

**STATE OF VERMONT
STATE OSHA ANNUAL REPORT**

(SOAR)

October 1, 2010 through September 30, 2011



**Prepared By:
State of Vermont
Department of Labor
Division of Workers' Compensation and Safety
VOSHA**

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The State of Vermont, Department of Labor, Division of Workers' Compensation and Safety, Occupational Safety and Health State Plan (VOSHA) submits this State OSHA Annual Report (SOAR) to the Federal Occupational Safety and Health Administration (OSHA) for evaluation of the Vermont State program.

The SOAR covers the time period October 1, 2010 through September 30, 2011. This submission is in accordance with the State Plan Manual dated December 1, 2002.

This SOAR contains the following sections:

- State Results Summary Chart
- Report on Progress toward Achieving Strategic Plan Accomplishment
- State Internal Evaluation Program (SIEP) Report

VOSHA, the state's Occupational Safety and Health Administration (OSHA) 23(g) enforcement program, and Project WorkSAFE, the state's OSHA 21 (d) consultation program, are administered by the Vermont Department of Labor, Division of Worker's Compensation. The current Commissioner of Labor is Anne M. Noonan, and J. Stephen Monahan is the director of the Division of Workers' Compensation and Safety.

The consultation and enforcement programs each have separate staffs and are housed in separate locations. Scott Meyer, industrial hygiene engineer, is the project manager for the consultation program and Robert McLeod is the director of the VOSHA enforcement program. Although the consultation and enforcement programs do not share personnel and maintain their own offices in different locations, the two programs share common goals to ensure workplace safety and health in the State of Vermont. Therefore, the VOSHA and Project WorkSAFE managers work closely together to develop goals and strategies for achieving these goals,

VOSHA and Project WorkSAFE both have access to workers' compensation first reports of injury. This information is used for inspection scheduling. This is where VOSHA gets information on amputations. Both divisions work to provide training and information for Vermonters and, in some cases, participate jointly in training sessions. This usually occurs when trade associations request participation at their events by both programs. However, since VOSHA and Project WorkSAFE operate separately, they each have their own website and toll free telephone numbers.

VOSHA has always strived to make its occupational safety and health program accessible and easily understood. Through VOSHA's website, the public can easily contact the program to submit questions and have those questions answered in a timely manner. The website is also an excellent source of information related to workplace safety and health, and provides links to other workplace safety and health resources as well.

As in past years, VOSHA worked cooperatively with other organizations in the state to reach out to Vermont's workforce and provide training and information. For example, VOSHA continued to "partner" with Project WorkSAFE, the Small Business Development Center, and Green Mountain Coffee Roasters. This partnership provided safety and health training to businesses in a non-threatening, neutral environment. Seminars were planned for each quarter and were

open to the public. Additionally, the Small Business Development Center continued to offer seminars on safety and health topics throughout the state. These seminars are advertised on the VOSHA and Project WorkSAFE e-mail list-serves, and utilize consultation and/or the VOSHA compliance assistance specialist (CAS).

During FY 2011, VOSHA also worked cooperatively through the Alliance with the Vermont Safety and Health Council (VSHC) to provide several training programs. The four Regional Safety and Health Roundtables established with VSHC continue to operate.

VOSHA began participating in the Voluntary Protection Program in FY2004. Since that time the VOSHA CAS/VPP coordinator, Dan Whipple, has worked extensively with prospective VPP employers as well as those who are already VPP program participants. In 2006, VOSHA rolled out it's the Green Mountain Voluntary Protection Program (GMVPP) and its own VPP construction program. Currently, there are several companies that have expressed an interest in joining the GMVPP. Vermont continues to participate in the GMVPP Challenge Program.

In FY 2011 VOSHA was staffed with six safety and four health compliance safety and health officers (CSHOs). One CSHO left at the beginning of the fourth quarter but was replaced during the first quarter of FY2012 by a former VOSHA CSHO. The CAS position was filled for the entire year. The VOSHA program spent all of its federal funding for FY 2011.

During FY2011, VOSHA conducted a total of 342 inspections (237 safety and 105 health). Of this total, VOSHA conducted 152 safety and 21 health construction inspections. During FY2011, construction activity in Vermont was moderate, with VOSHA conducting 50.5 percent of its total inspections in construction. VOSHA issued a total of 219 violations related to construction during the fiscal year. Out of this total, 185 (or 84.5 percent) were classified as serious/willful/repeat (S/W/R). VOSHA's construction in-compliance rate for FY2011 was 26.6 percent.

VOSHA conducted a total of 164 inspections in general industry (84 safety and 80 health inspections) in FY2011, and issued a total of 442 violations to employers in general industry. Of this total, 185 (or 84.5 percent) were S/R/W. VOSHA had an in-compliance rate of 26.6 percent for inspections in general industry. VOSHA conducted 29 inspections in the public sector.

VOSHA established two strategic goals in its five-year strategic plan. This plan began in FY 2009 and concludes as of the end of FY2013.

Goal 1.1: By 2013 reduce the rate of workplace injuries and illnesses in construction by 15% and reduce fatalities by 25%

| |
|---|
| <i>Area of Emphasis</i> |
| Construction |
| High incident/High severity industries |
| A. Residential and Commercial building construction |
| B. Highway Street and bridge construction |
| C. Roofing |
| Safety and Health hazard emphasis |
| D. Falls from elevation |
| E. Trenching |
| F. Struck by |
| G. Electrical |
| H. Noise |
| I. Silica |
| J. Youth Workers |
| K. Highway Workzones |

Goal 1.2

By 2013 reduce the rate of workplace injuries and illnesses in General Industry by 15% and reduce fatalities by 25%

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| Area of Emphasis |
| General Industry |
| High incident/High severity industries |
| A. Food processing |
| B. Lumber and wood products |
| C. Small business |
| D. Large Farm Initiative |
| E. Targeted NAICS SICS |
| Safety and Health hazard emphasis |
| F. Amputations |
| G. Isocyanates, asthma and allergies |
| H. Electrical |
| I. Powered industrial trucks |
| J. Noise |
| K. Silica |
| L. Transportation |
| M. Youth Workers |

| | | | | Actual FY2011 | | | |
|---|------------|--------|------------|---------------|--------|--------|------------------------------|
| | Safety | Health | Total | | Safety | Health | Total |
| | 300 | 100 | 400 | | 237 | 105 | 342 |
| | 280 | 80 | 360 | | 221 | 92 | 313 |
| | 20 | 20 | 40 | | 16 | 13 | 29 |
| TOTAL CONSTRUCTION INSPECTIONS | 200 | | 200 | | 138 | 15 | 153 |
| | 150 | | 150 | | 51 | 10 | 61 |
| | 30 | | 30 | | 26 | 3 | 29 |
| | 20 | | 20 | | 27 | 0 | 27 |
| | | | | | | | |
| | | | | | 57 | 2 | 59 |
| | | | | | 10 | | 10 |
| | | | | | | | |
| | | | | | | | |
| TOTAL NON-CONSTRUCTION INSPECTIONS | | | | | 99 | 89 | 188 |
| Work Zones | | | | | 11 | | 11 |
| Food Processing | | | 20 | | 4 | 4 | 8 |
| Lumber and Wood Products | | | 12 | | 3 | 1 | 4 |
| Targeted NAICS/SICs | | | 60 | | 30 | 25 | 55 |
| Amputations | | | | | 42 | | 42 |
| Isocyanates, Asthma, Allergies | | | | | | 14 | 14 |
| Electrical | | | | | | | Evaluated on all inspections |
| PIT | | | | | | | Evaluated on all inspections |
| Falls | | | | | | 2 | 2 |

| | | | | | | | | | | | |
|--------|--|--|--|--|--|--|--|--|--|---|---|
| Noise | | | | | | | | | | 3 | 3 |
| Silica | | | | | | | | | | | |

| STRATEGIC GOAL #1: Improve workplace safety and health through compliance assistance and enforcement of occupational safety and health regulations and standards. | | |
|--|--|---|
| GOAL | FY2011 OUTCOME | COMMENT |
| Compliance Inspection Activities (Construction) | | |
| Performance Goal 1.1—By 2013, reduce the rate of workplace injuries and illnesses in construction by 15% and reduce fatalities by 25% (over 2007 BLS baseline) | To be determined | This outcome will be evaluated at the end of the five-year strategic plan, which concludes in FY2013. |
| Performance Goal 1.1a—Reduce workplace injuries and illnesses in construction by 3% and reduce fatalities in construction by 25% (over 2007 BLS baseline) | To be determined | 2010 BLS data shows that although the construction DART rate rose .1% from 2009, it remains 4.8% below the reference year There were no construction fatalities in FY 2011 |
| Conduct 150 residential and commercial building inspections | Goal was not met Conducted 125 | The state experienced two significant flooding events in 2011 which impacted both construction and inspection activities |

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| Conduct 30 highway, street and bridge construction inspections | Goal was not met Conducted 29 | In FY2011, highway, street and bridge construction was strong, but one flooding event resulted in reduced work in the affected counties and another event resulted in a virtual work stoppage statewide. |
| Conduct 20 roofing inspections | Goal was met Conducted 27 | Most roofing inspections conducted based on Fall LEP self referrals |
| Conduct inspections at worksites at risk for hazards related to falls, trenching, struck-by, electrical, noise, silica, youth and work zone safety. | Goal was met VOSHA conducted inspections in all categories. | VOSHA conducted 10 trenching and excavation LEP inspections and 63 fall LEP inspections Hazards related to electrical, struck by, PIT and youth are evaluated by CSHOs on all inspections. Safety staff refer health hazards to industrial hygienists for further evaluation |
| Compliance Inspection Activities (General Industry) | | |
| Performance Goal 1.1—By 2013, reduce the rate of workplace injuries and illnesses in general industry by 15% and reduce fatalities by 25% (over 2007 BLS baseline) | To be determined | This outcome will be evaluated at the end of the five-year strategic plan, which concludes in FY2013. Although the 2010 DART rate of 2.6 for manufacturing did not change from 2009, it remains 23.5% below the reference year 2007 |

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|---|---|--|
| Performance Goal 1.1a—Reduce workplace injuries and illnesses in general industry by 3% and reduce fatalities by 25% (over 2007 BLS baseline) | To be determined | 2010 BLS data indicates that the DART rate for manufacturing remained unchanged from 2009. This rate however is 23.5% below the reference year 2007. There were 4 non-construction fatalities in 2011 2 logging 1 amusement ride 1 drowning during tropical storm Irene |
| Conduct 20 food processing inspections | Goal was not met Conducted 14 | In FY2011, several factors combined to make it difficult for VOSHA to meet its inspection goals. These factors include the loss of one CSHO during the fourth quarter, a significant increase in Whistleblower investigations, and devastating weather events that occurred statewide. d |
| Conduct 12 lumber and wood products manufacturing inspections | Goal was not met Conducted 4 | There were 2 logging fatalities . |
| Conduct 40 inspections where there are amputation hazards | Goal was met Conducted 46 | |
| Conduct 10 inspections in the granite and concrete industry | Goal was met Conducted 10 | |
| Inspect 100% of employers on the ODI list that have DART rates above the threshold | Goal was met | In addition to the ODI list, those companies with amputations reported to Workers' Compensation are added to the list. |

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| Conduct inspections at worksites at risk for hazards related to small business, isocyanates, falls, electrical, powered industrial trucks, noise, silica, youth and transportation. | Goal was met | CSHOs evaluate all hazards related to falls, electrical, PIT, youth and transportation. Noise and silica hazards are referred to health CSHOs for further evaluation. |
| Compliance Assistance Activities | | |
| Expand 10-hour course for vocational education students and instructors to three new schools | Goal was not met | Training was expanded to one new school. The VOSHA CAS has made contact with Vermont State College System to discuss safety classes. |
| Provide training in workplace safety and health to 200 vocational-technical students | Goal was not met 83 students were trained | Two 10-hour construction courses and one general industry course were conducted for 83 students |
| Provide training for 200 electrical and plumbing apprentices through the Vermont Apprenticeship Program's related instruction classes | Goal was not met 60 apprentices were trained | Now that training is ongoing, only first year apprentices receive the safety training. Apprentices trained in previous years do not attend again. |

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| Conduct outreach to employers through trade shows, labor organizations, trade associations, Alliances, Vermont state agencies, and other groups | Goal was met | VOSHA conducted 25 outreach activities to 94 different groups, organizations, etc. VOSHA staff met with two construction firms at their safety day training program. All employees were in attendance in one case and all supervisory and management personnel in the other. VOSHA conducted 12 training sessions through Vermont Rural Water, nine through the Vermont S&H Council and seven with VTRANS. VOSHA conducted a total of 40 formal training sessions for 947 participants in attendance. The VOSHA CAS attended 3 AGC Safety and Health roundtable discussions. |
| Provide ongoing safety and health training to participants in state youth programs | Goal was not met | |
| Cooperative Program Activities | | |
| Maintain Alliances with the Vermont Safety and Health Council; Vermont Rural Water and AGC; | Goal was met | VOSHA maintained Alliances with all of these partners, The Alliance with the Vermont Safety and Health Council includes the four regional safety and health roundtables. Both the VSHC and the roundtables host training events that include participation by the VOSHA CAS and Project WorkSAFE. |
| Recruit one new VPP applicant | Goal was not met | Although VOSHA did not recruit any new applicants, there are 2 companies currently in the GMVPP Challenge program. One company has completed the Challenge program and has submitted a preliminary GMVPP application for review. |

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| Promote Project WorkSAFE | Goal was met. | VOSHA promoted Project WorkSAFE through contact with employers and various groups and associations. Project WorkSAFE was promoted in 100% of inspections. The VOSHA closing conference guide has ONE full page dedicated to Project WorkSAFE. The back cover of the printed construction and general industry standards is dedicated to advertising the Project WorkSAFE consultation program. Project WorkSAFE is also promoted at informal conferences. |
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Green Mountain Voluntary Protection Program

| Company | Status | Last Approval Date | New Renewal Date | Original Approval Date |
|--|------------|--------------------|-------------------|------------------------|
| Ben & Jerry's | STAR | 10/22/2007 | 10/22/2010 | 10/22/2007 |
| Bluelinx | Not Active | | | |
| Cianbro Construction | Withdrawn | 10/13/2006 | Project completed | 10/13/2006 |
| Energizer Battery/St. Albans | STAR | 10/21/2009 | 10/20/2012 | 10/21/2009 |
| Energizer Battery/Bennington | STAR | 4/18/2011 | 4/1/2016 | 8/22/2007 |
| Entergy (Vermont Yankee) | STAR | 7/8/2009 | 7/10/2012 | 3/30/2005 |
| GE Rutland | STAR | 4/8/2009 | 4/10/2014 | 5/16/2006 |
| IBM | STAR | 7/10/2008 | 9/12/2011 | 7/14/2008 |
| United Water, NACO (formerly Earth Tech) | STAR | 8/12/2008 | 8/10/2013 | 6/1/2005 |
| Vermont Electrical Power Company | Outreach | | | |
| Vtrans/District 7 | STAR | 4/8/2009 | 4/10/2012 | 4/9/2009 |
| Peckham Industries | Challenge | | | |
| Curtis Lumber/Burlington | Challenge | | | |

Alliances

| Company or organization | Status | Date signed |
|---------------------------------|--------|-------------|
| Vermont Rural Water | Active | 05/06/2010 |
| AGC of Vermont | Active | 01/01/2009 |
| Vermont Safety & Health Council | Active | |

PROGRESS TOWARD STRATEGIC PLAN ACCOMPLISHMENT

Vermont BLS DART rates for the period 2007 – 2010 have been reduced for all NAICS divisions as follows:

| Year | All | Private sector | Manufacturing | Construction | Public sector |
|--|-------|----------------|---------------|--------------|---------------|
| 2007 | 2.7 | 2.8 | 3.4 | 4.1 | 2.0 |
| 2008 | 2.4 | 2.5 | 3.4 | 4.0 | 1.4 |
| 2009 | 2.1 | 2.2 | 2.6 | 3.8 | 1.3 |
| 2010 | 2.5 | 2.6 | 2.6 | 3.9 | 1.9 |
| Percent reduction from reference year 2007 | | | | | |
| | -7.4% | -7.1% | -23.5% | -4.8% | -.05% |

For the calendar year (CY) 2009 The National Conference of Compensation Insurers (NCCI) proposed an overall workers' compensation rate reduction of 4.1%. For 2010 the rate reduction is 13.0% for the voluntary market and 9.6% for the Assigned Risk Pool. For 2011, the overall reduction in the Workers' Compensation Voluntary pool is an additional 2.6% and 2.3% in the Assigned Risk Pool. It is anticipated that there will be a slight increase in Workers' Compensation rates in 2012. These changes to the workers compensation rates reflect reductions in injuries and illnesses.

During FY 2011 VOSHA conducted 237 safety inspections and 105 health inspections. These inspections resulted in 172 other, 438 serious, 5 willful, and 8 repeat violations. Out of the total number of inspections that VOSHA conducted in FY2011, 199 (or 58.2 percent) had S/W/R violations and 29.2 percent were in compliance. There were four fatality inspections, 69 complaints and 42 referrals. Most of the referrals were CSHO self-referrals for LEP inspections.

VOSHA did not meet its goal of 400 inspections in FY 2011. This mainly due to the following factors: one CSHO resigned from the program at the beginning of the fourth quarter which left the program short-staffed; and Tropical Storm Irene, which occurred during the fourth quarter, diverted staff from routine inspection activity for most of the month of September. Consequently, VOSHA conducted only a few inspections during the month of September and almost all activities conducted during that month were interventions. There were no public sector inspections conducted during September because all of the state's the cities and towns were impacted by the storm.

In addition to these activities, 12 discrimination complaints were opened in FY2011, which is much higher than the number of Whistleblower investigations that the program typically handles during any fiscal year. VOSHA has two safety CSHOs who handle Whistleblower investigations in addition to conducting their regular inspection duties. This unforeseen increase in Whistleblower investigations also affected VOSHA's ability to meet its inspection goals in FY2011.

During FY 2011 VOSHA conducted 40 formal trainings, including six construction and three general industry 10-hour courses, for a total of 947 participants.

A final proposed rule for the 1915 maritime standard has been submitted to the Legislative Committee on Administrative Rules (LCAR). A hearing will be scheduled with the committee on January 26, 2012. Once approved by LCAR the rule will become effective in 30 days.

**(SIEP)
FISCAL YEAR 2011
EVALUATION REPORT
OCTOBER 1, 2010 THROUGH SEPTEMBER 30, 2011**

**SEE VOSHA CORRECTIVE ACTION PLAN FOR THE
VERMONT EFAME**

**VERMONT STATE PLAN (VOSHA)
FY2010 EFAME FOLLOW-UP REPORT
CORRECTIVE ACTION PLAN**

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| 10-1 | <p>Based on the FY2010 SAMM and the FY2011 (1st Qtr.) SAMM, VOSHA has not shown consistent improvement in the measures cited as "not met" in the FY2009 EFAME: SAMM#4—Percent of imminent danger complaints responded within 1 day; SAMM#6—Percent of S/W/R violations verified (private and public sector); SAMM#7—Average days from opening conference to citation issue; SAMM#9—Average violations per inspection S/W/R and other; SAMM#10—Average initial penalty per serious violation; and SAMM#11—Percent of total inspections in public sector.</p> | <p>Work to meet the SAMM measures in the FY2009 EFAME—and all SAMM measures—by the end of FY2011.</p> | <p>This finding is pending correction.</p> <p>VOSHA has completed all corrective actions specified in FY2009 EFAME Corrective Action Plan.</p> <p>VOSHA has met the standard for SAMM measures 4 and 6 (public sector). VOSHA has not met the standards for measures 6 (private sector), 7, 9, 10 and 11. VOSHA's performance on SAMM Measures 7 (average days from opening conference to citation issue) and 11 (% of total inspections in the public sector) were adversely affected by field staff diversion to Hurricane Irene</p> | <ul style="list-style-type: none"> • VOSHA managers will continue to run monthly and year to date IMIS Inspection and Enforcement reports and SAMM reports to track performance with regard to violation classification and penalty assessments and to track employer progress in abating violations. If issues are noted, VOSHA managers will work with CSHOs to ensure that all violations are properly classified as serious and other-than serious, and that penalties are assessed in accordance with the FOM. • VOSHA managers will re-train CSHOs on the FOM, Chapter 4 (Violations) and Chapter 6 (Penalties), with specific emphasis on the classification of violations and the assessment of probability and severity. | 09-1 |
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**VERMONT STATE PLAN (VOSHA)
FY2010 EFAME FOLLOW-UP REPORT
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| | | | <p>emergency response efforts in September 2011.</p> <p>Performance on SAMM #7 and SAMM #11 is expected to improve now that the number of field staff diverted to Hurricane Irene efforts has diminished.</p> | <p>Training on Chapter 4 will occur at the monthly staff meeting that is scheduled for January of 2012 and training on Chapter 6 will be held during the monthly staff meeting scheduled for February 2012.</p> <ul style="list-style-type: none"> • CSHOs are now required to provide a weekly report to the VOSHA compliance chief on the status of their cases. These weekly status reports, along with IMIS Inspection and Enforcement reports enable the VOSHA compliance chief to track the length of time that cases have been open. If issues are noted, the VOSHA compliance chief will work with CSHOs to resolve issues that are causing delays in closing case files. • VOSHA will come closer | |
|--|--|--|--|---|--|

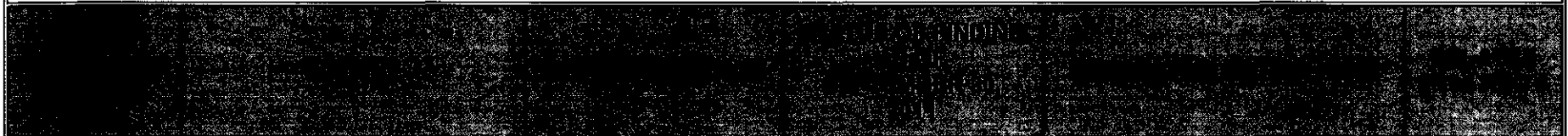
**VERMONT STATE PLAN (VOSHA)
FY2010 EFAME FOLLOW-UP REPORT
CORRECTIVE ACTION PLAN**

| VERMONT STATE PLAN (VOSHA) FY2010 EFAME FOLLOW-UP REPORT CORRECTIVE ACTION PLAN | | | | | |
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| | | | | to meeting all SAMM measures by the end of FY2012. | |
| 10-2 | <p>SIR measures—SIR measure E2 (Percent of Violations Reclassified) was the only SIR measure (out of the eight cited in the FY2009 EFAME) that VOHSA consistently met in both FY2010 and in the first quarter of FY2011.</p> | <p>Work to meet the standards for the SIR measures cited in the FY2009 EFAME (with the exception of E2, which the program has met) by the end of FY2011.</p> | <p>This finding is pending correction.</p> <p>VOSHA has completed all corrective actions specified in FY2009 EFAME Corrective Action Plan.</p> <p>VOSHA has met the standard for SIR measures E.2 Violations reclassified.</p> <p>VOSHA has not met C.3.A, C.3.B % serious violations safety and health; C.5.A, C.5.B Average penalty for OTS safety and health; C.6.A Inspections per 100 hours; C.9 Penalty retention;</p> | <ul style="list-style-type: none"> VOSHA managers will continue to run monthly IMIS Inspection and Enforcement reports and to closely track performance with regard to violation classification, average penalties, penalty retention, and number of inspections per 100 hours. If issues are noted, VOSHA managers will work with CSHOs to ensure that all violations that are properly classified as serious and other-than serious, and that penalties are assessed in accordance with the FOM. VOSHA managers will re-train CSHOs on the FOM, Chapter 4 (Violations) and Chapter 6 (Penalties), with specific emphasis on the classification of violations | 09-2 |

**VERMONT STATE PLAN (VOSHA)
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| VERMONT STATE PLAN (VOSHA) FY2010 EFAME FOLLOW-UP REPORT CORRECTIVE ACTION PLAN | | | | | |
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| | | | and E.3 Penalty retention% (review procedures). | and the assessment of probability and severity. Training on Chapter 4 will occur at the monthly staff meeting that is scheduled for January of 2012 and training on Chapter 6 will be held during the monthly staff meeting scheduled for February 2012. | |
| 10-3 | Average Violations per Initial Inspection and Average Current Penalty per Serious Violation —Although VOSHA has shown improvement over its FY2009 averages, the program's averages for these | VOSHA must meet the Federal averages for both of these indicators. By 9/30/2011, VOSHA's averages for violations per initial inspection | This finding is pending correction. As of September 30, 2011, VOSHA's averages still marked below Federal | <ul style="list-style-type: none"> • VOSHA managers will review case files prior to citation issuance to make sure that there is adequate documentation in the case file to support violations and that violation grouping complies with the FOM. • VOSHA will come closer to meeting all SIR measures by the end of FY2012. | <ul style="list-style-type: none"> • VOSHA managers will re-train CSHOs on the FOM, Chapter 4 (Violations) and Chapter 6 (Penalties), with specific emphasis on the classification of violations |

**VERMONT STATE PLAN (VOSHA)
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| | <p>two indicators are below Federal OSHA's averages.</p> | <p>and current penalty per serious violation will be more closely aligned with the Federal system.</p> | <p>OSHA's, although VOSHA's averages have improved over the past two fiscal years.</p> <p>VOSHA has completed all corrective actions specified in FY2009 EFAME Corrective Action Plan.</p> | <p>and the assessment of probability and severity. Training on Chapter 4 will occur at the monthly staff meeting that is scheduled for January of 2012 and training on Chapter 6 will be held during the monthly staff meeting scheduled for February 2012.</p> <ul style="list-style-type: none"> • VOSHA managers will continue to conduct a through review of all case files to monitor violation classification, violation grouping, and probability and severity assessments. CSHOs will be required to justify and/or resolve issues identified by the VOSHA managers during these reviews. • VOSHA managers will continue to run monthly IMIS Inspection and Enforcement reports to closely track performance with regard to these | |
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**VERMONT STATE PLAN (VOSHA)
FY2010 EFAME FOLLOW-UP REPORT
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| VERMONT STATE PLAN (VOSHA) FY2010 EFAME FOLLOW-UP REPORT CORRECTIVE ACTION PLAN | | | | | |
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| | | | | <p>measures. If issues are identified, VOSHA managers will immediately work with CSHOs to resolve the problem.</p> <ul style="list-style-type: none"> • VOSHA will align more closely with Federal OSHA's averages by the end of FY2012. | |
| 10-4 | <p>Fatality investigations— There was no evidence in the case file that an initial letter and a copy of the citations had been sent to the victim's family.</p> | <p>VOSHA must ensure that the victim's family members receive copies of the citations and the initial letter, and that documentation that the letter and citations have been sent is included in the case file.</p> | <p>This finding is pending the results of the next Region I onsite case file review.</p> <p>VOSHA has completed all corrective actions specified in FY2009 EFAME Corrective Action Plan.</p> | <ul style="list-style-type: none"> • The VOSHA Director will assure that the initial letter and a copy of the citations are sent to the victim's family. • The onsite case file review for the FY2011 FAME will indicate that case files include an initial letter and that copies of citation have been sent to victims' families. | 09-6 |
| 10-5 | <p>Gravity/probability assessments—In some instances, VOSHA is not properly assessing the probability and severity of a violation. The program still has a tendency to err on the side of</p> | <p>Adhere to the guidelines in Chapter 6 of the FOM for severity and probability assessments.</p> <p>The case file review for</p> | <p>This finding is pending the results of the next Region I onsite case file review.</p> <p>VOSHA has completed all corrective actions</p> | <ul style="list-style-type: none"> • VOSHA managers will continue to review all case files in order to closely monitor violation classification, violation grouping, and probability and severity assessments. | 09-11 |

**VERMONT STATE PLAN (VOSHA)
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| | <p>assessing lower probability and severity than warranted.</p> | <p>the FY2011 FAME will show that VOSHA is properly assessing probability and severity.</p> | <p>specified in the FY2009 EFAME Corrective Action Plan.</p> <p>VOSHA's average penalty for serious violations has increased from \$833 in FY 2009 to \$1,088 on the FY 2011 3rd quarter SAMM report. According to the FY2011 4th Qtr. SAMM, the average is \$1,140.</p> | <p>CSHOs will be required to justify and/or resolve issues with classifications and probability and severity assessments that are identified by management.</p> <ul style="list-style-type: none"> • VOSHA managers will re-train CSHOs on the FOM, Chapter 4 (Violations) and Chapter 6 (Penalties), with specific emphasis on the classification of violations and the assessment of probability and severity. Training on Chapter 4 will occur at the monthly staff meeting that is scheduled for January of 2012 and training on Chapter 6 will be held during the monthly staff meeting scheduled for February 2012. • The onsite case file review for the FY2011 FAME will indicate that VOSHA is properly assessing probability and | |

**VERMONT STATE PLAN (VOSHA)
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| VERMONT STATE PLAN (VOSHA) FY2010 EFAME FOLLOW-UP REPORT CORRECTIVE ACTION PLAN | | | | | |
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| 10-6 | Letters to Unions —VOSHA did not provide adequate documentation that citations were sent to the labor union. Some files did not contain CSHOs' field notes. | Ensure that case files contain documentation that the program has properly notified labor unions of citations. All files must contain CSHOs' field notes. | This finding is pending the results of the next Region I onsite case file review. | severity. <ul style="list-style-type: none"> • VOSHA managers and CSHOs will continue to use the case file review checklist to ensure that case files contain field notes and all documentation related to labor unions. • VOSHA managers will continue to review all CSHO case files to assure that labor union contact information is included (if appropriate) and that field notes are included in the case file. • The onsite case file review for the FY2011 FAME will indicate that case files contain documentation that citations have been sent to labor unions and that case files contain CSHOs' field notes. | 09-13 |
| 10-7 | Evidence of Violations —In some case files, the CSHO did | Ensure that case files include all evidence | This finding is pending the results of the next | <ul style="list-style-type: none"> • VOSHA managers will re-train all CSHOs on the | 09-14 |

**VERMONT STATE PLAN (VOSHA)
FY2010 EFAME FOLLOW-UP REPORT
CORRECTIVE ACTION PLAN**

| VERMONT STATE PLAN (VOSHA) FY2010 EFAME FOLLOW-UP REPORT CORRECTIVE ACTION PLAN | | | | | |
|---|---|---|---|--|--|
| | not provide adequate evidence to substantiate the violations that were cited. | necessary to substantiate the violations that were cited. The case file review for the FY2011 FAME will indicate that VOSHA is performing adequately in terms of providing all evidence necessary in case files to substantiate violations. | Region I onsite case file review. VOSHA has completed all corrective actions specified in the FY2009 EFAME Corrective Action Plan . | <p>FOM, Chapter 4, which discusses the evidence necessary to support violations. All CSHOs will be required to attend and to review Chapter 4 prior to the staff meeting. Training on Chapter 4 will occur at the monthly staff meeting that is scheduled for January of 2012.</p> <ul style="list-style-type: none"> • VOSHA management will review case files prior to citation issuance to assure that there is adequate documentation to substantiate violations. • VOSHA managers will review all open case files to ensure that they contain photographs which adequately document violations cited. • The FY2011 onsite case file review will indicate that CSHOs are including adequate evidence in case files to substantiate | |

**VERMONT STATE PLAN (VOSHA)
FY2010 EFAME FOLLOW-UP REPORT
CORRECTIVE ACTION PLAN**

| VERMONT STATE PLAN (VOSHA) FY2010 EFAME FOLLOW-UP REPORT CORRECTIVE ACTION PLAN | | | | | |
|---|--|--|---|---|--------|
| ID | Finding | Cause | Effect | Action | Status |
| 10-8 | S/W/R Violations —VOSHA's percentages for S/W/R in FY2009 and FY2010 were not comparable to Federal OSHA's. | As of the end of FY2011, VOSHA's percentages for serious, willful, repeat and S/W/R violations should be comparable to Federal OSHA's percentages. | <p>This finding is pending correction. However, VOSHA's percentages have become more closely aligned with Federal OSHA's since the FY2009.</p> <p>Based on the Inspection Summary report of 10/11/2011, the preliminary S/W/R percentage at the end of FY2011 is 72.7%</p> <p>This report also shows that VOSHA classified 71 % of all violations as serious; 0.8% as willful; 1.3% as repeat; and 27 % as other-than-serious.</p> | <p>violations.</p> <ul style="list-style-type: none"> • VOSHA managers will continue to run monthly IMIS Inspection and Enforcement reports to closely track performance with regard to percentages of S/W/R violations. If issues are identified, VOSHA managers will immediately work with CSHOs to resolve the problem. • Management review of case files prior to issuance has resulted in an increase in S/W/R violations. Managers review cases to assure that violations have been properly classified and that violations are properly grouped if applicable • VOSHA managers will re-train all CSHOs on the FOM, Chapter 4, which discusses the factors used to determine whether a | N/A |

**VERMONT STATE PLAN (VOSHA)
FY2010 EFAME FOLLOW-UP REPORT
CORRECTIVE ACTION PLAN**

| | | FINDING | | CORRECTIVE ACTION PLAN | |
|------|---|--|---|---|-----|
| | | | | <p>violation is to be classified as serious. Training on Chapter 4 will occur at the monthly staff meeting that is scheduled for January of 2012.</p> <ul style="list-style-type: none"> • VOSHA staff will be required to closely review their photographs to assure that all violations have been captured. • By the end of FY2012, VOSHA's percentages for S/W/R violations will align more closely with Federal OSHA's. | |
| 10-9 | <p>Establishing Serious Violations—During the case file review, Region I found that the CSHO did not provide adequate evidence to substantiate that the employer could have known of the hazardous condition through "reasonable diligence."</p> | <p>VOSHA managers and staff should review Chapter 4 of the FOM, Section II. B on the four factors used to determine whether a violation is to be classified as serious. Although VOSHA has already completed a review of Chapter 4 of the FOM, this section</p> | <p>This finding is pending the results of the next Region I onsite case file review.</p> <p>VOSHA has completed all corrective actions specified in the FY2009 EFAME Corrective Action Plan.</p> | <ul style="list-style-type: none"> • VOSHA managers will continue to review citations and violations to assure that the CSHOs' narratives provide adequate information to substantiate employer knowledge. This will be a subject that will be covered in a staff meeting in conjunction with the training on FOM, Chapter 4, Violations. | N/A |

**VERMONT STATE PLAN (VOSHA)
FY2010 EFAME FOLLOW-UP REPORT
CORRECTIVE ACTION PLAN**

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| VERMONT STATE PLAN (VOSHA) FY2010 EFAME FOLLOW-UP REPORT CORRECTIVE ACTION PLAN | | | | | |
| | | | | | |
| | | should be reviewed once again by the end of the third quarter of FY2011. | | <ul style="list-style-type: none"> The onsite case file review for the FY2011 FAME will indicate that CSHOs are providing adequate evidence in case files to substantiate that the employer could have known of the hazardous condition through "reasonable diligence." | |
| 10-10 | Average Penalty per Serious Violation —Although VOSHA's average penalty per serious violation has shown an upward trend since FY2009, it still falls below Federal OSHA's average. | VOSHA's average penalty per serious violation inspection should come closer to achieving Federal OSHA's average by the end of FY2011. The IMIS Inspection and Enforcement Reports for FY2011 will show that VOSHA has more or less achieved Federal OSHA's average. | <p>This finding is pending correction.</p> <p>VOSHA has completed all corrective actions specified in the FY2009 EFAME Corrective Action Plan.</p> <p>VOSHA's 4th quarter FY2011 average penalty per serious violation was \$1,139. This is a 54% increase</p> | <ul style="list-style-type: none"> VOSHA managers will re-train CSHOs on Chapter 4 (Violations) and Chapter 6 (Penalties) with specific emphasis on the classification of violations and the assessment of probability and severity. Training on Chapter 4 will occur at the monthly staff meeting that is scheduled for January of 2012 and training on Chapter 6 will be held during the monthly staff meeting scheduled for | N/A |

**VERMONT STATE PLAN (VOSHA)
FY2010 EFAME FOLLOW-UP REPORT
CORRECTIVE ACTION PLAN**

| | | | <p>over FY2010 and has been accomplished by close review of CSHO case files.</p> | <p>February 2012.</p> <ul style="list-style-type: none"> • VOSHA managers will closely review all case files in order to monitor violation classification, violation grouping, and probability and severity assessments. CSHOs will be required to justify and/or resolve issues with classifications and probability and severity assessments that are identified by management. • VOSHA managers will continue to run monthly SAMMs and IMIS Enforcement and Inspection reports to closely track performance with regard to average current penalty per serious violation. If issues are identified, VOSHA managers will immediately work with CSHOs to resolve the problem. • By the end of FY2012, VOSHA's average penalty | |
|--|--|--|--|--|--|

**VERMONT STATE PLAN (VOSHA)
FY2010 EFAME FOLLOW-UP REPORT
CORRECTIVE ACTION PLAN**

| VERMONT STATE PLAN (VOSHA) FY2010 EFAME FOLLOW-UP REPORT CORRECTIVE ACTION PLAN | | | | | |
|---|--|---|-------------------------------------|--|-----|
| | | | | per serious violation will be comparable to Federal OSHA's. | |
| 10-11 | PSM Inspections — VOSHA has not developed a list of employers that would be subject to inspection under the PSM standard. | VOSHA must refine the list of employers who may potentially be covered by OSHA's PSM standard, in preparation for adoption of OSHA's PSM NEP. | This finding is pending correction. | <ul style="list-style-type: none"> By December 1, 2011, VOSHA will request a list of companies with extremely hazardous substances or chemicals that meet the PSM threshold quantity from Vermont Emergency Management (SERC). | N/A |

APPENDIX
A
SAMM

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 09, 2011
 PAGE 1 OF 2

State: VERMONT

RID: 0155000

| MEASURE | From: 10/01/2010 To: 09/30/2011 | CURRENT FY-TO-DATE | REFERENCE/STANDARD |
|---|------------------------------------|-----------------------|--|
| 1. Average number of days to initiate Complaint Inspections | 105 2.01 52 | 0 | Negotiated fixed number for each State |
| 2. Average number of days to initiate Complaint Investigations | 47 2.04 23 | 0 | Negotiated fixed number for each State |
| 3. Percent of Complaints where Complainants were notified on time | 50 100.00 50 | 0 | 100% |
| 4. Percent of Complaints and Referrals responded to within 1 day -ImmDanger | 1 100.00 1 | 0 | 100% |
| 5. Number of Denials where entry not obtained | 0 | 0 | 0 |
| 6. Percent of S/W/R Violations verified | | | |
| Private | 265 97.07 273 | 0 .00 4 | 100% |
| Public | 19 100.00 19 | 0 0 | 100% |
| 7. Average number of calendar days from Opening Conference to Citation Issue | | | |
| Safety | 8566 53.53 160 | 31 31.00 1 | 2631708 51.9 50662 |
| Health | 4044 77.76 52 | 0 0 | 767959 64.8 11844 |

*VT 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 09, 2011
 PAGE 2 OF 2

State: VERMONT

RID: 0155000

| MEASURE | From: 10/01/2010 To: 09/30/2011 | CURRENT FY-TO-DATE | REFERENCE/STANDARD |
|---|------------------------------------|-----------------------|-----------------------------------|
| 8. Percent of Programmed Inspections with S/W/R Violations | | | |
| | 93 | 0 | 90405 |
| Safety | 70.45 | | 58.5 National Data (3 years) |
| | 132 | 0 | 154606 |
| | 17 | 0 | 10916 |
| Health | 47.22 | | 51.7 National Data (3 years) |
| | 36 | 0 | 21098 |
| 9. Average Violations per Inspection with Vioations | | | |
| | 423 | 1 | 419386 |
| S/W/R | 1.99 | 1.00 | 2.1 National Data (3 years) |
| | 212 | 1 | 198933 |
| | 152 | 0 | 236745 |
| Other | .71 | .00 | 1.2 National Data (3 years) |
| | 212 | 1 | 198933 |
| 10. Average Initial Penalty per Serious Violation (Private Sector Only) | | | |
| | 434863 | 600 | 611105829 |
| | 1141.37 | 600.00 | 1679.6 National Data (3 years) |
| | 381 | 1 | 363838 |
| 11. Percent of Total Inspections in Public Sector | | | |
| | 25 | 0 | 98 |
| | 7.89 | .00 | 9.3 Data for this State (3 years) |
| | 317 | 7 | 1057 |
| 12. Average lapse time from receipt of Contest to first level decision | | | |
| | 0 | 0 | 3533348 |
| | | | 199.7 National Data (3 years) |
| | 0 | 0 | 17693 |
| 13. Percent of 11c Investigations Completed within 90 days | | | |
| | 5 | 0 | 100% |
| | 100.00 | | |
| | 5 | 0 | |
| 14. Percent of 11c Complaints that are Meritorious | | | |
| | 1 | 0 | 1517 |
| | 20.00 | | 23.0 National Data (3 years) |
| | 5 | 0 | 6591 |
| 15. Percent of Meritorious 11c Complaints that are Settled | | | |
| | 1 | 0 | 1327 |
| | 100.00 | | 87.5 National Data (3 years) |
| | 1 | 0 | 1517 |

*VT FY11

**PRELIMINARY DATA SUBJECT TO ANALYSIS AND REVISION

MEASURE NUMBER: 3

EXCEPTION LISTING (COMPLAINTS)

PAGE 1

REPORT-ID COMPL-NR COMPL-HDATE OPEN-CONF CLOSE-CONF ISSU-DATE

*****TOTAL*****

MEASURE NUMBER: 4 COMPLAINTS

PAGE 1

REPORT-ID COMPL-NR COMPL-RCVD OPEN-CONF CLOSE-CONF ISSU-DATE

*****TOTAL*****

MEASURE NUMBER: 4 REFERRALS

PAGE 1

REPORT-ID REFL-NR REFL-DATE OPEN-CONF CLOSE-CONF ISSU-DATE

*****TOTAL *****

MEASURE NUMBER: 5

DENIALS >> ENTRY NOT OBTAINED

PAGE 1

REPORT-ID INSP-NR DENIAL-DATE

*****TOTAL*****

| OWNER | REPORT-ID | INSP-NR | ABATE-DATE | VERIFY-DATE | CITATION-NR | ITEM-NR |
|-------|-----------|-----------|------------|-------------|-------------|---------|
| PRI | 01550 0 | 311480396 | 20110930 | 00000000 | 01 | 001 |
| PRI | 01550 0 | 311480396 | 20110930 | 00000000 | 01 | 002 |
| PRI | 01550 0 | 314215526 | 20110118 | 20110324 | 01 | 001 |
| PRI | 01550 0 | 314217324 | 20110531 | 20110707 | 01 | 001 |
| PRI | 01550 0 | 314217324 | 20110531 | 20110707 | 01 | 002 |
| PRI | 01550 0 | 314217951 | 20110930 | 00000000 | 01 | 001 |
| PRI | 01550 0 | 314218215 | 20110726 | 20110923 | 01 | 001 |
| PRI | 01550 0 | 314218587 | 20110811 | 00000000 | 01 | 001 |

*****TOTAL ***** 8

MEASURE NUMBER: 13

MEASURE 13

PAGE 1

REPORT-ID ACT-NR DISP-DATE DISP-CODE DISP-LEVEL

*****TOTAL*****

MEASURE NUMBER: 14

MEASURE 14

PAGE 1

| REPORT-ID | ACT-NR | DISP-DATE | DISP-CODE | DISP-LEVEL |
|-----------|-----------|-----------|-----------|------------|
| 0155000 | 022583090 | 20110119 | D | R |
| 0155000 | 022599740 | 20110413 | D | R |
| 0155000 | 022602726 | 20110517 | D | R |
| 0155000 | 022615124 | 20110719 | S | R |
| 0155000 | 022596886 | 20110412 | D | R |
| 0000000 | 000000000 | 000000000 | □ | □ |

*****TOTAL ***** 6

MEASURE NUMBER: 15

MEASURE 15

PAGE 1

| REPORT-ID | ACT-NR | DISP-DATE | DISP-CODE | DISP-LEVEL |
|-----------|-----------|-----------|-----------|------------|
| 0155000 | 022615124 | 20110719 | S | R |

*****TOTAL ***** 1

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SPXREC