

State of Tennessee  
Department of Labor and Workforce Development  
State Office Annual Report  
October 1, 2010 – September 30, 2011

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## ***INTRODUCTION***

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The Tennessee Occupational Safety and Health Administration (TOSHA) was created by legislation in 1972 and became operational in July 1973. The program operated as a dual-designee with the health functions housed in the Tennessee Department of Health and the safety functions in the Department of Labor until July 1977. At that time the General Assembly enacted legislation to transfer the health function to the Department of Labor. The Tennessee Occupational Safety and Health Administration program was certified in May 1978 and final determination (18-E) was achieved in July 1985.

The General Assembly enacted legislation giving Tennessee OSHA the mission of ensuring that employers furnish a place of employment which is free of recognized hazards and provide a safe and healthful workplace. Tennessee OSHA's primary objective is to improve occupational safety and health in workplaces throughout the state. The worker population in Tennessee is approximately 3,109,000. There are approximately 140,800 employers in the state with a comparatively high percentage of construction work sites.

Tennessee OSHA achieves this objective through:

- Enforcement of the general industry, construction, agricultural occupational safety & health standards and Tennessee Department of Labor and Workforce Development rules for private and public sector employees.
- Delivering training programs designed to target the most prominent injuries and illnesses affecting Tennessee workers.
- Providing Tennessee Department of Labor and Workforce Development rules and OSHA general industry, construction and agriculture standards at cost.
- Providing interpretations of Tennessee OSHA standards and rules.
- Providing assistance to employers, employees and the general public on controlling hazards in the workplace by answering technical questions on a daily basis.
- Administering the consultation program to advise and assist employers in the improvement of occupational safety and health in their work places.
- Maintaining employer recognition programs to promote safe and healthful workplaces.

Tennessee OSHA's program services are delivered through a central office in Nashville and field offices located in six strategic geographical areas with 20 IMIS Reporting IDs. Those areas are as follows:

- Nashville - 0454700, 0454712, 0454722 and 0454732
- Memphis - 0454711, 0454721 and 0454731
- Knoxville - 0454714, 0454724 and 0454734
- Chattanooga - 0454713, 0454723 and 0454733
- Jackson - 0454715, 0454725 and 0454735
- Kingsport - 0454716, 0454726 and 0454736
- Consultation – 0494701

The Tennessee OSHA web site (Compliance and Consultation) is [www.tn.gov/labor-wfd/tosha.html](http://www.tn.gov/labor-wfd/tosha.html). All current directives, the Tennessee OSHA Act, and Tennessee OSHA state rules are accessible from the site.

As of September 30, 2011, there were two Industrial Hygiene Compliance Officers and two Occupational Safety Specialists position vacant. In addition the TOSHA Administrator position and the Industrial Hygiene manager position were also vacant.

# ***MANDATED ACTIVITIES***

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## **Enforcement**

During FY 2011, the compliance section conducted 1,868 inspections. Of these 1,380 were program-planned inspections, 266 were complaint inspections, 32 were accident or fatality inspections, and 491 complaints were addressed using phone/fax/letter procedures. As a result of these inspections 9,318 violations were cited and \$3,687,200 in penalties were assessed.

## **Complaints**

During FY 2011, complaint inspections were initiated in an average of 7.47 days following receipt of the complaint, as indicated in the State Activity Mandated Measures (SAMM). Complaint investigations were initiated in an average of 2.80 days. Both were within the goal of 15 days for inspections and five days for investigations.

## **Fatalities**

During FY 2011, 32 accident and fatality investigations were conducted. It is agency policy to conduct accident and fatality investigations as soon as possible and generally within one day of receiving notice of the incident. A letter is sent by the TOSHA Administrator notifying each victim's family that an investigation is underway and providing the family with contact information for the area supervisor overseeing the investigation. Follow-up letters are sent to the victim's family as the investigation, citation, and contest processes progress.

## **Targeting & Special Emphasis Programs**

Tennessee OSHA participated in the following national emphasis programs: Amputations, Hexavalent Chromium, Petroleum Refinery Process Safety Management, Combustible Dust, Recordkeeping, and Lead.

In addition, Tennessee OSHA also maintained the following local emphasis programs: Trenching and Excavation, Carbon Monoxide, Workplace Noise, and Fall Protection.

Medical sharps injuries in hospitals and ambulatory surgical centers were targeted by TOSHA under a targeting initiative.

## **Evaluation of Mandated Activities**

Tennessee OSHA management reviews the State Activity Mandated Measures (SAMM) and the State Indicator Report (SIR), as well as other management reports periodically to assure the mandated activities are carried out effectively and efficiently. A review of the SAMM and SIR for FY 2011 indicated Tennessee OSHA generally met or exceeded

federal activity results. Highlights include the following: Hazards were identified during 70.3% of programmed safety inspections (Federal data 70.1%) and during 84.2% of programmed health inspections (Federal data 56.2%); Safety Compliance performed approximately 5.7 inspections per 100 hours (Federal data 5.5) and Health Compliance performed approximately 2.5 inspections per 100 hours (Federal data 2.2). Tennessee OSHA only vacated 1.3% of violations (Federal data 7.0) and reclassified 0.6 % (Federal data 4.8). Penalties were retained on 82.4% of violations issued (Federal data 62.8).

Areas of concern include serious classification of safety violations 45.8% (Federal data 76.7) and of health violations 33.6% (Federal data 64.4). Tennessee OSHA management, including the area supervisor and section manager, review reports to assure violations are properly classified. Proper classification continues to be an area of focus for Tennessee OSHA management.

### **Public Sector Activity**

During FY 2011, Tennessee OSHA performed 25.00% of all inspections in the public sector. Public sector employers were given the opportunity to participate in the public sector program during the first two years following the formation of Tennessee OSHA and again, by statute, between July 1, 2004, and July 1, 2006. State law mandates that Tennessee OSHA inspect these entities bi-annually. Participants in the program must designate a safety and health director and establish a safety & health program. Participants are not issued monetary penalties; however the governor can remove a participant from the program for failure to comply with the TOSH Act. All public employers not currently participating in the program are treated as private employers as mandated by state law.

### **Citation and Inspection Review**

All inspection reports and citations are reviewed by the industrial hygiene or safety area supervisor and the section manager. All citations are reviewed and issued by the TOSHA administrator, or in the absence of the administrator, the assistant administrator. Informal conferences are held by the area supervisor and reviewed by the section manager. All changes to the penalty or citation are reviewed and issued by the TOSHA administrator or assistant administrator.

During FY 2011, 66 citations were contested and 47 were resolved before the Tennessee Occupational Safety and Health Review Commission. As of September 30, 2011 of the 66 contested cases remaining, 22 settlements were scheduled to be resolved pending approvals. The remaining 44 are pending resolution by settlement or hearing.

During FY 2011, a review of the SIR indicated 1.3% of violations were vacated (Federal data 7.0%), 0.6% were reclassified (Federal data 4.8%), and 82.4% of the penalties were retained (Federal data 62.8) by the Review Commission.

## Review of Bureau of Labor Statistic Data

A review of the Bureau of Labor Statistic (BLS) data, over the last five years, reveals a downward trend in the Days Away, Restricted, Transferred (DART) and the Total Case Incident Rate (TCIR).

	<i>DART</i>		<i>TCIR</i>	
<i>Year</i>	<i>TN Private</i>	<i>US Private</i>	<i>TN Private</i>	<i>US Private</i>
2010	1.9	1.9	3.8	3.8
2009	1.9	1.8	3.8	3.6
2008	2.1	2.0	4.2	3.9
2007	2.2	2.1	4.5	4.2
2006	2.4	2.3	4.8	4.4
2005	2.5	2.4	4.8	4.6

In 2010, the most recent BLS data available, Tennessee's TCIR of 3.8 for all industries including state and local governments is equivalent to that of the United State as a whole.

## Training of TOSHA Compliance Personnel

Newly-hired TOSHA compliance officers are trained as outlined in the instruction "Initial Training Program for TOSHA Compliance Personnel" (TED-TN 001-00-018). The OSHA Training Institute (OTI) is used as the source of most of the training courses. As soon as possible upon hire, a new compliance officer is enrolled in the "Initial Compliance" course at OTI. Additional courses are scheduled as dictated in the instruction. Basic training is completed when the eight courses outlined in the instruction are completed. The training needs of all TOSHA compliance personnel are evaluated annually by the supervisors in each area office in conjunction with the section managers. Requests for individual OTI courses are submitted to the training and education office to schedule the approved courses. Compliance officers may attend two additional OTI courses each year based on the need of the CSHO or the local area office, more if a special need exists. OTI Education Centers and resources offering Council for Accreditation in Occupational Hearing Conservation (CAOHC)-approved courses are utilized as needed.

In FY 2011 TOSHA employees attended federal OSHA Webinars on Best Practices for Interacting with Victims' Families, Construction Targeting, Permit Space Entry Options Specified in 29 CFR 1910.146, Fall Protection in Residential Construction, OSHA's Top Ten Violations, and FDA Training for OSHA CSHOs.

TOSHA industrial hygienists attended a workshop titled "An Introduction to Forensics," conducted by John G. Casali, Ph.D., CPE, Grado Professor of Industrial & Systems Engineering, at Virginia Tech University. The workshop was sponsored by the

Tennessee Valley section of the American Industrial Hygiene Association. This workshop provided guidance on serving as an expert witness in court and the challenge of being cross-examined, as well as understanding how to navigate (and survive) the discovery and litigation processes.

Nineteen TOSHA compliance officers attended 45 courses at the OSHA Training Institute in FY 2011. Nineteen of these courses were training courses dictated for new hires by TED-TN 001-00-018 and the remainder were continuing education course.

## **Standards**

The Tennessee Commissioner of Labor and Workforce Development has the statutory authority to promulgate Tennessee Occupational Safety and Health (TOSHA) standards. Tennessee has generally adopted all federal standards that are applicable in Tennessee. Standards promulgated by federal OSHA are adopted by reference in Tennessee Department of Labor and Workforce Development rules. There were two (2) rule proposals submitted during this period that adopted all federal OSHA promulgated standards in FY 2011 in a timely manner. No state standards were adopted during this period; however, there were several rule changes dealing with non-standards-related issues. A review of Jurisdictional “Coverage Reference - US DOL/OSHA and TDLWD/TOSHA”, STD 03-11-002 regarding Compliance Guidance for Residential Construction was adopted; CPL 02-01-050 regarding PPE in General Industry was adopted, CPL 02-00-051 regarding Commercial Diving Operations was adopted and the Site Specific Targeting directive 2011 was adopted.

An existing state statute was updated to require that employers ensure employees maintain a minimum distance of 10 feet from energized overhead power lines unless an additional distance is required by a specific Tennessee OSHA standard.

All directives are listed on the division’s web page.

TOSHA responded to 320 Open Records Act requests during this period. Of these requests there were 265 records releases that included 20,451 documents (pages) released. All Freedom of Information requests forwarded to the division by federal OSHA were satisfied in a timely manner.

TOSHA received no request for a variance during FY 2011.

## **Voluntary Protection Program (VPP) and Safety and Health Awards Programs**

The TOSHA Volunteer STAR VPP Program is administered according to the TOSHA VPP Policy and Procedures Manual (CSP-TN 03-01-003). Tennessee OSHA recognizes only the STAR level of achievement.

Tennessee OSHA currently has 35 sites participating in the Volunteer STAR program. During FY 2011, five new facilities obtained Volunteer STAR status.



The Tennessee Department of Labor and Workforce Development's Safety Award Program is designed to stimulate interest in accident prevention and to promote safety & health programs. These awards recognize manufacturing and construction employers across the state that, together with their employees, achieve and maintain safe and healthful work sites based on worker-hours worked without a lost time or without a lost or restricted duty incident.

During FY 2011, TOSHA presented 14 Governor's Awards and 10 Commissioner's Awards. No exemption or other benefit, with the exception of recognition, is granted to the recipients.

### **Training and Education Outreach Program**

A spring and fall schedule of training seminars is offered to the general public each year. The seminars focus on new regulations, basic requirements related to occupational safety and health, and current topics of interest. TOSHA works with many co-sponsors to offer seminars, including the University of Tennessee, the Tennessee Chamber of Commerce & Industry, and several state community colleges. The seminars are offered at various locations across the state.

TOSHA trainers also conduct short training programs and speeches for special events, meetings, and conferences upon request. The TOSHA training staff is currently comprised of 21 industrial hygienists and occupational safety specialists who are approved as trainers in addition to their compliance or consultative duties. In FY 2011, TOSHA trainers conducted 334 training sessions.

Tennessee OSHA publishes a free quarterly newsletter, "*Together with TOSHA*," mailed to approximately 18,000 persons/businesses and also distributed through TOSHA's web site. The newsletter offers information, interpretations, best practices, and compliance recommendations on occupational safety & health topics.

### **Complaints About State Program Administration**

During FY 2011, two complaints about state program administration were filed.

### **Discrimination**

All allegations of discrimination were investigated by Tennessee OSHA in accordance with established policies and procedures. Allegations found to be of merit were settled or forwarded to the Attorney General's office for consideration for prosecution. During FY 2011, 85 complaints alleging discrimination in violation of T.C.A. 50-3-409 were filed. Of these, nine were settled, three were screened and closed, seven were withdrawn by the complainant, five were untimely filed, 35 were found to lack merit, 22 were closed because the complainant failed to cooperate, two were forwarded to the Attorney General's office for consideration for prosecution, and two remain under investigation.

## **Inspection Quality Assurance**

Tennessee OSHA compliance officers are trained to perform the essential job functions in a professional and competent manner. Each compliance officer has a job plan and an annual evaluation with at least one interim evaluation during the year. Supervisors performing the annual evaluation accompany compliance officers on an inspection to assure inspection policies and procedures are followed. Newly hired compliance officers are trained as discussed in the training section.

Each inspection report and proposed citations are reviewed by the industrial hygiene or safety supervisor in the area office where the inspection was conducted. The inspection report and proposed citations are then forwarded to the industrial hygiene or safety section manager in the central office for additional review. All fatality inspection reports are reviewed by the assistant administrator and all inspection reports and citations are reviewed by the TOSHA administrator. All citations are issued by signature of the TOSHA administrator, or in his absence by the assistant administrator, as required by state law.

The review of each inspection file and citations by each management level provides continuous assurance of quality work and consistency across all area offices.

A procedure (ADM-TN 03-00-011) has been developed and implemented to audit each area office to assure policies and procedures are being followed. The Jackson area office was evaluated during September 2011. Three area offices are scheduled to be evaluated during FY-2012. All remaining offices will be evaluated during FY-2013. Two area offices will be evaluated each fiscal year on an ongoing basis.

## Annual Performance Goals

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The first five-year plan changed the focus of Tennessee OSHA by concentrating activities on affecting workplaces where high injuries and illnesses were occurring. The second five-year plan enhanced those activities through increased collaboration with the Workers' Compensation and Research & Statistics Divisions. FY2011 was a single year plan.

All goals were achieved or exceeded with the exception of the goal to reduce amputations and additions to Volunteer Star.

### **Performance Goal 1.1**

Eliminate 7,000 serious violations/hazards in workplaces where interventions take place.

**Summary** - Tennessee OSHA met this goal.

	Compliance	Consultation	Total
Inspections/Visits	1,868	392	2,260
<b>Serious Violations/Hazards</b>	<b>5,279</b>	<b>2,368</b>	<b>7,647</b>
Non-Serious Violations/Hazards	3,793	312	4,105
Repeated Violations	211	N/A	211
Willful Violations	35	N/A	35
Regulatory Hazards	N/A	283	283
Total Violations/Hazards	9,318	2,963	12,281

### **Performance Goal 1.2 - Carbon Monoxide**

Reduce carbon monoxide exposures for 300 employees.

**Summary** – Tennessee OSHA met this goal

CO levels have been documented as reduced through elimination and engineering controls as follows:

FISCAL YEAR	COMPANIES	EMPLOYEES
2004	35	1,977
2005	31	960
2006	37	1,935
2007	29	1,846
2008	35	689
2009	19	721
2010	17	542
<b>2011</b>	<b>8</b>	<b>1102</b>

Compliance and Consultation documented the elimination of hazard communication hazards and reduced employees' exposure to CO.

FISCAL YEAR	COMPANIES	EMPLOYEES	HAZARDS
2004	176	3,683	509
2005	166	3,515	474
2006	202	2,992	541
2007	202	3,321	588
2008	252	3,713	757
2009	273	6,295	753
2010	237	6,015	674
<b>2011</b>	<b>228</b>	<b>2,535</b>	<b>670</b>

### **Performance Goal 1.3 - Noise**

Reduce noise exposures for 300 employees.

**Summary** - Tennessee OSHA met this goal.

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Noise levels have been documented as reduced through engineering and hearing protection as follows:

FISCAL YEAR	COMPANIES	EMPLOYEES
2004	31	289
2005	33	232
2006	31	560
2007	45	566
2008	34	305
2009	28	1,017
2010	19	932
<b>2011</b>	<b>21</b>	<b>608</b>

Compliance and Consultation documented the elimination of hearing conservation program violations and reductions of employees' exposure to noise.

FISCAL YEAR	COMPANIES	EMPLOYEES	HAZARDS
2004	108	2,155	396
2005	118	1,573	425
2006	105	1,426	387
2007	119	1,458	502
2008	88	1,015	372
2009	118	1,741	379
2010	82	1,486	319
<b>2011</b>	<b>79</b>	<b>976</b>	<b>279</b>

## **Performance Goal 1.4 – Needlestick Reduction**

Reduce the number of needlesticks in hospitals and ambulatory surgical centers by 1%.

**Summary** – TOSHA met this goal.

TOSHA obtained 2005, 2006, 2007, 2008, 2009, and 2010 Sharps Injury Logs from Tennessee hospitals and ambulatory surgical centers. TOSHA trainers performed training sessions for these facilities in six areas of Tennessee.

A comparison of the 2005, 2006, 2007, 2008, 2009 and 2010 needle stick logs was made. The results were a total reduction of 7.8 % in one (1) year. Tennessee OSHA exceeded our goal this year.

	2005	2006	2007	2008	2009	<b>2010</b>	%
Hospitals	2,742	2,639	2,575	2,417	2,345	<b>2,163</b>	7.8
Surgery Centers	222	209	200	198	184	<b>142</b>	22.8

FISCAL YEAR	COMPANIES	EMPLOYEES	HAZARDS
2006	8	79	26
2007	57	5,850	397
2008	132	19,078	926
2009	102	15,144	644
2010	79	13,037	586
<b>2011</b>	<b>65</b>	<b>14,898</b>	<b>521</b>

## **Performance Goal 1.5**

Reduce the number of fatalities due to falls each year by 1.7% from a baseline of the average number of yearly fatalities (8.2) due to falls from 2003 – 2007. Tennessee OSHA continues to maintain a local emphasis program addressing fall hazards.

**Summary** – Tennessee OSHA met this goal.

FISCAL YEAR	FALL FATALITIES	FATALITIES
2004	9	46
2005	6	26
2006	9	47
2007	10	33
2008	11	35
2009	10	32
2010	7	31
<b>2011</b>	<b>5</b>	<b>33</b>

Compliance and Consultation documented the elimination of fall hazards and reduced employees' exposure to falls by issuing citations and identifying hazards as outlined in the chart below.

FISCAL YEAR	COMPANIES	EMPLOYEES	HAZARDS
2004	445	1,313	880
2005	378	1,031	879
2006	422	1,137	875
2007	469	1,476	1,049
2008	521	1,123	1,606
2009	544	1,216	1,458
2010	418	1,147	805
<b>2011</b>	<b>411</b>	<b>1,161</b>	<b>811</b>

TOSHA informs employers and employees about the Fall Hazard Special Emphasis Program during each inspection and visit. The goal is to increase employers and employees ability to identify fall hazards and reduce employee exposure to falls.

### **Performance Goal 1.6**

Reduce amputations by 1% each year using Tennessee Workers' Compensation data.

Summary – Tennessee OSHA met this goal.

Amputations decreased by 151 this year.

Tennessee OSHA continues to follow the national emphasis program on amputations.

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#### Amputations

Year	Amputations
FY2004	436
FY 2005	372
FY 2006	326
FY 2007	352
FY 2008	173
FY 2009	132
FY 2010	291
<b>FY 2011</b>	<b>140</b>

### Amputation violations issued

	Companies	Violations/Hazards
2004	334	836
2005	374	1,004
2006	342	624
2007	386	750
2008	370	813
2009	334	681
2010	284	547
<b>2011</b>	<b>281</b>	<b>690</b>

Amputation information is obtained from CPL 2-1.33. Violations in standards General Machine Guarding - 1910.212, Woodworking Machinery - 1910.213, and Power Presses - 1910.217 are counted. The SIC codes in the CPL include: 2421, 2431, 2434, 2448, 2451, 2499, 2511, 2541, 2542, 3089, 3429, 3441, 3442, 3443, 3444, 3469, 3496, 3499, 3599, 3714, and 3732.

## **Performance Goal 2.1**

Train 9,000 people in occupational safety and health training classes.

**Summary** – Tennessee OSHA met this goal.

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FISCAL YEAR	SESSIONS	TRAINED
2004	588	7,011
2005	744	11,890
2006	823	13,369
2007	552	12,602
2008	565	12,258
2009	839	12,393
2010	799	10,417
<b>2011</b>	<b>712</b>	<b>13,054</b>

Tennessee OSHA personnel performed seminar training for the public on the following subjects:

Accident Investigations	Basic Safety
Bloodborne Pathogens	10-hour Construction Course
Electrical Safety	Fall Protection
Fire Protection & Life Safety	Powered Industrial Trucks
Hazard Communication	Maintenance Related Standards
Noise	Laboratory Safety and Health
Lockout/Tagout	Machine Guarding
Respirator Requirements	Office Safety

## **Performance Goal 2.2**

TOSHA implemented significant improvements in employer occupational safety and health programs in 850 workplaces where Tennessee OSHA Compliance had an intervention.

**Summary** – Tennessee OSHA met this goal.

<b>Inspection Results</b>		
<b>FISCAL YEAR</b>	<b>EMPLOYERS</b>	<b>PROGRAM HAZARDS IDENTIFIED</b>
2004	1,008	3,540
2005	965	3,832
2006	1,069	3,963
2007	1,123	4,440
2008	1,264	4,976
2009	1,303	4,760
2010	1,201	4,658
<b>2011</b>	<b>1,103</b>	<b>4,187</b>

These program violations include emergency action plans, noise, emergency response, personal protective equipment assessment, respirators, confined space, lockout/tagout, fire prevention, bloodborne pathogens, hazard communication, excavations, process safety management and construction safety & health programs.

TOSHA consultation performed 370 visits with program assistance. These program assistance visits provide the company with evaluation of their safety & health program and provide recommendations on how those companies can improve their programs.

## **Performance Goal 2.3**

Evaluate and approve three employers for the Voluntary Protection Program (Volunteer STAR).

**Summary** – Tennessee OSHA met this goal.

Five new companies were approved in FY 2011 for participation in the Volunteer Protection Program known in Tennessee as the Volunteer Star Program.

The following Companies have received initial Volunteer STAR certification:

1. Georgia Pacific – Lebanon – 10/14/10
2. Monsanto – Union City – 02/11/11
3. Gerdau Ameristeel – Memphis 04/26/11



4. Owens Corning – Springfield – 05/27/11
5. Flash Technology – Franklin – 07/13/11

## **Performance Goal 2.4**

Evaluate and approve two new employers for the Safety and Health Achievement Recognition Program (SHARP).

**Summary** – Tennessee OSHA met this goal.

Tennessee OSHA Consultation Services approved five new companies during FY 2011.

The following Companies have received initial SHARP certification:

1. Gate Precast - Ashland City 11/2/2010
2. Kirby Building Products – Portland 12/20/2010
3. SteelSummit – LaVergne 12/20/2010
4. Carton Service Inc./Pharma Packaging Solutions – Norris 1/13/2011
5. MI Windows and Doors Incorporated – Smyrna 4/13/2011

## ***Significant Inspections***

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### **[REDACTED] (\$348,000)**

An inspection was conducted at [REDACTED] to investigate an explosion/fire event and to evaluate hazards alleged in a complaint submitted to a TOSHA area office. A flash fire/explosion occurred on [REDACTED], one of several buildings located on the company's [REDACTED], TN property. The fire injured six employees, three of which were critically injured. Two of the critically injured employees suffered severe injuries requiring months of hospitalization. The third critical employee injury, after months of hospitalization, resulted in a fatality. Immediately prior to the [REDACTED] incident, a formal complaint was received by the TOSHA Memphis area office.

The TOSHA inspection identified several violations of TOSHA standards previously identified during a 2001 TOSHA inspection. [REDACTED] agreed to the employee protection criteria - assume that ignition can always occur and separate employees from amounts of composition that can harm them through proven engineering controls (for example automation, separation by distance, protection by heat/blast shields or barriers and blast walls) and (for small quantities) the use of personal protective equipment (PPE) controls that have been proven adequate for the amount and form of composition present.

Standard violations related to instances where [REDACTED] deviated from these criteria were considered for willful classification.

As a result of this inspection, ten serious violations and four willful violations were cited with an associated \$348,000 in penalties. The citations referenced violations of the process safety management standard, the standard for exit routes, and the hazard communication standard.

**[REDACTED] (\$60,000)**

An excavation special emphasis inspection was conducted with [REDACTED]. The main business of this company is performing excavation work. This company has 360 employees and is based in [REDACTED], TN. Repeat-serious violations were documented during the inspection. Approximately one month before this inspection the company was issued two serious and one repeat citation in the amount of \$48,000 for excavation deficiencies on another job. Two repeat-serious violations were documented during this inspection and a citation was issued for the excavation not being inspected by a competent person and for no cave-in protection while employees were working in an excavation.

**[REDACTED] (\$48,000)**

An excavation special emphasis inspection was conducted with [REDACTED]. The main business of this company is performing excavation work. This company has 365 employees and is based in Franklin, TN. Repeat-serious, and serious citations were issued. A repeat-serious citation was issued for not providing cave-in protection for employees. A serious citation was issued for not keeping the spoil pile at least two feet back from the excavation, and for no inspection of the excavation by a competent person before employees were allowed to enter.

**[REDACTED] (43,600)**

An inspection was conducted at [REDACTED] to evaluate a complaint alleging employees were exposed to electric shock hazards and welding fumes. [REDACTED] manufactured suspension for automobiles using presses, automated welders, and manual welding processes. The TOSHA inspection identified employee exposure to elevated welding fume concentrations and elevated noise levels and identified numerous recordkeeping violations and inadequate energy control procedures.

Through the TOSHA inspection, one serious violation of the noise standard was cited for inadequate engineering/administrative controls and for inadequate training for affected employees following documented hearing loss. Serious citations were issued for employee over-exposure to welding fume concentrations, lockout-tagout program deficiencies, and hearing conservation program deficiencies. Non-serious violations were cited for failure to conduct a workplace hazard assessment, inadequate hazardous chemical training, and recordkeeping violations. The penalties totaled \$43,600.

**[REDACTED] (\$42,900)**

A fatality investigation was conducted at the [REDACTED] facility in [REDACTED], TN. Multiple fatalities resulted from a combustible iron dust flash fire. The company manufactures iron dust. The company has 250 employees and is based in [REDACTED], TN. Twelve serious violations were cited. Citations were issued for accumulations of combustible dust, fall protection, exit signs not illuminated, lockout/tagout issues, electrical violations, and hazard communication standard violations.

**[REDACTED] (\$40,000)**

An excavation special emphasis inspection was conducted at this work site. Utility construction is the primary activity of this company. On the day of the inspection a willful violation was documented and a willful citation was issued for failure to provide cave-in protection for an employee in a 13' deep excavation.

**[REDACTED] (\$44,800)**

An inspection *was* conducted in [REDACTED] where [REDACTED] workers were observed to be renovating the upstairs and downstairs of a building. The workers were tearing down walls in the building and removing all old materials so that the buildings could be refurbished. In 2009, the owner of the company had received an asbestos survey for this building. It showed a number of the building materials contained asbestos.

Through the TOSHA inspection, four serious violations of 1926.850 (Demolition Standard) were cited for failure to conduct a building survey prior to demolition, failure to shore or brace damaged floors, and failure to barricade or cover floor holes. Thirty-four willful violations of 1926.1101 (Asbestos Standard) were cited for failure to properly conduct work practices, and failure to provide training and personal protection for Class I and Class II asbestos. Sixteen repeat serious violations of 1926.62 (Lead Standard) were cited for failure to properly conduct work practices, and failure to provide training and personal protection for removal of lead containing building materials. The penalties totaled \$44,800.

**[REDACTED] (\$36,500)**

An inspection was conducted at [REDACTED] to evaluate a complaint alleging employees were exposed to health hazards as a result of the absence of necessary PPE for workers required to sort contaminated linens and other articles collected from healthcare facilities. [REDACTED] is an industrial laundry facility providing laundered articles to healthcare facilities.

The TOSHA inspection identified employee exposure to chemical hazards and bloodborne pathogen hazards and identified numerous recordkeeping violations. Additionally, a referral was submitted to safety compliance to evaluate employee exposure to potential fire hazards, slipping hazards, moving machine parts hazards, and inadequate energy control procedures.

Through the TOSHA inspection, two serious violations of 1910.22 were cited for failure to keep floors and areas of employment in clean and orderly conditions, which created chemical exposure hazards and slip hazards. Serious violations were issued for failure to provide adequate personal protective equipment and eyewash/shower facilities, inadequate work instruction specific to laundry operations, deficiencies in the company Exposure Control Program, and deficiencies in the company Hazard Communication Program. Repeat non-serious recordkeeping violations were cited for illness/injury records' deficiencies and deficient sharps injury logs. Non-serious recordkeeping violations were cited for illness/injury records' deficiencies, absence of persons trained to administer first-aid, and hazard communication training. The penalties totaled \$36,500.

**[REDACTED] (\$29,100)**

A fatality investigation was conducted on [REDACTED] relating to a fall from a ladder. [REDACTED] performs work as a general contractor. A sub-contractor's employee on this site received fatal injuries due to a fall from a ladder. [REDACTED] is based in [REDACTED], TN and has 16 employees. Citations for serious violations were issued to the general contractor as well as the sub-contractor whose employee actually fell. The general contractor maintains ultimate responsibility for jobsite safety on jobs they control, per the TOSHA multi-employer citation policy. Serious citations were issued for fall protection, ladders, PPE (hardhats), and training.

**[REDACTED] (\$29,100)**

A fatality investigation was conducted on [REDACTED] relating to a fall from a ladder. This company performs roofing work as their main business. This company is based in [REDACTED], TN and has 10 employees. Serious citations were issued for fall protection, ladders, PPE (hardhats), and training. Citations were also issued to the general contractor who was maintaining control of the entire work site.

## ***SPECIAL ACCOMPLISHMENTS***

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- Results from TOSHA's Sharps Injury Targeting Initiative data collection of sharps injuries in all licensed hospitals and surgery centers showed a 22.2% decrease statewide in sharps injuries when compared to 2005. Logs were collected from all hospitals and surgery centers licensed by the State of Tennessee Department of Health. Tennessee OSHA maintains a list of engineering controls and engineered sharps injury protection devices. This list is provided to the public at healthcare seminars and is placed on the Tennessee OSHA web site. It is updated on the web site when changes are made.
- The assistant administrator has been appointed to the Advisory Committee on Construction Safety and Health. He attended two meetings during this past year in Washington DC.
- The VPP manager attended the Annual Region IV VPPPA Conference and serves as an ex officio member of the region four chapter board of directors.
- Tennessee OSHA industrial hygienists attended a two day AIHA Fall Conference in Knoxville. The assistant administrator delivered an update on Tennessee OSHA activities at the conference.
- Tennessee OSHA compliance officers and consultants answered approximately 1,000 technical assistance e-mail inquiries received from the public. In addition, consultants and compliance officers answered technical assistance calls daily.
- Tennessee OSHA co-sponsored the 34th annual Tennessee Safety and Health Congress with the American Society of Safety Engineers. The Congress was attended by more than 1,300 delegates and exhibitors.
- Tennessee OSHA produces and distributes a quarterly newsletter, Together with TOSHA, to more than 18,000 employers and industry professionals.
- A service that provides language interpreters via cell phones is used by compliance officers and consultants on inspections and visits when necessary.
- Tennessee OSHA partnered with the following safety organizations to conduct training:
  - Tennessee Chamber of Commerce and Industry
  - University of Tennessee Center for Industrial Studies
  - Kingsport Area Safety Council
  - Tennessee Safety and Health Congress
  - Associated General Contractors
  - Associated Builders and Contractors
  - American Society of Safety Engineers
  - American Industrial Hygiene Association

TOSHA also partnered with the following institutions of higher learning  
Meharry Medical School

Meharry Dental School  
Volunteer State Community College  
Northeast State Community College  
Walters State Community College

- Several Tennessee OSHA trainers received training to qualify them to as general industry and construction outreach trainers. Demand for 10-hour and 30-hour classes in both construction and general industry remains strong.
- Tennessee OSHA responded to the devastating May tornados in East Tennessee by performing outreach in the Kingsport and Chattanooga area office counties. Inexpensive PPE was distributed including safety glasses, hearing protection, and gloves. Quick cards on a variety of subject were also distributed including chain saw safety, debris removal and demolition, and carbon monoxide.
- The Tennessee OSHA industrial hygiene laboratory is accredited by the American Industrial Hygiene Association in atomic absorption spectrometry, gas chromatography, UV-visible spectrometry, phase contrast microscopy, gravimetric analysis, inductively coupled plasma with mass spectrometry detection, ion chromatography, high performance liquid chromatography and ion selective electrode analysis.
- The Commissioner's Council on Employee Safety and Health was formed to help state departments and agencies improve workplace safety and health. The council meets every other month. This group of small and large state agencies works as a team to provide effective and affordable training and education to state agencies. Program topic included return to work programs, safety programs and developing safety checklists for various hazards.
- As the only occupational medicine residency program in the state of Tennessee, Meharry Medical College has played an important role in ensuring an adequate supply of qualified professional occupational health practitioners in the state. Tennessee Occupational Safety and Health Administration (TOSHA) is proud to have supported the training of occupational medicine residents from Meharry Medical College for more than two decades by providing opportunities for practicum experience. These experiences enable residents to gain an understanding of public health policy development and enforcement and appreciate TOSHA's roles in occupational safety and health. In conjunction with the Meharry Medical School Residency Program Partnership, TOSHA trained one occupational medicine resident this year.
- The administrator attended the OSHSPA meetings in Las Vegas, Nevada, Indianapolis, Indiana, and Salt Lake City, Utah.