

STATE OF UTAH



STATE PLAN

STATE OPERATIONS ANNUAL REPORT (SOAR)

December 1, 2011



UTAH LABOR COMMISSION

**UTAH OCCUPATIONAL SAFETY
AND
HEALTH DIVISION**

2011 State OSHA Annual Report

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State OSHA Annual Report - Utah FY 2011

1.0 Introduction

This introduction is common for both the SOAR and CAPR since the Utah State Plan is a joint Compliance/Consultation effort to provide a safe and healthful working environment for the employees in the state of Utah through either the enforcement of the OSHA Standards by Compliance and/or assistance to employers through the Consultation program.

UOSH developed its five year Strategic Performance Plan (FY 2009-2013) on the basis that occupational safety and health in Utah is an integrated process with Compliance, and Consultation working together to accomplish a common goal.

2011 is the third annual Performance Plan of the five years Strategic Plan (FY 2009-2013)

Utah operates a "state plan" occupational safety and health program under Section 18 of the federal Occupational Safety and Health Act of 1970. Funding for this program is provided in accordance with Section 23 of the Act. Establishment and enforcement of state occupational safety and health standards form the core of this program.

Utah also provides a consultation program in accordance with 29 CFR 1908. This program is designed to operate within the requirements established in Section 21 of the Act.

This report is a performance report of UOSH activities accomplished for the fulfillment of requirements included in the Strategic Plan (FY2009-FY2013) and identified in the FY 2011 23(g) Grant Application and FY 2011 2 1(d) Consultation Cooperative Agreement.

2.0 UOSH Performance Summary (FY 2011)

The Utah occupational safety and health program mirrors the federal program as closely as possible while still recognizing the autonomy and unique characteristics of the state.

During FY 2011, UOSH performed 795 compliance interventions and 672 consultation, education and training interventions. This is a total of 1,467 Interventions. Interventions include inspections, investigations, visits, form 55 and form 66 activities in both programs. These interventions removed 227,572 employees from 2,723 identified and corrected hazards.

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UOSH, in line with its Strategic and Performance Plans, emphasized the prevention of fatalities and the reduction of the Utah fatality rate for industries under UOSH jurisdiction. UOSH also made a concentrated effort to reduce the Utah Annual Recordable Case Rate in Construction and General Industry. Utah OSHA in its outreach efforts promoted a safety and health culture through increased participation in Consultation Services, VPP and SHARP.

2.1 Compliance Activity

The following is a breakdown of the UOSH Compliance Activity for FY 2011

SOAR INFORMATION			
FEDERAL FYSCAL YEAR 2011			
1. Emphasis Initiatives: During the period of October 1, 2010 thru September 30, 2011 UOSH implemented and/or was actively engaged in (4) four emphasis initiatives involving industries with high injury rates within the State of Utah.			
UOSH Emphasis Initiative		Inspections	Interventions
Public Sector		10	0
Oil & Gas Exploration/Drilling		8	0
Machine Guarding & Control of Hazardous Energy		40	0
Big 4 Residential Construction		66	123
2. Accident Reporting, investigations and inspections.			
Reported to UOSH		190	
Inspections accomplished		108	
Investigations accomplished		82	
3. Safety and Health complaints received, inspected, investigated and invalid or referred to other agencies.			
Safety and Health complaints received		331	
Inspections accomplished		183	
Investigations (Phone/Fax) accomplished		60	
Invalid and/or Referred to other agencies		88	
4. Whistleblower complaints received, investigated, referred to another agency and/or administratively screened and closed.			
Whistleblower complaints received		34	
Investigations accomplished		9	
Referred to another agency		8	
Administratively screened and closed		17	
5. VPP applications received, presentations and/or pre-audits accomplished.			
Applications received		0	
Presentations accomplished		2	
Pre-audits accomplished		2	

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2.2 Federal Guidance Adopted

Directive	Subject	Utah Adopted
DIR 11-01 (CPL 03)	NEP Microwave Popcorn Processing Plants	Utah Adopted
CPL-02-01-050	Enforcement Guidance for Personal Protective Equipment in General Industry	Utah Adopted
CPL 03-00-013	NEP Primary Metal Industries	Utah Adopted
CPL 2-00-015 1	29 CFR Part 1910, Subpart T- Commercial Diving	Utah Adopted
11-02 (CSP 02)	FY 2012 On-site Consultation Cooperative Agreement Application Instructions	Utah Adopted
11-01 (CSP 02)	FY 2012 Instructions for 2012 23g State Plan States	Utah Adopted

3.0 Outreach/Public Sector/VPP

Highlights of FY 2011 activities and accomplishments are included below.

3.1 Compliance Outreach

Church of Jesus Christ Latter-Day-Saints Risk Management Safety Managers Annual Conference at Brigham Young University.

General Contractors Meeting (Davis, Weber and Salt Lake Counties)

Ribbon Cutting Ceremony _Proctor and gamble new facility (Brigham City)

Subcontractors and General Contractors Meeting 9Davis, Weber and Salt Lake Counties

Public Works & Utilities Annual Conference at Salt Lake City South Towne Conference Hall

Governor's Safety Summit

Northern Utah Chapter of Building Inspectors, Layton, UT

Rio Tinto Contractors Meeting

Southern Utah Home Builders Association Annual Conference, St. George, UT

Southern Utah Chapter of Building Inspectors, St. George, UT

Iron County Builders Association, Cedar City, UT

3.2 Public Sector Consultation Activities:

This was a busy year for Public Sector Consultation. In October, a request from one of the larger counties in Utah started things off with a total of 27 visit locations. Several other city or county requests helped to make this a record-breaking year in visit numbers for Public Sector Consultation. Many of these requests came from those who had been visited in promotion of Public Sector Consultation in previous years or from the outreach activities from this year.

Visits (Form 30)	Type
50	Initial
8	Training classes after initial visits
17	Follow-up
75	Total

Interventions (Form 66)	Type
32	Outreach or interpretive
16	Training not associated with a visit
5	Regularly scheduled meeting SLENVT
53	Total

Training Conducted for Public Sector Clients:

Date	Subject/Time	Location of Training	Primary Recipient
10/12	OSHA 300 Forms, 2 hr.	St. George, UT	Washington County
11/29 – 30	OSHA 10-hr. Construction Class	Salt Lake County Offices	Salt Lake County
1/11	Scaffold Training, 4 hr.	UOSH Training Rm.	New CSHOs
2/15	HAZWOPER, 8 hr. Refresher Class	UT Dept. of Env't. Quality	State of Utah DEQ/ DERR
2/16	“	“	“
3/23 – 24	OSHA 10-hr. General Industry Class	UOSH Training Rm.	Salt Lake County
5/18 – 19	OSHA 10-hr. General Industry Class	SL Traffic Operations Center	State of Utah Dept. of Transportation
6/21	Intro. To OSHA, 2 hr. (8:00- 10:00)	Summit Co. School District Bus Garages	UT School Bus Technicians Association
6/21	“ (10:00 – 12:00)	“	“
6/21	“ (1:00 – 3:00)	“	“
6/22	Asbestos Floor Tile Removal Class, 8 hr.	Box Elder School Dist.	Box Elder Sch. Dist.
7/14 – 15	OSHA 10-hr. General Industry Class	OSHA Salt Lake Technical Ctr.	Various employers
7/28	UT Labor Commission New Employee Orientation, 4-hr.	UOSH Training Room	State of Utah Labor Commission
8/10	OSHA 300 Forms, 2 hr.	SITLA Salt Lake Office	UT School & Institutional Trust Lands Admin.
8/30 – 31	OSHA 10-hr. General Industry Class	SL Traffic Operations Center	UT Dept. of Transportation
9/21	OSHA 300 Forms, 2 hr.	Panguitch City	Panguitch City

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Outreach and promotion:

Promotional activities were conducted with the help of the Utah Local Government Trust. They invited Public Sector Consultation to participate in their training meetings at all of their regional meetings through the state. City and county representatives were in attendance. The topic used for discussion was an introduction to OSHA, modified from the 10-hour class. Other outreach activities included two college career days, one in northern Utah and the other in central Utah, and two association conventions where general OSHA information was distributed.

Date	Subject/Time	Location of Training	Primary Recipient
10/4,5,6	American Public Waterworks Association	Sandy Convention Center	Public Water systems
4/4	Intro. to OSHA, 2 hr.	Hyrum City	UT Local Gvt. Trust
4/5	“	North Salt Lake ULGT	“
4/6	“	Vernal City	“
4/7	“	Price City	“
4/12	Career Days, 6 hr.	Richfield, Snow College	Sevier Co. Students
4/19	Intro. to OSHA, 2 hr.	Moab City	UT Local Gvt. Trust
4/20	“	Washington City	“
5/3, 4	Bridgerland Applied Tech. College Career Days	Logan	Cache Co. Students
5/3,4,5	Governor’s Public Safety Summit	Layton Convention Center	Local Govt. Public Safety

3.3 VPP activity and current status of program participants as of 09/30/11

- A. Conducted 2 pre-audit visits.
- B. VPP applications that are in the process of being reviewed and/or waiting for corrections to be made by the employer include the following:
 - a. Northrop Grumman
 - b. Vulcraft Utah
 - c. Miliken and Company
 - d. Presto Products Co
 - e. Clean Harbors
 - f. Longview Fiber
- C. VPP site audit scheduled at Simmons Mattress Co on January 30, 2012.
- D. Current VPP sites are listed in the table below.

Voluntary Protection Program (VPP Sites)

FEDERAL FISCAL YEAR 2011		10/01/10 to 09/30/11			09/30/11	
No.	Company Name	VPP Since	Program Current Status	Latest Re-Certification Date	Status Expiration Date	Point of Contact
1	GE Medical	04/14/2003	Star	08/18/2008	08/2013	Lawrence, H.
2	Morton Salt	06/29/2004	Star	06/21/2010	06/2015	Lawrence, H.
3	Frito Lay	07/20/2004	Star	10/26/2007	10/2012	Lawrence, H.
4	Pacific States Cast Iron Pipe Co.	10/21/2009	Merit	N/A	10/2012	Lawrence, H.
5	Conoco Phillips Pipe Line Company	10/21/2009	Star	N/A	10/2012	Lawrence, H.
6	Firestone Building Products	10/20/2009	Star	N/A	10/2012	Lawrence, H.

4.0 General Organizational Information Highlights**4.1 UOSH Staff Changes****Compliance**

Three new Compliance Officers (Health) – Hired - October/November 2010 One retirement: – (Health) - March 2011.

During FY 2011 UOSH has received and investigated thirty six (36) Whistle blower complaints. With the new revision of the Whistleblower program, UOSH has significantly improved the quality of investigations as well as reduced the time and man hours investigations were taking.

4.2 Safety and Health Emphasis Initiatives**4.2.1 Public Sector**

The 2010 Government Sector Safety Inspection Emphasis Initiative for public sector agencies, departments, city, county, municipalities and school districts in the state of Utah, began October 1, 2009. This initiative for Public Sector Safety is designed to help identify and eliminate hazards,

such as falls, confined space entry, trenching, materials handling, equipment and electricity, associated with the major causes of fatalities, accidents, and injuries in this group of Utah workplaces. This Emphasis Initiative continued through FY 2011

4.2.2 Oil & Gas (Exploration and Drilling)

UOSH has always emphasized inspections in this very dangerous industry and actually has some State-specific rules. This Emphasis Initiative continued through FY 2011.

4.2.3 Machine Guarding & Control of Hazardous Energy

Serious injuries were being reported including amputations from unguarded machinery, some during maintenance. UOSH responded by initiating an emphasis program for machine guarding and lockout. Several NAICS were selected and inspections commenced according to size and Industrial Accident database information. Smaller companies were given to Consultation for surveys. This Emphasis Initiative continued through FY 2011.

4.2.4 Big 4 Residential Construction

The Utah Occupational Safety and Health Division (Utah OSHA) conducted a residential construction emphasis initiative. The initiative named The Big 4 was for residential construction job sites statewide. The program was designed to help identify and eliminate safety hazards at residential construction job sites associated with the four major causes of fatalities, accidents and injuries in the state of Utah:

1. Falls from elevations (e.g., floors, platforms, roofs).
2. Struck by (e.g., falling objects, vehicles).
3. Caught in/between (e.g., excavation/trench cave-ins, unguarded machinery, and equipment).
4. Electrical (e.g., overhead power lines, power tools, cords, outlets, temporary wiring).

Compliance Safety and Health Officers (CSHOs) visited residential construction job sites to:

- A. Determine if serious hazards or imminent danger situations were present. In these cases, an opening conference was conducted and the inspection process begun, as prescribed by Section R614-1-7.G of the Utah Code.

- B. Determine if an effective safety and health program had been implemented. If an effective safety and health plan was not in place, an opening conference was conducted and the Big 4 inspection process begun, as prescribed by Section R614-1-7.G of the Utah Code.
- C. Determine if Citations and proposed penalties needed to be issued for alleged serious violations found during the inspection, as prescribed by Utah Code R614-1-7.
- D. Determine if no serious hazards or violations were observed and a safety program was in place. In those cases, the CSHO only conducted an on site assistance intervention.

4.3 Staff Training Activity

UOSH Participation with the University of Utah Rocky Mountain Institute

Occupational Medicine

One physician in the Occupational Medicine Program of the University of Utah Department of Family and Preventive Medicine Division of Public Health severed a three week residency training practicum with Utah OSHA (July 2010).

The “Practicum” Experience allows the residents to gain exposure to the administrative and regulatory aspects of Utah OSHA with respect to health and safety in the workplace. Also it increases their knowledge and familiarity regarding worker’s compensation and employment concerns.

OTI

No OTI Courses were given on-site at UOSH in FY 2011. The Accident Investigation Course was requested but not given.

Webinars

October 25, 2010: Construction Targeting

December 13, 2010: #0035 – Permit Space Entry Options

March 21, 2011: #003 8 – OSHA Top Ten Violations March

29, 2011: NIOS – Hydraulic-Fracturing

December 14, 2009: #0026 – H1N1 Compliance Directive

Other Local Training

October 21, 2010: Region VIII Federal OSHA – Electrical Safe Work Practices and NFPA 70 E

December 7-December 9, 2010: Pressure Relieving Systems for the Petrochemical and Processing Industries

Wind Turbine Training: GE Electrical – February 24, 2011

March 10, 2011: Federal (Laser Safety Institute) – Laser Safety

April 21, 2011: Trench Shoring Systems – Excavation Training and Trench Shoring Systems

May 17-May 19, 2011 1q: ALTEC (Sponsored by Federal OSHA) – Elevated Work Platforms and Wood Chipper Training

August 23 – August 25, 2011: Wyoming OSHA – Oil and Gas Training including a field trip to a working oil rig.

In addition Utah OSHA (UOSH) has made extensive use of The Rocky Mountain Center for Occupational & Environmental Health which is a part of the University of Utah and the Department of Family & Preventive Medicine within the School of Medicine and is also a NIOSH ERC (Education and Research Center).

4.4 UOSH Personnel Incentive Program

UOSH Team Member of the Month

This is an incentive award that is geared to reward staff, members that go the extra mile to provide outstanding service to our stakeholders, or who demonstrate the quality of team work in the performance of their duties, to better serve the public.

The TEAM MEMBER OF THE MONTH is nominated by all UOSH staff, casting their individual votes starting at the beginning of each month. The Team Member of the Month can be awarded 5 hours of administrative leave and reserved parking for the month.

This program has been very effective as a moral builder and it has enhanced the work environment. It is popular with UOSH staff, management and Labor Commission management. This incentive program has been approved by the state DHRM.

4.5 UOSH Travel and Training Cost Saving Efforts

Under the current economic conditions UOSH has continued to work with the National Office and local companies to provide quality training for the UOSH staff and reduce the cost of training and travel for our CSHOs. The average cost for a CSHO to attend training at the OTI center in Chicago averages over \$2,500 per class. With the size of our staff and their training needs, this can translate into a very significant expense for the agency. UOSH has implemented efforts to obtain training courses on site, instead of having to travel out of state. In FY 2011 in addition to Webinars the following training has been provide to the UOSH staff at the local level (at no cost to UOSH). The training is listed by date under “Other Local Training” and includes, Electrical Safe Work Practices and NFPA 70E, Pressure Relieving Systems for the Petrochemical and Processing Industries, Wind Turbine, Laser Safety Training, Excavation and Trench Shoring, Elevated Work Platforms, Wood Chipper, Oil and Gas training including a field trip to a working rig. This is a total of eight (8) courses presented locally. On the Compliance staff an average of 18 CSHOs attended each course. Using a low estimate of a cost factor of \$1,000 per CSHO per course that would be \$18,000 per course and for 8 courses a total cost of \$144,000 was saved by taking advantage of opportunities offered by the national office and local training sources.

Also, we utilize the expertise of our own most experienced CSHOs to provide training to new staff members, in addition to local courses offered by the University of Utah. Another valuable initiative is on going with the Utah Petroleum Association, to obtain PSM training related to petroleum refinery operations. The Utah Labor Commission also provides regular training sessions in other general areas important to the achievement of our mission.

UOSH continues to use the telecommuting program, in place since the beginning of 2008, now with 5 Compliance Officers. This initiative has proven effective to assist us in confronting our operational cost increases and funding challenges due to the economy. The telecommuting program has been especially valuable with the state mandated 4 day workweek, to ensure a Compliance field presence on Fridays. This also facilitated the implementation of a special evening and weekend safety emphasis initiative for residential construction. Which was accomplished without the use of overtime. The availability of state vehicles under reduced funding conditions is a significant challenge to the program. The Utah legislature made the decision to return to the 5 day work week beginning in September 2011.

4.6 Compensation Level and Recruitment Challenges.

Limited compensation for the type of professional level, technical knowledge, education, experience and expertise needed to perform complex occupational safety and health inspections, continues to be a most critical challenge for UOSH, limiting our ability to recruit the expertise and talent needed to accomplish our mission. This is evident by the

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difficulty in recruiting individuals with experience and backgrounds in engineering, chemistry and industrial hygiene. Infrequent and limited pay increases, due to unstable/limited funding results in experienced employees leaving state jobs and going into the private sector for better pay and benefits, after the state has invested over \$50,000 in training for each one of those individuals. Based on current economic forecasts we do not expect this situation to improve in the near future.

5.0 2011 Annual Performance Goals and Results

All State Plans must include in their Strategic Plan a goal directed towards the reduction of fatalities, injuries, and illnesses. The change in the State's injury/illness/fatality rates will be included in OSHA's assessment of the achievement of the national goal(s).

5.1 USG 1 (Reduce Fatalities)

Annual Performance Goal USG1 – Reduce Fatalities (Mandatory Goal)				
5-Year Goal	Achieve an effective impact in the reduction of Utah fatality rate for industries that are under UOSH jurisdiction by 2013, measured by the most current BLS fatality data available for the state.			
Outcome	By 2013, reduce the rate of workplace fatalities.			
Annual Performance	Achieve a rate of fatalities lower than the baseline.			
	<i>USG1 Strategy</i>	<i>Industry</i>	<i>Baseline</i>	<i>2010 Goal</i>
	<i>Change in Utah Fatality Rate (Baseline BLS 3 year average fatality rate FY 2004-2006)</i>	<i>All Combined</i>	<i>1.5</i>	<i><1.5</i>
Strategy	<ol style="list-style-type: none"> 1. Focus UOSH interventions and outreach activities on industry sectors with the highest injury incident rates related to the leading causes of fatalities in Utah, which are falls, struck-by, crushed-by, electrocutions. 2. Review YTD fatalities reported to UOSH to identify special areas of emphasis. 			
Outcome Indicator(s)	Percent change in fatality rates based on BLS annual data.			
Results (2011)	<p>Number of Fatalities: 11 Number of employees under UOSH Jurisdiction: 1,113,867 2011 Fatality Rate: 1.0 Change from baseline: -0.5 Special Areas of Emphasis: 4 Fatalities in General Industry 7 Fatalities in Construction Primary cause of fatalities was: Struck-by</p> <p>Fatality Rate of 1.0 is a reduction of 0.5 from the baseline of 1.5 (33.3% Reduction)</p> <p>Fatality Rate of 1.0 is an increase of 0.1 from 2010 rate of 0.9 (11.0% increase)</p>			
Data Source(s)	BLS most current available fatality rate for the state.			
Baseline	Rate of 1.5 from the average of 2004 - 2006 BLS data.			

5.2 USG 2 Reduce Injuries and Illnesses

Annual Performance Goal USG2 – Reduce Injuries and Illnesses (Mandatory)

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5-Year Goal	Achieve an effective impact in the reduction of injuries and illnesses, in industries that are under UOSH jurisdiction, measured by the most current average of BLS total recordable cases rate (TRC) from 2009 to 2013.			
Outcome	Annual reduction of 0.1 of the BLS total recordable cases rate .			
Annual Performance	Annual reduction in total workplace injuries and illnesses rate for all industries.			
	<i>USG2 Strategy</i>	<i>Industry</i>	<i>Baseline</i>	<i>2011 Goal</i>
	<i>Change in Utah Total Annual Recordable Case Rate (Baseline BLS 3 year average TRC for FY 2004-2006)</i>	<i>All Combined</i>	<i>5.5</i>	<i>5.3</i>
Strategy	<ol style="list-style-type: none"> 1. Develop a focused inspection list in general industry of employers with the highest total injury rates in the state. 2. Track all compliance interventions (inspections and assistance form 55) in general industry and construction. 3. Track all consultation interventions (visits and assistance form 66) in general industry and construction. 4. Review YTD accidents reported to UOSH to identify special areas of emphasis. 5. This goal will be reviewed yearly to address changing conditions. 			
Outcome Indicator(s)	Reduction in total annual recordable case rates in industries under UOSH jurisdiction. Number of compliance interventions conducted in general industry. Number of compliance interventions conducted in construction. Number of consultation interventions conducted in general industry. Number of consultation interventions conducted in construction. Number of consultation outreach activities.			
Results (2011)	Most Recent Utah Total Annual Recordable Rate: Change from Baseline:			
	Compliance	Inspections	Form 55s	Total
	General Industry	287	11	298
	Construction	314	133	447
	Total	601	144	745
	Consultation	Surveys	Form 66s	Total
	General Industry	199	199	398
	Construction	187	87	274
	Total	386	286	672
	Total UOSH	Inspections/Surveys	Forms 55/66	Total
		987	430	1,417
	Total Recordable Cases (TRC) for 2010 is 3.4. This is a reduction of 2.1 from the baseline of 5.5 (38.1% Reduction) and is a 0.5 Reduction from the 2009 TRC of 3.9 (12.8% Reduction).			
	Data Source(s)	BLS most current available TRC rate for the state. There is delay of one year. IMIS for intervention data.		
Baseline	Rate of 5.5 from the average of 2004 - 2006 BLS data.			

5.3 USG 3 Safeties and Health Culture

Annual Performance Goal USG3 – Safety and Health Culture (Non-mandatory)					
5-Year Goal	Promote a safety and health culture through increased participation in Consultation Services, VPP, SHARP and Compliance Assistance.				
Outcome	By 2013, increase by 5% (1% per year) the number of consultation services, workshop, presentations, VPP applications, SHARP applications and participants in Compliance Assistance activities.				
Annual Activity Goal	Interventions	Baseline	2011 Goal (2%)		
	2 1(d) Consultation Visits	292	298		
	Form 66s	217	221		
	Form 55s	426	435		
	VPP Presentations	5	2		
	VPP Applications	1	1		
	SHARP Presentations	10	2		
	SHARP Applications	2	1		
	Public Sector Consultation	15	30		
Strategy	<ol style="list-style-type: none"> Promote consultation services to increase number of requests form employers in private and public sectors. Promote UOSH VPP and SHARP programs, to increase the number of applications for both programs. 				
Outcome Indicator(s)	<ol style="list-style-type: none"> Number of 21(d) Consultation visits Number of interventions form 55s/66s Number of VPP and SHARP presentations. Number of VPP and SHARP new applications Number of Public Sector Consultation visits 				
Results (2011)	Interventions	Baseline	2011 Goal (2%)	2011 Results	% Change from “Baseline”
	21(d) Consultation Visits	292	298	386	+32.2%
	Form 66s	217	221	286	+31.8%
	Form 55s	426	435	144	-66.2%
	VPP Presentations	5	2	2	-60%
	VPP Applications	1	1	0	-100%
	SHARP Presentations	10	2	2	-80%
	SHARP Applications	2	1	3	+50%
	Public Sector Consultation	15	30	65	+333%
Data Source(s)	IMIS				
Baseline	Average number of activities from FY 2004 – FY 2006				