

South Carolina

SOAR Report *(State Office Annual Report)*

October 1, 2010 – September 30, 2011

FY 2011



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Introduction

The State OSHA Annual Report (SOAR) for FY 2011 provides a summary of South Carolina OSHA activities and results for the strategic plan, grant commitments, and other program accomplishments. The strategic goals have provided the focus for SC OSHA's enforcement, education and training, outreach, and administrative programs. During FY 2011, SC OSHA continued activities directly related to the five-year strategic plan for FY 2011-2016.

The State OSHA program is administered by the Director of the South Carolina Department of Labor, Licensing and Regulation. The Department of Labor, Licensing and Regulation is divided into divisions of Labor, Fire and Life Safety, and Professional and Occupational Licensing. The South Carolina Occupational Safety and Health Plan (SC OSHA) has the distinction of being one of the first programs approved by the United States Department of Labor in accordance with the guidelines of the Occupational Safety and Health Act of 1970. This was accomplished on November 30, 1972.

The SC OSHA plan has been considered fully operational since 1974. This status was recognized in 1975, when the Commissioner for the South Carolina Department of Labor and the OSHA Regional Administrator in Atlanta, Georgia, signed an "Operational Status Agreement". This suspended the concurrent jurisdiction exercised by federal officials in all areas covered by the state plan. This was closely followed by "certification" in 1976, when South Carolina OSHA completed all developmental steps as outlined in its plan and as required by the United States Department of Labor.

On December 15, 1987, the South Carolina OSHA program received 18(e) determination (final approval). Final approval of the South Carolina State Plan represented a judgment, after extensive evaluation, that the South Carolina Department of Labor was administering its state plan in an effective manner, and resulted in formal relinquishment of concurrent federal authority to enforce occupational safety and health standards in areas covered by the state.

Jurisdiction

The South Carolina OSHA Program exercises jurisdiction over all private and public sector employers and employees within the state except:

- private sector marine terminals,
- employment on military bases,
- private sector employment at Area D of the Savannah River Site
- (power generation and transmission facilities operated by South Carolina Electric and Gas company),
- Three Rivers Solid Waste Authority
- federal government employers and employees, and
- The U.S. Postal Service (USPS), including USPS employees, contract employees and contractor-operated facilities engaged in USPS mail operations.

Regulations and Standards

States must set job safety and health standards that are “at least as effective as” comparable Federal OSHA standards. Most states adopt standards identical to Federal OSHA standards.

South Carolina OSHA has the statutory authority to promulgate safety and health standards in response to specific state conditions that would warrant such action. In South Carolina, the adoption of Federal OSHA promulgated standards is a streamlined process that allows for almost immediate adoption. South Carolina adopted all Federal OSHA standards in FY 2011.

Enforcement Programs

The South Carolina Occupational Safety and Health Act requires employers to provide their employees with a safe and healthy worksite which is free from recognized hazards which may cause injuries and illnesses to workers. The SC Office of Occupational Safety and Health conducts inspections of businesses to ensure compliance with the law utilizing a staff of fifteen safety inspectors and eight industrial hygienists.

Voluntary and Cooperative Programs

Consultation Programs

Employers, who want help in recognizing and correcting safety and health hazards, and in improving their safety and health programs, may obtain it from a free consultations service largely funded by Federal OSHA. The service is delivered by state governments using well-trained, professional staff.

Consultation is a cooperative approach to solving safety and health programs in the workplace. As a voluntary activity, it is neither automatic nor expected. The employer must request it. The obligation for the employer is a commitment to correct, in a timely manner, all safety and health hazards that are found during the consultation visit. In addition to helping employers identify and correct specific hazards, consultants provide guidance in establishing or improving an effective safety and health program and offering training and education for the employer, supervisors and employees.

Primarily targeted for smaller businesses in higher hazard industries or with especially hazardous operations, the safety and health consultation program is completely separate from the inspection effort. In addition, no citations are issued or penalties proposed. The service is confidential, too. The name of the employer, and any information about the workplace, plus any unsafe or unhealthy working conditions the consultant uncovers, will not be reported routinely to the OSHA inspection staff.

Training and Education

OSHA Voluntary Programs provide a variety of training programs and presentations designed to reduce or eliminate safety and health hazards in the workplace. Training is available to employers and employees of both the public and private sector upon request and can occur at a location selected by the employer (requiring participation of twelve or more employees) or as a result of participation in one of the regional training programs coordinated by the training staff. In fiscal year 2011, an excess of 471 training programs were delivered to employees throughout our state, resulting in more than 11,490 employees being trained on various OSHA regulations and other safety and health issues.

General industry, health, and construction areas are covered in training curriculum. Examples of training programs offered include:

- The OSHA inspection process
- Bloodborne pathogens
- Lockout/Tag out (LOTO)
- Trenching/excavation
- Hazard communication
- S.C. SMART- Safety Management Accident Reduction Training
- Fall protection
- Personal protective equipment
- Violence in the workplace
- Scaffolding (construction)
- Permit required confined spaces
- Industrial trucks (forklifts)
- OSHA recordkeeping

Overview of Fiscal Year 2011

During fiscal year 2011, South Carolina saw significant across the board budget cuts to all state agencies. The South Carolina Department of Labor Licensing and Regulation was allowed to use “other funds”, through a proviso, to provide matching funds. During fiscal year 2011, the SC OSHA Consultation and Training Divisions maintained their staff. There was only one vacancy in the Safety Consultation Division. SC OSHA Enforcement ended the year with one supervisor and five inspector vacancies in the Health Division. Staffing in the office and support areas remain fully staffed. Any future vacancies will be filled, depending on the budget situation, to ensure the continued effectiveness of the SC OSHA program.

Fiscal year 2011 was a very productive for South Carolina OSHA. In addition to meeting our strategic goals set in 2010, we have also made enormous strides in accomplishing internal goals.

The current injury and illness rate for all industries, including state and local government, remained at a total case rate (TCR) of 3.5. Private industry observed a slight decrease in its TCR from 3.2 to 3.1. South Carolina continued to be one of the few states with rates below the national average. SC OSHA will continue

working to develop strategies that can further reduce these rates during the next year.

South Carolina OSHA received comments and recommendations from the Enhanced Federal Annual Monitoring Evaluation (EFAME) report. Upon review of the responses from Federal OSHA, there were ten recommendations to improve the program, but only minor deficiencies were noted. These deficiencies have been resolved and measures have been implemented to review outcomes and make adjustments as needed.

OSHA Voluntary Programs

The Consultations Division conducted 866 site visits and identified 4,051 safety and health hazards. Eight-hundred sixteen of these visits resulted in the development of safety and health programs and improvements to existing ones. The division received an overall customer satisfaction rating of 98% from the companies they visited. Health Consultation conducted two direct health interventions on construction sites where seven hazards were identified. These hazards included respiratory protection program deficiencies and overexposures to silica and noise.

The Office of Recognition Programs and Outreach has continued to work with employers throughout the state to explore new initiatives to improve workplace safety and health. In March of this year we held our first safety conference in cooperation with the SC Manufacturers Alliance and National Safety Council. It was very well attended and another conference is scheduled for the spring. There was one new VPP site recognized this year and currently 44 active Voluntary Protection Program (VPP) "Palmetto Star" sites. There was one (1) new Safety and Health Recognition Program (SHARP) site recognized during this fiscal year bringing the program to a total of eight. We are working with six new companies to potentially become SHARP sites. A great deal of emphasis has been put into this program to encourage companies to participate. We have continued our alliance with the Overhead Power line Committee. Our goal is to continue our efforts to further reduce fatalities and accidents from contact with overhead power lines.

- The Office of Training conducted a total of 471 classes for public and private-sector employers during fiscal year 2011.
- 11,432 South Carolina workers received training in South Carolina.
- Four OSHA 10-hour classes were held in General Industry.
- Four OSHA 10-hour classes were held in Construction.

Statistical Training Information FY 2011

Private sector employers trained	1,012
Private sector employees trained	3,156
Public sector employers trained	1,890
Public sector employees trained	5,432
Total number of workers that received training	11,490

We currently have one supervisor and two full-time trainers. We are in the process of hiring another trainer. The Training Division continues to reach out to employers and employees through organizations and associations. Training conducted at these meetings resulted in several individual training requests by companies. Some of the groups we have worked with include the American Society of Safety Engineers, SC Manufacturer's Alliance, SC & NC Utility Coordinating Committee, Timber Producers Association, SC Association of Counties and the SC Rural Water Associations.

OVP currently has a partnership with BE&K Turner, a joint venture, for the construction of the Boeing site in North Charleston. We entered into the partnership on April 16, 2010. They recently completed 4,000,000 work hours without a lost workday injury or illness. This partnership will end in FY 2012. OVP is considering two sites for new partnerships at this time.

Office of OSHA Technical Support and Standards

The SC OSHA Technical Support Office manages the SC OSHA Standards Office and ensures accuracy and consistency of standard interpretations provided to the public and SC OSHA staff. This office develops and oversees SC OSHA's Strategic Plan, generates quarterly and annual reports, and assists the OSHA Administrator with South Carolina Department of Labor, Licensing, and Regulation's Strategic Plan and other state reports such as the state annual and accountability reports.

The Technical Support Office also reviews all Federal OSHA documents; recommends action to the OSHA administrator, such as standard changes and directives for state adoption; maintains tracking logs, drafts interpretive memorandums or directives, and coordinates all public hearings for standard promulgation and amendment adoptions.

The SC OSHA Standards Office provides assistance to many employers, employees and compliance staff who desire to eliminate safety and health hazards in their workplaces. Electrical hazards, machine guarding problems, bloodborne pathogens, recordkeeping requirements and respiratory protection are examples of conditions for which information and assistance are frequently requested.

The SC OSHA Standards Office evaluates and provides guidance on OSHA standards and directives promulgated by Federal OSHA which may be adopted in South Carolina. The Standards Offices also provides training for SC OSHA personnel on new or amended standards. This office also evaluates the validity of requests for temporary and permanent variances from OSHA standards and facilitates public hearings, as needed.

There are three positions within the Offices of Technical Support and Standards. These positions are technical support coordinator, safety standards officer, and health standards officer. Currently, the SC OSHA Offices of Technical Support and Standards are fully staffed.

South Carolina Standards Office personnel spend the greatest amount of their time providing compliance assistance. They respond to volumes of customer requests in the forms of phone calls, letters, and e-mails. The following is a list of "individual requests" from the past fiscal year:

Statistical Standards Information FY 2011

Requests for Information	Number of Calls / Responses
Standards Information	481
Technical Information and Advice	149
Standards Interpretation	263
General Information	147
Referrals	256
Letters	44
E-mails	589
Total	1,929

Office of OSHA Enforcement

South Carolina OSHA Enforcement conducted 1,660 inspections resulting in 2,212 violations being issued during fiscal year 2011. Sixty-six percent of the programmed inspections resulted in serious violations issued. Additionally, one willful violation and four repeat violations were issued. Approximately, fifty percent of the programmed inspections resulted in serious violations issued. During fiscal year 2011, SC OSHA conducted seventeen fatality inspections.

The construction safety compliance group conducted focus inspections in the Charleston and Myrtle Beach areas of South Carolina during the fiscal year. One thousand, one hundred and fifty-three (1,153) were issued with 3,224 instances for a serious violation rate of sixty-six percent. Fifty-nine inspections were conducted at residential construction sites during the year. Eleven inspections were conducted for the Trenching and Excavation Emphasis program. The residential construction industry and the hazards associated with trenching and excavations continue to be a focus for South Carolina OSHA.

Health compliance conducted five inspections in industries known to have employees exposed to lead. One of the inspections was a referral from the Adult Blood Lead Epidemiology Surveillance (ABLES) program. This inspection resulted in several violations of the lead standard to include a willful violation for employee medical surveillance. Also, during fiscal year 2011, thirty-two percent of the health inspections were compliant inspections.

For general industry safety, a continued emphasis was placed on electrical safety work practices. Compliance officers were given additional training on hazards and violations within the general industry electrical standard. South Carolina OSHA put a focus on machine guarding for FY 2011. Machine guarding hazards continue to be the most cited hazards for South Carolina OSHA.

Office of Informal Conferences

The Informal Conference Office provides an avenue for employers to settle cases and reach a better understanding of the citations received after an inspection. This office also maintains the inspection files and handles the Freedom of Information Act (FOIA) requests for OSHA records. In the past year, 270 informal conferences were requested and held. This number is out of 1,660 total inspections conducted during the same time frame (federal fiscal year Oct.'10 to Sept. '11). Of the informal conferences held, eleven moved forward to formal contest. One hundred FOIA requests were processed.

Informal conference guidelines were revised and implemented in FY 2011. More detailed specifications were set regarding penalty negotiation. 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 the previous fiscal year.

Office of Integrated Management Information System (IMIS)

The South Carolina OSHA Redesign and Enhancement (SCORE) project marked its second birthday last November. It was on November 6, 2009 that the new information system went live; since that time, the Integrated Management Information System (IMIS) Department has processed 92,433 inspection reports, complaints, referrals, consultations, etc. (Enforcement – 60,854, Consultation – 31,579). 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.

Federal OSHA's new "web based" OSHA Information System (OIS), is currently being implemented in stages. Thus far it has been rolled out to several regions and Federal OSHA states; the OIS Team is addressing the issues identified by the users. State-plan states are scheduled to start implementation of the new system later this year.

Summary of Strategic Plan Goals for FY 2011

Improve and Ensure Workplace Safety and Health

South Carolina continues to operate an effective state OSHA program. South Carolina reviews the annual high hazard planning guide for target hazards in industries. As a result of this practice, we have seen a reduction in the number of injuries and illnesses in safety and health industries. Over the last year, South Carolina OSHA has continued to identify and reduce the number of worker injuries, illnesses and fatalities in construction by focusing attention and resources on the most prevalent types of workplace injuries and illnesses. (e. g., fall, electrocution, struck-by, crushed by/caught between).

Promote a Culture of Safety and Health

SC OSHA began sponsoring quarterly meetings with stakeholders to solicit questions and/or concerns that South Carolina employers inquire on safety and health standards and directives subject to state adoption. South Carolina OSHA shares changes in rules and requirements with employers and employees in the state. When new policies are created or significant changes are made, a summary is posted on the South Carolina OSHA website and is sent directly to South Carolina OSHA stakeholders.

The South Carolina OSHA plan was able to successfully participate and partner with the South Carolina Manufacturers Alliance to sponsor the Southeastern Workforce Protection Conference which was held in March of 2011. The second annual Southeastern Workforce Protection Conference is scheduled for March 2012. Through partnership in conferences, forums and training courses, South Carolina OSHA continues to work with associations, employers and other groups to promote South Carolina OSHA Consultation and Training services. Services are provided by the consultation division to promote a positive safety and health environment to ensure a safe and healthy workplace for employees in South Carolina.

Though yearly changes in the state injury and illness rate are minute, the strategies used to accomplish the goals outlined in the strategic plan are effective. As a result, South Carolina's injury and illness rates are the lowest in the nation.