
	428	24	1053	47	2488	81	4820	126
B. HEALTH								
	219203	0	441915	0	853346	0	1667151	400
OTHER-THAN-SERIOUS	1184.9	.0	1077.8	.0	980.9	.0	958.7	400.0
	185	0	410	0	870	0	1739	1
6. INSPECTIONS PER 100 HOURS								
A. SAFETY								
	6874	513	15417	969	33850	1806	73070	3775
	6.0	10.1	5.6	9.1	5.5	8.1	5.4	8.1
	1138	51	2730	107	6145	222	13476	465
B. HEALTH								
	1458	46	3330	100	7311	182	14958	386
	2.4	2.0	2.2	2.3	2.2	2.2	2.0	2.2
	615	23	1501	44	3390	81	7404	174
7. VIOLATIONS VACATED %								
	1270	16	3026	47	6577	101	12352	192
	5.6	3.0	6.6	4.3	7.0	4.1	6.2	3.7
	22608	529	46128	1104	93448	2444	200310	5254

8. VIOLATIONS RECLASSIFIED %	737	0	1997	4	4456	5	9147	19
	3.3	.0	4.3	.4	4.8	.2	4.6	.4
	22608	529	46128	1104	93448	2444	200310	5254
9. PENALTY RETENTION %	19478404	100697	40012395	328668	77322520	653155	134938244	1210697
	61.0	62.0	61.6	64.3	62.8	67.1	62.8	65.7
	31918969	162475	65001782	511175	123124542	973200	214845679	1842945

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

PAGE 3

CURRENT MONTH = SEPTEMBER 2011

INTERIM STATE INDICATOR REPORT

STATE = SOUTH CAROLINA

PERFORMANCE MEASURE	----- 3 MONTHS-----		----- 6 MONTHS-----		----- 12 MONTHS-----		----- 24 MONTHS-----	
	PRIVATE	PUBLIC	PRIVATE	PUBLIC	PRIVATE	PUBLIC	PRIVATE	PUBLIC
D. ENFORCEMENT (PUBLIC SECTOR)								
1. PROGRAMMED INSPECTIONS %								
A. SAFETY	348	1	644	2	1226	7	2694	23
	85.3	16.7	86.1	11.8	84.9	22.6	86.6	24.0
	408	6	748	17	1444	31	3112	96
B. HEALTH	7	0	30	0	61	0	107	1
	18.9	.0	38.0	.0	41.5	.0	35.8	2.7
	37	4	79	10	147	16	299	37
2. SERIOUS VIOLATIONS (%)								
A. SAFETY	316	13	584	15	1353	31	3061	105
	71.2	76.5	66.6	65.2	68.1	75.6	70.7	82.7
	444	17	877	23	1986	41	4332	127
	24	0	50	2	101	2	190	11

B. HEALTH	30.8	.0	32.1	33.3	37.1	28.6	38.3	68.8
	78	0	156	6	272	7	496	16

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

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OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

CURRENT MONTH = SEPTEMBER 2011

COMPUTERIZED STATE PLAN ACTIVITY MEASURES

STATE = SOUTH CAROLINA

PERFORMANCE MEASURE	----- 3 MONTHS-----		----- 6 MONTHS-----		----- 12 MONTHS-----		----- 24 MONTHS-----	
	FED	STATE	FED	STATE	FED	STATE	FED	STATE
E. REVIEW PROCEDURES								
1. VIOLATIONS VACATED %	579	3	1131	18	2220	31	4270	49
	22.8	30.0	23.4	35.3	23.5	34.1	23.0	35.0
	2542	10	4834	51	9442	91	18586	140
2. VIOLATIONS RECLASSIFIED %	328	1	620	4	1259	12	2360	25
	12.9	10.0	12.8	7.8	13.3	13.2	12.7	17.9
	2542	10	4834	51	9442	91	18586	140
3. PENALTY RETENTION %	3616720	1547	9500018	32023	16062961	53715	28079915	67575
	56.1	33.6	62.4	62.5	62.3	71.1	60.6	70.0
	6443756	4600	15212620	51225	25766759	75525	46371522	96575

APPENDIX F

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

Appendix G

South Carolina State Plan FY 2011 23(g) Consultation Activity

	SC Public Sector	Total State Plan Public Sector
Requests	67	1,328
<i>Safety</i>	37	576
<i>Health</i>	30	560
<i>Both</i>	-	192
Backlog	2	123
<i>Safety</i>	1	51
<i>Health</i>	1	58
<i>Both</i>	-	14
Visits	68	1,632
<i>Initial</i>	65	1,336
<i>Training and Assistance</i>	-	175
<i>Follow-up</i>	3	121
<i>Percent of Program Assistance</i>	74%	67%
<i>Percent of Initial Visits with Employee Participation</i>	100%	96%
Employees Trained	-	5,030
<i>Initial</i>	-	2,144
<i>Training and Assistance</i>	-	2,886
Hazards	459	6,063
<i>Imminent Danger</i>	-	3
<i>Serious</i>	308	4,804
<i>Other than Serious</i>	147	1,171
<i>Regulatory</i>	4	85
<i>Referrals to Enforcement</i>	-	6
Workers Removed from Risk	6,905	171,075
<i>Imminent Danger</i>	-	55
<i>Serious</i>	2,328	136,884
<i>Other than Serious</i>	4,540	26,046
<i>Regulatory</i>	37	8,090

Source: DOL-OSHA. 23(g) Public & Private Consultation Reports, 11.29.2011