

Wyoming's State OSHA Annual Report (FY2011)

The Wyoming Workers' Safety Project began in 1973, and the final State Plan approval for section 18(e) was signed on June 27th 1985 for the State of Wyoming, Occupational Health and Safety Department & Commission. The Wyoming Occupational Health and Safety Division merged with the Department of Employment, Workers' Compensation Division on July 1, 1994 calling itself the Workers' Safety and Compensation Division. This Division is one of five monopolistic workers' compensation funds in the nation and one of two state-plan-states connected with workers' compensation. Beginning July 1, 2011 the Department of Employment has been merged with the Department of Workforce Services creating one Department called Wyoming Workforce Services. Also, Wyoming Workers' Safety has been pulled out of Workers' Safety and Compensation Division and placed under the Standards and Compliance Division. Wyoming Workers' Safety – OSHA is still funded by Workers Safety and Compensation Division plus we still have access to the Wyoming Workers Compensation data. The Project is located in the West Wing, Cheyenne Business Center, 1510 E. Pershing Boulevard, Cheyenne, Wyoming 82002.

This report describes Wyoming's progress in the third year toward accomplishing its five-year strategic goals. The outcomes in key areas are discussed and analysis of the data used in measuring them is presented. There is a description of the strategies used to accomplish the goals.

Wyoming experienced excellent results in meeting all three of the strategic goals, fatality reduction, claims reduction, and CVPP and SHARP growth. A more detailed discussion of each goal is below.

Strategic Goals:

This portion describes Wyoming's progress in the third year toward accomplishing its five-year strategic goals. The outcomes in key areas are discussed and analysis of the data used in measuring them is presented. There is a description of the strategies used to accomplish the goals.

Wyoming experienced good results in meeting all three of the strategic goals, fatality reduction, claims reduction, and CVPP and SHARP growth. A more detailed discussion of each goal is below.

Goal 1: Fatality Reduction. The **first strategic goal** is to “improve workplace safety and health for all Wyoming workers by reducing fatalities.” In the Strategic Plan, the performance goal is to “reduce workplace fatalities by minimizing occupational hazards, promoting safety and health cultures, and maximizing Workers' Safety and Compensation Division (WSCD) effectiveness and efficiency.” The Fiscal Year (FY) 2011 performance goal was “reduce fatalities by minimizing occupational hazards, promoting safety and health cultures, and maximizing Workers' Safety and Compensation Division (WSCD) effectiveness and efficiency.” Mixed results were made toward accomplishing the FY 2011 performance plan goal when

compared to the average annual number of fatalities for the 5 year period from FY2004 through FY2008.

In one of two ways of tracking this, Wyoming Compliance investigated 8 workplace fatalities in FY2011 compared to 3 fatalities in FY 2010, a 160 percent increase, however, this is also 2 fatalities below our baseline five year average of 10.4 fatalities per year. The reason for the large percentage increase is due to the fact that FY 2010 had the lowest fatality number since 1995.

However, Wyoming rarely has enough OSHA related workplace fatalities in any individual year to reach meaningful conclusions. For that reason, five year average of fatality data is used to detect trends and adequately determine the progress of this organization’s preventative efforts. The five-year base data for our Strategic Plan goal monitoring is October 2004 through September 2008, which gives us a base of 52 fatalities, or an average of 10.4 fatalities per year. The chart below shows this comparison.

Fatality Data			
		# of Fatalities	% Change
Base	Oct 04 – Sept 08	10.4 (5-year aver)	From Base
FY 2009	Oct 08 – Sept 09	8	-23.1%
FY 2010	Oct 09 – Sept 10	3	-71.2%
FY 2011	Oct 10 – Sept 11	8	-23.1%
Total	Oct 08 – Sept 11	19	-39.1%

This Fatality Data Chart reflects raw numbers of fatalities in Wyoming, and shows a 23.1% decrease between the Base and FY 2011. The average of fatalities over the last three years is 6.3 or a 39.1 % decrease from the 5-year average Base.

Goal 2: Workers’ Compensation Claims Reduction. The **second strategic goal** is to “improve workplace safety and health for all Wyoming Workers as evidenced by fewer hazards, reduced exposures, and fewer injuries and illnesses.” Our Strategic Plan performance goal is to “reduce injuries and illnesses by 10% by conducting compliance inspections and consultation audits.” The FY 2011 performance goal was to “reduce injuries and illnesses (Workers’ Compensation claims) by 2% by focusing enforcement on workplaces identified through Workers’ Safety and Compensation Division (WSCD) data and by conducting consultation audits.”

Because we have access to company specific workers’ compensation data, it is used to determine our impact after an inspection or public sector consultation visit. Workers’ compensation claims cover a much broader spectrum of workplace injuries and illnesses than those recorded on the OSHA Form 300. For measurement purposes, we compare the 12-month period before the visit to 12 months after. We measure three variables in each company: the number of employees, the

number of claims filed and the cost of the claims. Essentially, we measure injury and illness frequency and severity.

23g Pre-Post Data. Provided in the table below are the data we extracted for companies we inspected or visited in fiscal year 2010. The compliance inspection and public sector consultation data (23g data) for October 2009 through September 2010 showed mixed results (first chart below), with employment up, claims (frequency) up and costs (severity) down. There were a total of 282 companies analyzed. During this period, the inspected companies' employment increased 2.5% from 41,201 to 42,217. While the number of claims showed an increase to 2,388, or 7.0%, and the claims per employee showed an increase of 4.5%, the costs of these claims decreased from \$10,283,237 to \$8,686,032 or -15.4%. The average cost per post-inspection claim was \$3,637 compared to \$4,609 per claim pre-inspection, a -21.1% decrease in the post period.

The FY2011 Compliance and Consultation 23g Pre-Post data is shown below.

23g Pre-Post Data FY2011						
	Employees	Pre Claims	Pre Cost	Employees	Post Claims	Post Cost
Total	41,201	2,231	\$10,283,237	42,217	2,388	\$8,686,032
Change				1,016	157	-\$1,597,204
Percent				2.5%	7.0%	-15.4%

Consultation 21d Pre-Post Data. The Pre-Post data for Consultation's 21d visits showed decreases in claims and costs for both the FY2010 visits. The Consultation 21d Pre-Post data for 108 companies analyzed is shown below, reflecting a -6.0% reduction in claims with a -16.6% reduction in claims costs for the pre-post analysis. However, the year showed mixed results with a small 1.9% increase in claims per employee but an excellent -11.2% decrease in cost per claim.

21d Pre-Post Data FY2010						
	Employees	Pre Claims	Pre Cost	Employees	Post Claims	Post Cost
Total	8,401	481	\$1,877,030	7,744	452	\$1,565,948
Change				-657	-29	-\$311,082
Percent				-7.8%	-6.0%	-16.6%

Combined Compliance and Consultation Pre-Post Data. The total Combined Compliance and Consultation Pre-Post data also showed mixed results for FY 2010. During this period, with 390 inspected and visited companies' analyzed, employment increased 0.7% to 49,961. With

the number of claims increasing from 2,712 to 2,840 or 4.7%, the claims per employee increase as much 4.0%. The costs of these claims also decreased \$1,908,286 or -15.7%. The average cost per post-inspection claim was \$3,610 compared to \$4,484 per claim pre-inspection, a -19.5% decrease in the post period.

Combined Compliance and Consultation Pre-Post data is shown below.

Combined Compliance and Consultation Pre-Post Data FY2010						
	Employees	Pre Claims	Pre Cost	Employees	Post Claims	Post Cost
Total	49,602	2,712	\$12,160,267	49,961	2,840	\$10,251,980
Change				359	128	-\$1,908,286
Percent				0.7%	-13.6%	-15.7%

In the course of compliance inspections and consultations visits, the inspector or consultant presents a cost benefit analysis to the employer. In this analysis, the employer is shown their number of claims reported to Wyoming Workers' Compensation, the body part injured, the cost of these claims, and the amount of money held in reserve for future medical treatment of these claims. Lastly, the employer is shown current and past premium amounts, which is compared to the amount the employer would have paid if he/she reported the average number of claims for his/her standard industrial classification. These two amounts are then compared to the lowest amount the employer would have paid with the least number of claims and/or the lowest claims cost.

Our entire staff is involved in the presentation of our cost benefit analyses. Consultation personnel and management present the management safety seminars, the 3-day collateral duty safety and health seminars, construction safety training sessions, and our Oil and Gas safety training classes. Through these seminars, we reach employers and employees, from corporate officers, owners, and company safety professionals to the personnel who do the work. Our injury reduction message is tailored in these seminars to the audience in attendance.

Goal 3: CVPP and SHARP Recognition. The **third strategic goal** is to “promote a safety and health culture in Wyoming through a strong and effective consultation program.” Our Strategic Plan performance goal is to increase participants in the CVPP and SHARP Recognition Programs by 20 percent by promoting a safety and health culture in Wyoming’s worksites. The FY 2011 performance goal was to “increase participants in the CVPP and SHARP Recognition Programs by four percent by developing relationships with companies applying safety and health best practices.” We had one new CVPP participant in FY 2011, but lost two CVPP companies who sold their business and two more who did not renew their application and withdrew from the program. We experienced a loss of 21 SHARP companies due to employers going out of business or not qualifying for SHARP renewal. In this third year of the strategic plan, the Consultation department felt that we had sufficient numbers of SHARP members (78), and

Consultation concentrated on employers that made extensive efforts to improve their safety and health culture. This tougher standard, along with current economic conditions, has resulted in many employers not meeting the injury rate requirements and/or the safety culture measurements and withdrawing from the CVPP and the SHARP programs. So at the end of FY 2011, we are adjusting the Base for CVPP to 8 employers and adjusting the Base for SHARP to 64.

CVPP and SHARP Data				
	# CVPP	% Change	# SHARP	% Change
Base	11		78	
FY 2011	8 (new base)		64 (new base)	
Change From FY2010 (Annual Growth)	1	12.5%	0	0%
Change From Base (Five Year Overall Growth)	1	12.5%	0	0%

Cowboy Voluntary Protection Program:

Wyoming started FY 2011 with twelve participants in our Cowboy Voluntary Protection Program (CVPP), all in the private sector. They were Chevron’s Painter Reservoir gas plant and Chevron’s Carter Creek gas plant, both in Evanston; the Georgia Pacific Gypsum Plant in Lovell (first manufacturing site); the G.M. Stewart Construction Company in Evanston (first construction company); Xanterra Parks and Resorts in Yellowstone National Park; Grand Teton Lodge Company in Grand Teton National Park; the Union Tank Car Company in Evanston; Chevron’s Central Area in Rock Springs; MillerCoors Worland Elevator in Worland; SGL Carbon Fibers in Evanston; Simplot Phosphates in Rock Springs and BP America Production in Evanston. Two CVPP companies, Chevron’s Painter Reservoir gas plant and BP America’s Production Plant in Evanston, were sold. Two other CVPP sites, Xanterra Parks and Resorts in Yellowstone National Park and SGL Carbon Fibers in Evanston have both withdrawn from the program. We have added another CVPP applicant, BP America-Moxa Arch, out of Granger Wyoming into the CVPP program.

Compliance Completed Activities Chart

The following chart shows the 23g activities completed by Compliance in FY2011. The goals shown in the chart were established in our Performance Plan chart in our FY2011 Grant Application submitted last year.

Projected Compliance Activity FY2011	Safety	Health
Private Sector Inspections	300	30
Public Sector Inspections	20	25
Total	375	

Completed Compliance Activity FY2011	Safety	Health
Private Sector Inspections	197	20
Percent of Goal	66%	67%
Public Sector Inspections	3	6
Percent of Goal	15%	24%
Total	226	60%

During this fiscal year, personnel turnover in Compliance was very significant issue this year. We started FY2011 with two COSHs wanting to move over to Consultation due to the recent change in the State's policy for increase in wages. The only way an individual could get a salary increase was to apply for vacant senior positions which happen to be in Consultation. Also during the beginning of the third quarter, a senior safety COSH retired and another safety COSH quit seeking higher wages employment. Plus, the start of the third quarter we started another Process Safety Management (PSM) National Emphasis Program (NEP) Audit of one of our refineries. This hampered the total inspections numbers because the refinery inspection involved two health COSHs.

Consultation Public Sector Visits

Consultation completed 8 of a projected 15 safety visits in the public sector, or 53% of the goal, and 19 of 35 projected health visits, or 54% of the goal. With only three consultants, we completed 27 visits, 54% of our goal. Of these visits, 24 were Initial Consultations and 3 were follow-up visits. Although the total number of visits was reduced as expected by the decrease in consultants available to complete the work, the ratio of health visits to safety visits was maintained (70% health/30% safety) with 19 health related visits and 8 safety related visits (70%/30%). In addition we added 1 new public sector SHARP participants changing our FY2011 total public sector participants to sixteen, as four clients voluntarily withdrew.

Compliance Assistance (CAS) Activities

Our CAS activities directly support our Strategic Plan goals. All consultants, the consultation supervisor, and the deputy administrator have an active role in training presentations, which are conducted in many locations around Wyoming using a mix of employer/association-requested training and Consultation-sponsored seminars. Our education and training efforts are comprised of a 24-hour course covering General Industry Standards (1910), a 10 hour course covering the Construction Industry Standards (1926), Construction Safety courses specifically targeting excavation, asbestos removal, confined space, scaffolding, residential fall protection, the new Crane standards; Oil and Gas Drilling and Servicing rules classes; OSHA 300 Recordkeeping classes; and a Management Excellence Seminar Series including a Behavior-Based Safety introduction.

During the Fiscal Year 2011, 55 outreach training seminars and 14 presentations at 7 conferences, reaching a total of 1,962 attendees. In addition, the consultation department organized and funded through corporate sponsorships a one-day Safety Awards Conference

featuring a Keynote Speaker on “Inspiring Long-Term Positive Change for your Safety Team”, 12 Award Categories, 29 Safety related conference exhibitors and 10 safety related seminars, providing an important educational and networking opportunity for 230 attendees.

Miscellaneous Compliance Issues:

The Local Emphasis Program elements for the past year were: workers’ compensation companies; construction, including 1500, 1600, and 1700 standard industrial classifications (SIC); oil and gas well drilling (1381 SIC); oil and gas well servicing (1389 SIC); public sector employers with positive EMR; and nursing and personal care facilities (8050 SIC).

With the increase activity in the Oil and Gas industry in the State of Wyoming, Compliance is continuing their increased number of inspections of oil & gas drilling rigs and servicing rigs (1381 and 1389 SIC). We have also offered Consultation services for employers in this area as well, plus 8-hour training seminars in oil and gas well drilling and well servicing.

During the Wyoming Legislative session in February 2009, there was concern with Wyoming’s highest workplace fatality rate in the nation. The Governor appointed an advisor to address the legislative’s concerns. A Wyoming Workplace Fatality Prevention Taskforce (WWFPT) was established involving several state agencies (Department of Employment, Workers’ Compensation, OSHA, Department of Transportation, Department of Health, Wyoming Highway Patrol, Bureau of Land Management, etc.) and employers from a variety of industries such as Oil & Gas, Construction, Transportation, Manufacturing, etc. This task force was to study the last five years of workplace fatalities and determine tendency, trend, patterns, etc. to make any legislative recommendations to help reduce the fatality rate. To help assist in this undertaking, the National Institute for Occupational Safety and Health (NIOSH) out of Alaska was ask for their support in evaluating Wyoming fatalities from calendar year 2003 to 2007. As a result of numerous meetings and continuous evaluation of the data (which consisted of Bureau of Labor Statistics (BLS), Census of Fatal Occupational Injuries (CFOI), Wyoming Department of Employment (WDOE), Wyoming Department of Transportation (WDOT), and Wyoming OSHA), NIOSH reported that general transportation accounted for 65% worker deaths. Wyoming OSHA has only 25% of the jurisdiction of the total 210 workplace fatalities. The industries having the highest counts were Transportation, Oil & Gas, Construction, and Agriculture. The task force was divided into four group; Data, Transportation, Oil & Gas, and Construction to focus its attention in these areas. From these subcommittees, three recommendations were proposed to the Wyoming Legislature, a state epidemiologist, increase the seatbelt fine, and increase OSHA penalties. Two bills were introduced into the 2010 Wyoming Legislative Session; 1) to increase fines for not wearing seatbelt and 2) increase Wyoming OSHA penalties. Both bills failed, but a State Epidemiologist will be starting August 23, 2010. Also a by-product of this Taskforce, the Oil & Gas Industry has formed an Alliance with Wyoming OSHA called the Wyoming Oil & Gas Industry Safety Alliance (WOGISA). The goal of this Alliance is to promote, communicate, educate, and train employees and employers to ultimately reduce the fatality and injury rate in the Oil & Gas Industry. This Alliance was officially signed on June 15, 2011 between the WOGISA organization and Wyoming OSHA with the Governor of Wyoming, Matt Mead, as a witness and endorsing this Alliance. WOGISA general membership meets quarterly while the WOGISA board members meet monthly. This

Alliance is accomplished through our consultation program and the Consultation Supervisor and Deputy Administrator for Wyoming OSHA are involved in their meetings.

Our sixth annual 2011 Department of Workforce Services' Safety Awards Conference was held in April 2011 and the event was extremely successful. Approximately 230 people registered for the conference and enjoyed the awards luncheon, numerous safety seminars, and the 30 exhibitor booths. The main morning seminar was a motivational speaker Karl Mecklenburg's presentation, "Inspiring Long-Term Positive Change for Your Safety Team". Karl is a retired professional football player of the Denver Broncos and it was a well received and highlight of the conference. The awards luncheon featured Joan Evans, the Department's new director, plus the presentation of ten Governor's Safety Awards to various state companies with outstanding safety and health programs. This included three of our SHARP employers and one of our CVPP employers.

In addition to presenting the Cost Benefit Analysis (previously discussed) during visits, all of our Consultants actively promote the Workers' Compensation PIERS program to our clients. PIERS, or Providers, Injured Workers, and Employers Resource System, debuted in June 2004 and gives employers the ability to retrieve, on-line, injury and claim information for their company. This provides our clients an important tool for them to be pro-active in their claims management efforts and should prove highly beneficial in helping them to reduce their injuries and claims. Our Consultants are in the forefront in bringing PIERS into Wyoming businesses and helping employers to get up and running in using this program.

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The following is a breakout of the training received by our compliance officers for this year:

Webinars:

OTI #0033	Construction Targeting Webinar
OTI #0034	First Take On Affordable Care Act Whistleblower Complaints Webinar
OTI #0035	Permit Confined Space Entry Options in 1910.146 Webinar
OTI #0037	Fall Protection in Residential Construction Webinar
OTI #0038	OSHA Top 10 Violations & NEPs Webinar
OTI #0046	OSHA New Guidance on Workplace Violence Webinar
Attendees:	Christian Graham, George Zak, Dave Swanson, Delwin Weeks, Scott Luther, Craig Swierczek, Wayne Dvorak, and Dan Bulkley

OTI Course #1230 Principles in Ergonomics – 03/2011 – Red Rocks, CO: George Zak

OTI Course #3400 Hazard Analysis in Chemical Processing Industries – 05/2011 Chicago, Ill:
George Zak

OTI Course #3410 Advanced Process Safety Management – 08/201 – Chicago, Ill: George Zak

OTI Course #3430 Advanced PSM in Chemical Industries – 8/2011 – San Antonio, Tx: Dan
Bulkley and George Zak