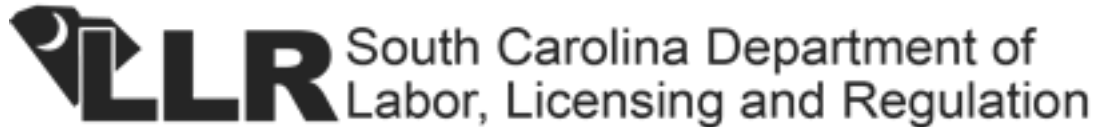


**FY 2012 Abridged Federal Annual Monitoring and Evaluation (FAME)
Report**

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION,
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH**



Evaluation Period: October 1, 2011 – September 30, 2012

**Initial Approval Date: November 30, 1972
Program Certification Date: August 3, 1976
Final Approval Date: December 15, 1987**

**Prepared by:
U. S. Department of Labor
Occupational Safety and Health Administration
Region IV
Atlanta, Georgia**



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South Carolina Department of Labor, Licensing & Regulation
Office of Occupational Safety and Health
FY 2012 FAME Report

I. Executive Summary

The FY 2012 FAME report is an abridged FAME report. This report is also based on the results of quarterly onsite monitoring visits, the State Office Annual Report (SOAR) for FY 2011, the State Activity Mandated Measures (SAMM) Report, as well as the State Indicator Report (SIR) ending September 30, 2011

The South Carolina Occupational Safety and Health Plan was one of the first programs approved by the U. S. Department of Labor in accordance with the guidelines of the Occupational Safety and Health Act of 1970. This was accomplished on November 30, 1972, and final approval was granted in 1987. In 1994, the South Carolina Department of Labor was eliminated as part of the reorganization of State government and the Department of Labor, Licensing, and Regulation (LLR) was created. During this review period, Ms. Catherine Templeton served as the Director of LLR, the official designated to administer the State Program. Ms. Templeton has prior experience with the agency, having served as an advisor to the department on labor issues for three years, during a previous administration. She is also an attorney and her legal experience was focused on labor and employment law. LLR is divided into three divisions: Labor; Fire and Life Safety; and Professional and Occupational Licensing. The Office of OSHA within the Division of Labor is responsible for management and operation of the State plan. Ms. Dottie Ison remains in the position as Administrator for the SC OSHA program.

Since a reorganization of SC OSHA in 2006, the OSHA Administrator has been over the Office of Voluntary Programs (OVP), as well as: Training; Safety and Health Compliance; Technical Support and Standards; Integrated Management Information System (IMIS); and the SC Bureau of Labor Statistics. South Carolina's Office of Technical Support and Standards provides information and assistance to the public to assist them in complying with their standards. That office also supports the compliance program with enforcement by providing guidance for internal and external use. In addition, the office reviews new federal OSHA standards and directives to determine whether they should be adopted by South Carolina. An Informal Conference Hearing Officer reports directly to the OSHA Administrator. In South Carolina, public sector agencies and employees are afforded the same rights, responsibilities, and coverage as the private sector, and these activities are handled by the same staff as for the private sector. Private sector onsite consultative services are provided through a 21(d) Grant administered by the OVP.

A Compliance Manager supervises the Offices of Safety and Health Compliance, as well as the individuals responsible for complaint processing and inspection assignments. SC OSHA categorizes inspectors as safety-construction, safety-general industry, and health, and has one supervisor over each of the three teams of inspectors. South Carolina's

inspectors all work out of their homes and routinely come in to the office on Mondays and Fridays to receive assignments, turn in reports, meet with supervisors, and conduct research. The three compliance supervisors also work out of their homes, with one of them being on duty in the office each week. Assignments to inspectors are centralized, with one individual in the office making all inspection assignments, with input from the supervisors and inspectors if needed. Since 1986, South Carolina has maintained a benchmark of 17 safety and 12 health compliance officer positions.

This report was prepared under the direction of Teresa A. Harrison, Acting Regional Administrator, Region IV, Atlanta, Georgia, and covers the period of October 1, 2011 through September 30, 2012. The SC OSHA Program is administered by the South Carolina LLR, Office of Occupational Safety and Health.

A total of 15 findings and recommendations are documented in the evaluation review of the FY 2011 FAME report. The State has taken appropriate corrective action to effectively address 12 of these items. Two of the findings carried over to FY 2012 are identified as 'Completed, awaiting verification,' and a third is listed as open. Additionally, one new finding and recommendation is documented in this report. This new Finding has to do with the State's workplace discrimination program and the need to update the State's Field Operation's Manual to reflect current practice. The Region will continue to work with the State to ensure that all of these items are effectively resolved. Each of the findings, recommendations, as well as the State's response is addressed in detail below.

II. Major New Issues

In FY 2011, South Carolina took legislative action eliminating the SC OSHA Program's ability to conduct safety and health-related discrimination investigations. This act took effect upon approval by the Governor on June 14, 2011, following ratification by the legislature on June 8, 2011. Upon learning of this action, Regional IV worked with the SC LLR and the OSHA National Office to reinstate the State's 11(c) authority. The reinstatement of the State's 11(c) authority is addressed in more detail in the Whistleblower section for this report.

III. State Progress in Addressing FY 2011 FAME Report Recommendations

The FY 2011 FAME report contained 15 findings and recommendations. Details regarding the State's progress in responding to each of the recommendations from the FY 2011 FAME report are provided below:

Finding 11-01: The complaint tracking mechanism in the State's database used to record dates and actions taken during complaint investigations is not being utilized.

Recommendation 11-01: SC OSHA should ensure that complaints are processed timely and effectively by requiring the appropriate fields to be updated in the database. CSHOs

should be provided refresher training and supervisors should ensure that case files are reviewed more carefully.

Status - Closed: SC OSHA has procedures in place to ensure that complaints are processed in a timely and effective manner. The database developed and implemented for SC OSHA contains a "data tracking" form to enter dates for every action. It was not being utilized adequately by the staff. Training on the procedures has been conducted for complaint and supervisory staff. This item was completed on September 4, 2012 and it was verified during the FAME evaluation.

Finding 11-02: Responses to non-formal complaints do not provide sufficient documentation and the State is not following up to get the information.

Recommendation 11-02: SC OSHA should ensure that non-formal complaint responses adequately address the complaint and sufficient documentation is received. Procedures should be implemented for contacting employers who do not respond within the prescribed timeframe. CSHOs should be provided refresher training and supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

Status - Closed: See 11-01. SC OSHA has procedures in place to ensure that complaint responses are reviewed thoroughly and actions taken are logged and tracked in the file. Discussed procedures with the supervisors and the complaint analyst during a staff meeting. Discussion involved performing more careful reviews of complaint responses to ensure that information is sufficient and that all complaint items are addressed and resolved. This item was completed on September 4, 2012 and it was verified during the FAME evaluation.

Finding 11-03: Final next-of-kin letters are not sent to the families for all fatality investigations. Letters should be sent to the NOK at the beginning and at the close of each investigation to ensure the family is made aware of the investigation and the results. Families are required to request that the State keep them informed of the results.

Recommendation 11-03: SC OSHA should develop and implement procedures to send a letter to the victim's family at the completion of an investigation without having to request it from SC OSHA. CSHOs should be provided refresher training and supervisors should ensure that case files are reviewed more carefully and ensure that signed copies are included in the case file and date sent documented on the diary sheet.

Status – Closed: See 11-01. SC OSHA has established policies and procedures for initiating contact with families. These procedures have been reviewed and determined to be effective during past evaluations. Refresher training was held with supervisors and inspectors; they were instructed to review files carefully to ensure that the NOK letter was sent and that a copy was placed in the file. This item was completed on September 4, 2012 and it was verified during the FAME evaluation.

Finding 11-04: Over twenty-seven (27) percent of fatality investigation files reviewed did not contain adequate supporting documentation and several violations were either not addressed at all or minimally.

Recommendation 11-04: SC OSHA should develop guidance for and provide CSHOs with additional training regarding obtaining information that thoroughly supports the violations

and that all violations are addressed in the file. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

Status - Closed: SC OSHA conducted 19 fatality investigations in FY 2011, therefore 27% equals 5 files. This recommendation does not identify specific missing items, we are unable to address beyond providing general documentation refresher training to the staff. A list of violations that were not addressed was not provided; therefore, unable to address. This item was completed on October 8, 2012 and it was verified during the FAME evaluation.

Finding 11-05: The worksheet used to evaluate an employer's safety and health program contained little or no documentation to justify a rating of effective, deficient or ineffective.

Recommendation 11-05: SC OSHA should develop guidance for and provide CSHOs with additional training to maintain consistency when evaluating an employer's Safety and Health program and supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

Status - Closed: This is a part of our self-evaluation audit - we identified this as a problem in 2011. SCOSHA has established procedures for evaluating an employer's safety and health program/system to ensure consistency. Refresher training sessions were held during staff meetings throughout FY 2011 to address the procedures. Also addressed specific documentation required in order to allow penalty reductions for good faith. A specific meeting was held in July 2011 and training was provided by our Consultation Manager. This item was completed on July 25, 2012 and it was verified during the FAME evaluation.

Finding 11-06 (formerly finding 9-02): Case file documentation consists of checklists and/or fill in the blank forms that provide little or no narrative description of the hazardous condition. Employees not always interviewed; documentation inadequate or missing; sampling forms lacked information on operations being sampled.

Recommendation 11-06 (formerly 9-02): SC OSHA should provide additional training to CSHOs and implement procedures to ensure that each violation is documented adequately for employer knowledge, employee exposure, health sampling factors, and description of the hazardous condition. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

Status - Closed: Same as 11-04. Attempts are made to interview employees (if not employee reps) on every inspection. Policy requires that an explanation be given if no employee interviews conducted. A lot of documentation is included in the field notes which are a part of the inspection case file. Discussed documentation needed on the sample sheets during a meeting with the health supervisors. This item was completed on September 4, 2012 and it was verified during the FAME evaluation.

Finding 11-07: The State only provides sampling results verbally to the employer and it is the employer's burden to request written documentation through FOIA. Employees are also not informed of their sampling results, even if overexposures were found, by SC OSHA.

Recommendation 11-07: SC OSHA should develop and implement procedures to ensure employers receive a copy of the air sampling results performed by the State immediately after sampling results are received. Summaries of the results should be provided on request to the appropriate employees, including those exposed or likely to be exposed to a hazard, employer representatives and employee representatives. CSHOs should be provided training and supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

Status - Closed: SC OSHA has a procedure in place for notifying employees of their rights to sampling results and how they obtain copies. It is a part of the health inspector training program. The policy is also to contact the employer with sampling results as soon as the inspector receives them and explain employee notification requirements to them. Procedure has been updated to include a letter to the employer providing sampling results. Refresher training provided to health staff during staff meeting. This item was completed on October 8, 2012 and it was verified during the FAME evaluation.

Finding 12-01 (formerly finding 11-08): Violations are often misclassified as low severity rather than medium or high severity. Violations are also incorrectly rated as low probability rather than greater probability.

Recommendation 12-01 (formerly 11-08): SC OSHA should provide additional training to CSHOs to ensure each violation is classified accurately for severity and probability. Guidelines for rating the severity of the injury or illness being prevented should be reviewed and revised as needed to assure that they are consistent with the definitions of high, medium, and low severity in SC OSHA's procedures. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

Status – Corrective Action Completed – awaiting verification: SC violations are classified in accordance with established policies and procedures to ensure consistency. These policies and procedures were determined to be effective by OSHA during previous reviews. Refresher training was provided to supervisors during a staff meeting to ensure that violations continue to be classified in accordance with policy. This item was completed on September 4, 2012.

Finding 12-02 (formerly finding 11-09): Acceptable abatement documentation is not consistent. Some files had documentation (programs, invoices, etc), while other files only included a certification sheet. There is no follow-up on abatement documentation that states the item(s) will be completed at a future.

Recommendation 12-02 (formerly 11-09): SC OSHA should conduct additional training and implement management controls to assure that adequate abatement certification or documentation is received for each violation, and that the abatement information is maintained in the case file. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.

Status - Corrective Action Completed – awaiting verification: Same as 11-04 and 11-06. Another recommendation with nothing specifically identified as an error. Documentation and case file reviews are a continuing discussion in supervisor and staff meetings. This item was completed on September 4, 2012 and it was verified during the FAME evaluation.

Finding 11-10: Notes documenting informal conferences did not include the rationale to support or explain the reason changes were made to the violations and penalties in some case files. Following the 50% EPO reduction, no follow-up documentation was provided to SC OSHA.

Recommendation 11-10: SC OSHA should ensure that informal conference notes documenting changes made to the citations and/or penalties are legible, organized and include the justification in the case file and documentation is received following the EPO.

Status - Closed: With the OSHA Express database, any documentation received is scanned into the system. This recommendation has been discussed with the Informal Conference Hearing Officer. Policies are in place to address this issue. Will review and update, as needed. This item was completed on July 1, 2012 and it was verified during the FAME evaluation.

Finding 11-11 (formerly 10-1, 9-06): Although the State typically adopts federal program changes and standards within 6-months, this information is not consistently shared with Federal OSHA in a timely manner.

Recommendation 11-11 (formerly 10-1, 9-06): SC OSHA should develop and implement procedure to ensure that Federal OSHA is notified of the adoption of all federal standards and directives, as well as State-initiated standards, in a timely manner. This process should also include appropriate legislative actions such as the recent State law, which eliminated the State authority to investigate discrimination complaints.

State Response: We disagree with this recommendation. SC OSHA has policies/procedures in place for notification of standard adoptions and legislative changes to the state plan. All notifications have been timely and in accordance with the policies/procedures. A few 2-way memos that only applied to directives were overlooked and therefore, not provided in a timely manner. Unsure as to how this happened, but all were provided to the Area Director immediately upon request during a quarterly meeting or by an email. This item has been administratively closed by the Regional Office.

Finding 11-12: Following legislation on June 14, 2011, Section 41-15-520 of the 1976 Code of Laws, relating to remedies for employees charging discrimination, was modified to provide a referral to the USDOL. This action replaced Section 3.07-2 and revoked Section 3.07-3 of the SC OSHA State Plan.

Recommendation 11-12: South Carolina must take action to reinstate the State's 11-C authority to ensure its program maintains an "as least as effective" (ALAE) status of operation.

Status – Closed: SC OSHA maintains that this item had no bearing on effectiveness of our program since employees were afforded protection under Section 11-C at all times. Federal OSHA was aware that SC OSHA was working to take back 11-C coverage during the FAME review period. Federal OSHA was, in fact, apprised of the situation regularly as it developed. OSHA staff monitored the progress and was aware the moment the legislation passed well in advance of this final report. Governor signed legislation on June 29, 2012.

Finding 11-13: A clear definition of what documents should be maintained for the State's official Palmetto Star file is not evident. Files were not consistent as to what files they contained and for how long they should be retained.

Recommendation 11-13: SC OSHA should develop and implement a records retention plan so that there is a clear understanding of what documents can be destroyed and what documents must be maintained. The internal self-evaluation program should include the Palmetto Star program in audits to ensure policies and procedures are followed.

Status: VPP file reviews have no place in monitoring effectiveness of a state program under FAME. This recommendation should have been as a suggestion, not in the FAME. We appreciate this positive and helpful recommendation and will take it under consideration. However, the OVP Manager will continue to develop and implement the policies and procedures that he feels works best for his program. This item has been administratively closed by the Regional Office.

Finding 11-14 (Formerly 10-3, 9-10): South Carolina OSHA does not have an internal evaluation program as required by the State Plan Policies and Procedures Manual.

Recommendation 11-14 (Formerly 10-3, 9-10): South Carolina must develop and implement a formal program for conducting periodic internal self-evaluations of all SC OSHA programs. The procedures should assure that internal self-evaluations possess integrity and independence. Reports resulting from internal self-evaluations will be made available to federal OSHA.

Status – Closed: SC OSHA maintained an Internal Monitoring program for years, generating reports to the Federal OSHA office on a quarterly basis. Many years ago, it was recommended that we combine this report with the SOAR. SC OSHA has now returned to the past program and developed new guidelines for conducting internal audits. Data will be provided to Federal OSHA on a quarterly basis. This item has been administratively closed by the Regional Office.

Finding 12-03 (Formerly 11-15): The current FY2011 SOAR merely provides a narrative overview of the State's activities and does not fully address the Strategic Performance Plan.

Recommendation 12-03 (Formerly 11-15): SC OSHA should implement a procedure to ensure future SOAR reports effectively address the following areas: summarize of the annual performance plan; track strategic plan accomplishments; address special accomplishments; and review the mandated activities.

Status - Open: SC OSHA made changes to the existing SOAR report under recommendations of past Federal OSHA staff. SC OSHA has returned to format of the past. Federal OSHA will continue to monitor the State progress in the development and implementation of an effective Strategic Performance Plan. Therefore, this item remains open and is subject to additional monitoring.

New Finding

Finding 12-04: SC allows oral whistleblower complaints in practice, however, the State's Field operation Manual (FOM) says that discrimination complaints received by telephone must be written and submitted within 30 days of the alleged incident.

Recommendation 12-04: SC OSHA needs to update the FOM to reflect current practices by revising the written policies and procedures to state that workers are permitted to submit workplace discrimination complaints both orally and in writing.

Status - Open: South Carolina is in the process of finalizing revisions to the FOM to ensure that the written policy reflects the practice of allowing oral whistleblower complaints.

IV. Assessment of State Performance

A. Enforcement

1. Complaint

In general, SC OSHA's procedures for handling complaints are similar to those of federal OSHA with just a few differences. Chapter III of the State's Field Operations Manual (FOM) contains detailed instructions for the handling of complaints. SC OSHA did not adopt OSHA's phone and fax procedures, and handle all non-formal complaints by mailing a letter to the company, with few exceptions. By comparison, federal OSHA procedures allow the Area Director greater flexibility to choose to conduct an inspection in response to a non-formal complaint in some circumstances. Additionally, SC OSHA does not investigate complaints received orally. Complainants of non-formal complaints are notified in writing of the employer's response and whether the State finds the response satisfactory. There is no formal right of review for non-formal complaints; however if they call or write and disagree with the findings, the State will review the complaint and reply to the complainant.

All complaints are initially handled by a single individual within SC OSHA, who prepares the correspondence or sends the complaint for assignment. If there are any questions about the handling of a complaint, the Compliance Manager or a supervisor are consulted. The compliance supervisor on duty reviews the responses to non-formal complaints. Inspection data indicates that SC OSHA handled 156 complaints in FY 2012, compared with 148 in FY 2011. Approximately 61% of complaint inspections were found to be in-compliance. According to the SAMM report, complaint investigations were initiated within an average of 2.3 days from the time of the receipt, which is well below the negotiated standard of 15 days and complaint inspections were initiated within an average of 8.24 days, which is above the negotiated standard of seven days.

2. Fatalities

In FY 2012, SC OSHA investigated 25 workplace fatalities, which resulted in the issuance of the following citation:

Violations of Fatality Investigations	SC OSHA
Willful	0
Repeat	0
Serious	71
Other-Than-Serious	21

3. Targeting and Programmed Inspections

According to inspection statistics reviewed, SC OSHA conducted 1,105 inspections in FY 2012, of which 796 were programmed. According to the SIR, 79% of programmed safety inspections and 41.2% of programmed health inspections resulted in violations issued. Additional data indicates that an average of 1.78 violations were cited per programmed inspection, and that 43.38% of safety violations and 39.34% of health violations were classified as serious, repeat, and willful.

SC OSHA did not adopt OSHA’s site-specific targeting (SST) procedures, and the OSHA Data Initiative (ODI) survey is not conducted in the State. No site-specific injury and illness data is available for inspection targeting. Each fiscal year, a safety high hazard planning guide is developed of manufacturing industries that have rates greater than the State Bureau of Labor Statistics (BLS) lost workday rate. A health high hazard planning guide is also developed each year, using the industry history of health violations. SC OSHA inspectors review and collect OSHA 300 logs, but prior to the use of the SCORE system, injury and illness data was not entered into IMIS.

Construction work is also considered high hazard and inspection sites are targeted using several procedures, based on specified criteria. SC OSHA procedures also permit inspectors to stop and conduct limited scope inspections when they observe a serious hazard at a construction site. For several years, in order to make a larger impact on construction hazards, the State routinely concentrates their inspection resources on selected high-construction activity areas.

A specific worksheet for assessing eligibility for the good faith penalty reduction was developed and implemented years ago. While copies of this worksheet were included in the files reviewed, they contained little or no documentation to justify a rating of effective, deficient or ineffective in reference to an employer’s safety and health program.

SC OSHA participates in several National Emphasis Programs (NEP) and Regional Emphasis Programs (REP) such as: combustible dust; hexavalent chromium; process safety management (PSM); microwave popcorn processing plants; trenching and excavation; silica; lead; amputations; and sharps injuries in urgent care facilities.

In the construction industry, 32 inspections were conducted at residential construction sites and 13 inspections were conducted under the trenching and excavation emphasis program. The residential construction industry and the hazards associated with trenching and excavations continue to be a focus for SC OSHA.

Health compliance conducted eight inspections in industries known to have employees exposed to lead. One follow-up inspection was resulted in three serious violations, three willful violations and seven failure-to-abate violations.

The following table outlines the total number of violations for programmed activity:

General Industry Programmed Inspections	SC OSHA	Construction Programmed Inspections	SC OSHA
Average number of violations	4.7	Average number of violations	1.3
In-Compliance Rate	24.4%	In-Compliance Rate	32.3%
% violations classified as Serious, Repeat, and Willful	53.4%	% violations classified as Serious, Repeat, and Willful	44.1%

4. Citations and Penalties

In FY 2012, the 1,105 inspections conducted resulted in an average of 1.60 violations per inspection, with 61.2% of safety violations and 40.2% of health violations classified as serious. The average lapse time from opening conference to citation issuance is identified below:

Average Lapse Time	STATE	Federal OSHA
Safety	45.39	44.4
Health	60.1	57.2
Total Average	52.75	46.6

Four willful violation and three repeat violations were issued in FY 2012. SC OSHA's procedures for classifying violations as repeat differs from that of federal OSHA, in that South Carolina requires the previous violation to have been issued within two years and federal OSHA allows five years of history to be considered. Inspection data shows that about 4.7% of inspections conducted were follow-ups, and 18 failure-to-abate violations were issued.

In FY 2012, the average **current** penalty per serious, repeat and willful violations for private sector inspections was as follows:

Classification	STATE	Federal OSHA
Willful	\$29,750	\$35,982
Repeat	\$12,500	\$14,326

Serious	\$585	\$2,153
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South Carolina classifies a lower percentage of violations as serious. Serious violations are categorized as high, medium or low severity serious, for penalty calculation purposes. It was noted that some violations that would most likely have been classified as serious by federal OSHA were classified as other-than-serious (OTS) by the State, and severity and probability ratings were inconsistent with the associated hazards.

Percent of Violations Cited Serious/Other Than Serious

	STATE	Federal OSHA
Serious	62.2%	73%
OTS	37.5%	23%

The difference between the average initial serious penalty between SC OSHA and Federal OSHA is largely due to the lower severity and lower probability assigned to similar violations, the additional 15% reduction for serious violations abated during the inspection and inconsistent use of the good faith reduction described in the programmed and targeting section of this report.

South Carolina has effective debt collection procedures. After administrative efforts to obtain payment of the penalty, the case is turned over to the state's Governmental Enterprises Accounts Receivable (GEAR) collection program. During this collection process, employers have a right to a hearing. Under the GEAR program, the state can collect payment of OSHA penalties through income tax authority. Cases in debt collection can be administratively closed by SC OSHA so they do not remain open for an extended amount of time.

5. Abatement

SC OSHA has regulations that address requirements for abatement verification. During case file reviews, abatement information sent in by the employer was found to be adequate in most cases, and included the employer's certification. The State accepts either certification or documentation of abatement. SC OSHA should implement control measures to assure that abatement certification or documentation is identified for each violation. The method of abatement is not specified on the citation. The State accepted abatement certification only on high severity and greater probability violations. According to the SIR in FY 2012, the State's abatement period, for violations, greater than 30 days was 15.6% for safety and the abatement period, for violations, above 60 days was 7.1% for health. The federal OSHA rates were 17.1% for safety and 12.3% for health.

6. Employee and Union Involvement

South Carolina’s procedures for employee and union involvement are identical to those of federal OSHA. Case files reviewed disclosed that employees were included during fatality investigations and other inspections.

B. Review Procedures

1. Informal Conferences

According to the State Indicator Report, 5.5% of violations were vacated and 0.8% of violations were reclassified as a result of informal settlement agreements. The penalty retention rate was 61.7%. Case files reviewed had similar results, with very few violations noted as being vacated or reclassified, and most cases were resolved with a penalty reduction.

SC OSHA has an Office of Informal Conferences which conducts all informal conferences with employers, in order to maintain consistency in the informal conference process. They have a procedure, known as the Employer Penalty Option (EPO), which provides a 50% reduction in penalty in exchange for the employer’s commitment to improve their safety and health program in a manner specific for that company.

2. Formal Review of Citations

In South Carolina contested cases are handled by the South Carolina Administrative Law Court. LLR requested this be changed from the SC OSHA Review Board. South Carolina has regulations for assuring that employers have the right to contest citations and penalties. South Carolina continues to maintain a very low contest rate. In FY 2012, 2% inspections were contested compared to 1.5% in 2011.

C. Standards and Federal Program Change Adoption

In accordance with 29 CFR 1902, States are required to adopt standards and federal program changes within a 6-month time frame. States that do not adopt identical standards and procedures must establish guidelines which are "at least as effective as" the federal rules. States also have the option to promulgate standards covering hazards not addressed by federal standards. During this period, South Carolina adopted all of the federal directives or “as effective as” procedures and OSHA initiated standards, which required action, in a timely manner. The tables below provide a complete list of the federal directives and standards which required action during this period:

1. Standards Adoption

Standards Requiring Action	Federal Register Date	Adopted Identical	Date Promulgated
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Hazard Communication - Globally Harmonized System of Classification	03/26/2012	Yes	4/25/12
Revising Standards Referenced in the Acetylene Standard	03/08/2012	Yes	4/25/12

2. Federal Program/State Initiated Changes

Federal Program Changes Requiring Action and Federal Directive Number	Date of Directive	Adopted Identical	Date Adoption Date
Compliance Policy for Manufacture, Storage, Sale, Handling, Use and Display of Pyrotechnics	10/27/2011	Yes	11/4/11
National Emphasis Program - PSM Covered Chemical Facilities	11/29/2011	Yes	12/7/11
Nursing Home NEP	04/05/2012	Yes	6/8/12
Communicating OSHA Fatality Inspection Procedures to a Victims Family	04/17/2012	No	N/A
Longshoring and Marine Terminals "Tool Shed" Directive	09/12/2012	Yes	11/19/12
Section 11(c) Appeals Program	09/12/2012	Yes	11/4/12

D. Variances

South Carolina has 68 permanent variances, none of which are multi-State variances approved by federal OSHA and there are no temporary variances. The most recent variance adopted was in 2006. **SC OSHA is in the process of making all variances available on their website.** The State did not issue any variances in FY 2012.

E. Public Employee Program

SC OSHA's Public Employee Program operates identically as the private sector. As with the private sector, public sector employers can be cited with monetary penalties. The penalty structure for both sectors is the same. SC OSHA conducted 27 public sector inspections in FY 2012, or 2.4% of all inspections. Case file reviews documented the same concerns noted in the private sector inspections regarding citations and penalties.

F. Discrimination Program

On June 14, 2011, the state legislature amended Section 41-15-520 of South Carolina's occupational safety and health law, which provides a remedy for discharge or discrimination against an employee because he or she has filed a complaint; instituted a proceeding under an occupational safety or health law or testified in such a proceeding; or exercised any right afforded by occupational safety or health laws. The legislative change was introduced in the Senate on March 15, 2011, introduced in the House on April 28, 2011, last amended on May 25, 2011, passed by the General Assembly on June 1, 2011 and signed by the Governor on June 14, 2011.

During the approximate yearlong effort to reinstate the State's discrimination program, South Carolina worked cooperatively with federal OSHA and kept the Region fully apprised of the situation. Legislation restoring the State's discrimination program was signed by the Governor on June 29, 2012.

G. Complaints About State Plan Administration (CASPA)

Two CASPA's were filed during this evaluation period. The CASPA involved a workplace safety and health complaint file with SC OSHA. During this process the South Carolina Occupational Safety and Health Program was cooperative and responsive to the Federal OSHA area office. In summary, OSHA found issues related to the State's performance and it resulted in recommendations to South Carolina. However, these recommendations were effectively addressed by the State prior to this evaluation period. Therefore, they did not result in additional finding or recommendation.

CASPA

State CASPA Number	Date of Acknowledgement	Date of Final Report to State	Corrective Action Required
2012-SC-18	2/18/2012	4/20/2012	Yes
2012-SC-19	04/06/2012	6/04/2012	Yes

Voluntary Compliance Program

The South Carolina Voluntary Protection Programs (VPP), called Palmetto Star, as well as Consultation, Alliances, and Partnership, is administered by the SCDLLR's Office of Voluntary Programs (OVP).

Alliances

The SCDLLR still has only one Alliance. The Alliance policy document and the Alliance itself meet the requirements established under the federal Alliance directive. The Alliance addresses the Overhead Powerline industry in South Carolina and has exhibited very positive results with numerous training opportunities for industry employees and a CD developed by the Alliance partners which has seen widespread distribution throughout the State.

Partnerships

The Partnership policy document and the Partnership itself meet the requirements established under the federal Partnership directive.

Voluntary Protection Programs (VPP)

The South Carolina Voluntary Protection Programs (VPP), called Palmetto Star, is administered by the SCDLLR's Office of Voluntary Programs (OVP). Eligibility requirements for Palmetto Star are more stringent than the federal program. Employers in Standard Industrial Classification (SIC) codes 20-39 may apply. Employers are required to maintain injury and illness rates at least 50% below the rate for that industry in South Carolina. There are currently 44 active sites in the Palmetto Star Program as of January 2012.

I. Program Administration

Training

South Carolina continues to provide the majority of employee training through the use of SCDLLR trainers, OSHA OTI Education Centers and third party vendors. This allows them to have most training courses locally and minimize costs. OTI has provided state programs with course material from several training courses and SCDLLR trainers use these materials for training conducted within the department. All SCDLLR trainees attend OTI for the standards course, while the other required core courses for trainees are conducted by the SCDLLR training staff. Compliance Officers also attend OTI for selected courses which they do not offer in-house. These include the Combustible Dust course and the Process Safety Management courses, among others. SCDLLR utilizes the Employee Performance Management System in lieu of the federal Individual

Development Plan to discuss training needs with employees and determine the training the employee will receive in the upcoming year.

Staffing

South Carolina is committed to maintaining its compliance staffing at the benchmarks levels of 17 safety and 12 health compliance officers. However, in the past some supervisory positions have been eliminated due to reductions in State funding, as well as program reorganization. South Carolina currently has 15 safety and 10 health compliance health officers on staff. The State is currently working to fill numerous vacancies including the following: standards officer; health supervisor; assistant compliance manager; as well as several safety and health compliance officers. They have plans to fill these vacancies, but SC OSHA officials have expressed concern about State funding for their upcoming State fiscal year.

		FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Safety	Benchmark	17	17	17	17	17
	Positions Allocated	17	17	17	17	17
	Positions Filled	13	14	15	16	15
	Vacancies	4	3	2	1	2
	Percent of Benchmarks Filled	76%	82%	88%	94%	88%
Health	Benchmark	12	12	12	12	12*
	Positions Allocated	12	12	12	12	12*
	Positions Filled	7	7	8	8	8
	Vacancies	5	5	4	4	4
	Percent of Benchmarks Filled	58%	58%	66%	66%	66%

*The benchmarks and positions allocated for health have been agreed upon and recognized by federal OSHA to be 10 since FY10. This information has not yet been published in the federal register.

Information Management

The South Carolina OSHA Redesign and Enhancement (SCORE) project marked its second birthday last November. On November 6, 2009, the State’s new information system went live. The Compliance Manager is currently using the SCORE system to run reports and to verify the status of activities. He also uses the auditing capability of the system, whereby a percentage of inspection files are selected for his comprehensive review. SC OSHA management reviews each inspector’s compliance data regularly, which they use for performance reviews. The SCORE, not only provides an efficient means of data entry and secure storage, it also allows South Carolina OSHA to retrieve and analyze that data instantaneously.

V. Assessment of State Progress in Achieving Annual Performance Goals

Fiscal Year 2012 was the first year of the State's new five-year strategic plan, as described in the specific goals below. The state closely tracks data related to each area of emphasis. In FY 2012, the State conducted 1,105 inspections compared to 1,662 inspections in FY 2011.

Goal 1: Improve and Ensure Workplace Safety and Health

South Carolina continues to operate in accordance with the State's established policies and procedures. They review annual high-hazard planning guides to effectively target hazardous industries and this action has been modestly successful in reducing rates (e.g., worker injuries, illnesses and fatalities in construction) in many of these targeted areas. However, the State has also experienced increased rates in other statistical areas (e.g., fatalities, injuries, and illnesses in general industry). A shift in their assessment and re-evaluation of targeting and tracking data should be accomplished to ensure a quick identification of changes in safety and health-related statistics. This action would also enable the State to effectively leverage its outreach and enforcement activities.

Goal 2: Promote a Culture of Safety and Health:

According to employers in both the private and public sector, the SC OSHA consultative and training services are highly respected and well-regarded throughout the State. Additionally, SC OSHA website is properly updated and well-maintained. The State's website has also proven to be a good resource for stakeholders. *Statistical Training Information FY 2012*

Private sector employers trained	1,533
Private sector employees trained	4,812
Public sector employers trained	1,656
Public sector employees trained	3,310
Total number of workers that received training	11,311

Federal OSHA is planning to attend stakeholder meeting during the next FAME monitoring cycle. During this period effort will be undertaken to assess the State's training and development of its staff members. Specific areas of focus will include the following: multi-employer workplace citations; investigative skills; interviewing techniques; and sampling techniques.

Appendix A – New and Continued Findings and Recommendations

FY 2012 South Carolina - State Plan Abridged FAME Report

Rec #	Findings	Recommendations	FY 11
12-01	Violations are often misclassified as low severity rather than medium or high severity. Violations are also incorrectly rated as low probability rather than greater probability.	<p>SC OSHA should provide additional training to CSHOs to ensure each violation is classified accurately for severity and probability. Guidelines for rating the severity of the injury or illness being prevented should be reviewed and revised as needed to assure that they are consistent with the definitions of high, medium, and low severity in SC OSHA's procedures. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.</p> <p><i>Completed, awaiting verification</i></p>	11-08
12-02	Acceptable abatement documentation is not consistent. Some files had documentation (programs, invoices, etc), while other files only included a certification sheet. There is no follow-up on abatement documentation that states the item(s) will be completed at a future.	<p>SC OSHA should conduct additional training and implement management controls to assure that adequate abatement certification or documentation is received for each violation, and that the abatement information is maintained in the case file. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.</p> <p><i>Completed, awaiting verification</i></p>	11-09
12-03	The current FY2011 SOAR merely provides a narrative overview of the State's activities and does not fully address the Strategic Performance Plan.	<p>SC OSHA should implement a procedure to ensure future SOAR reports effectively address the following areas: summarize of the annual performance plan; track strategic plan accomplishments; address special accomplishments; and review the mandated activities.</p> <p><i>Open</i></p>	11-15

Appendix A – New and Continued Findings and Recommendations

FY 2012 South Carolina - State Plan Abridged FAME Report

Rec #	Findings	Recommendations	FY 11
12-04	SC allows oral whistleblower complaints in practice, however, the State's Field operation Manual (FOM) says that discrimination complaints received by telephone must be written and submitted within 30 days of the alleged incident.	SC OSHA needs to update the FOM to reflect current practices by revising the written policies and procedures to state that workers are permitted to submit workplace discrimination complaints both orally and in writing. New Finding	N/A

Appendix B – Observations Subject to Continued Monitoring

FY 2012 South Carolina State Plan Abridged FAME Report

South Carolina does not have any new or continued observations.

Appendix C - Status of FY 2011 Findings and Recommendations

FY 2012 South Carolina State Plan Abridged FAME Report

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
11-01	<i>The complaint tracking mechanism in place to record dates and actions taken during complaint investigations is not being utilized</i>	<i>SC OSHA should ensure that non-formal complaints are processed timely and effectively by requiring the appropriate fields to be updated in the database.</i>	<i>The database developed and implemented for SC OSHA contains a "data tracking" form to enter dates for every action. Conduct training on the procedures for complaint and supervisory staff.</i>	<i>SC OSHA has procedures in place to ensure that complaints are processed in a timely and effective manner. The database developed and implemented for SC OSHA contains a "data tracking" form to enter dates for every action. It was not being utilized adequately by the staff. Training on the procedures have been conducted for complaint and supervisory staff.</i>	Completed
11-02	<i>Responses to non-formal complaints do not provide sufficient documentation and the State is not following up to get the information</i>	<i>SC OSHA should ensure that non-formal complaint responses adequately address the complaint and sufficient documentation is received. Procedures should be implemented for contacting employers who do not respond within the prescribed timeframe. CSHOs should be provided refresher training and supervisors should ensure that case files are reviewed more carefully to ensure this is being done.</i>	<i>Conduct training on the procedures for complaint and supervisory staff.</i>	<i>See 11-01. SC OSHA has procedures in place to ensure that complaint responses are reviewed thoroughly and actions taken are logged and tracked in the file. Discussed procedures with the supervisors and the complaint analyst during a staff meeting. Discussion involved performing more careful reviews of complaint responses to ensure that information is sufficient and that all complaint items are addressed and resolved.</i>	Completed
11-03	<i>Several of the fatality case files reviewed did not provide evidence that final NOK letters are sent to the families at the completion of the investigation and/or settlement process.</i>	<i>SC OSHA should develop and implement a tracking system to ensure that all communications with the NOK are completed. The information to be tracked includes but is not limited to: written correspondence at the beginning and end of the investigation; a letter informing the NOK of the fatality investigation results; and a letter informing NOK of any changes to the citation, as the result of an informal conference. Formal Settlement Agreement, or litigation as well as hearing dates and other pertinent information. CSHOs and Supervisors should be provided refresher training and supervisors should ensure that</i>	<i>SC OSHA has established policies and procedures for initiating contact with families. Refresher training was held with supervisors and inspectors.</i>	<i>See 11-01. SC OSHA has established policies and procedures for initiating contact with families. These procedures have been reviewed and determined to be effective during past evaluations. Refresher training was held with supervisors and inspectors; they were instructed to review files carefully to ensure that the NOK letter was sent and that a copy was placed in the file.</i>	Completed

Appendix C - Status of FY 2011 Findings and Recommendations

FY 2012 South Carolina State Plan Abridged FAME Report

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
		<i>case files are reviewed more carefully and ensure that signed copies are included in the case file and date sent documented on the diary sheet.</i>			
11-04	<i>Over twenty-seven (27) percent of fatality investigation files reviewed did not contain adequate supporting documentation and several violations were either not addressed at all or minimally.</i>	<i>SC OSHA should develop guidance for and provide CSHOs with additional training regarding obtaining information that thoroughly supports the violations and that all violations are addressed in the file. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.</i>	<i>Staff meeting held on October 8, 2012.</i>	<i>SC OSHA conducted 19 fatality investigations in FY 2011, therefore 27% equals 5 files. This recommendation does not identify specific missing items, we are unable to address beyond providing general documentation refresher training to the staff. A list of violations that were not addressed was not provided; therefore, unable to address.</i>	Closed
11-05	<i>The worksheet used to evaluate an employer's safety and health program contained little or no documentation to justify a rating of effective, deficient or ineffective and in many cases still lead to an employer receiving the 15% good faith penalty reduction.</i>	<i>SC OSHA should develop guidance for and provide CSHOs with additional training to maintain consistency when evaluating an employer's Safety and Health program, applying the 15% good faith penalty reduction, and supervisors should ensure that case files are reviewed more carefully to ensure this is being done.</i>	<i>A specific meeting was held in July 2011 and training was provided by our Consultation Manager.</i>	<i>This is a part of our self-evaluation audit - we identified this as a problem in 2011. SCOSHA has established procedures for evaluating an employer's safety and health program/system to ensure consistency. Refresher training sessions were held during staff meetings throughout FY 2011 to address the procedures. Also addressed specific documentation required in order to allow penalty reductions for good faith.</i>	Completed
11-06	<i>Case file documentation consists of checklists and/or fill in the blank forms that provide little or no narrative description of the hazardous condition. Employees not always interviewed; documentation inadequate or missing; sampling forms lacked information on operations being sampled.</i>	<i>SC OSHA should provide additional training to CSHOs and implement procedures to ensure that each violation is documented adequately for employer knowledge, employee exposure, health sampling factors, and description of the hazardous condition. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.</i>	<i>Staff meeting held on October 8, 2012.</i>	<i>Same as 11-04. Attempts are made to interview employees (if not employee reps) on every inspection. Policy requires that an explanation be given if no employee interviews conducted. A lot of documentation is included in the field notes which are a part of the inspection case file. Discussed documentation needed on the sample sheets during a meeting with the health supervisors.</i>	Completed
11-07	<i>The State only provides sampling results verbally to the employer and it is the employer's burden to request written</i>	<i>SC OSHA should develop and implement procedures to ensure employers receive a copy of the air</i>	<i>Updated procedure to include a letter to the employer providing sampling results. Refresher training provided to</i>	<i>SC OSHA has a procedure in place for notifying employees of their rights to sampling results and</i>	Completed

Appendix C - Status of FY 2011 Findings and Recommendations

FY 2012 South Carolina State Plan Abridged FAME Report

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
	<i>documentation through FOIA. Employees are also not informed of their sampling results, even if overexposures were found, by SC OSHA.</i>	<i>sampling results performed by the State immediately after sampling results are received. Summaries of the results should be provided on request to the appropriate employees, including those exposed or likely to be exposed to a hazard, employer representatives and employee representatives. CSHOs should be provided training and supervisors should ensure that case files are reviewed more carefully to ensure this is being done.</i>	<i>health staff during staff meeting.</i>	<i>how they obtain copies. It is a part of the health inspector training program. The policy is also to contact the employer with sampling results as soon as the inspector receives them and explain employee notification requirements to them. Procedure has been updated to include a letter to the employer providing sampling results. Refresher training provided to health staff during staff meeting.</i>	
12-01 11-08	<i>Violations are often misclassified as low severity rather than medium or high severity. Violations are also incorrectly rated as low probability rather than greater probability.</i>	<i>SC OSHA should provide additional training to CSHOs to ensure each violation is classified accurately for severity and probability. Guidelines for rating the severity of the injury or illness being prevented should be reviewed and revised as needed to assure that they are consistent with the definitions of high, medium, and low severity in SC OSHA's procedures. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.</i>	<i>SC OSHA should provide additional training to CSHOs to ensure each violation is classified accurately for severity and probability.</i>	<i>SC violations are classified in accordance with established policies and procedures to ensure consistency. These policies and procedures were determined to be effective by OSHA during previous reviews. Refresher training was provided to supervisors during a staff meeting to ensure that violations continue to be classified in accordance with policy</i>	Completed Awaiting Verification
12-02 11-09	<i>Acceptable abatement documentation is not consistent. Some files had documentation (programs, invoices, etc), while other files only included a certification sheet. There is no follow-up on abatement documentation that states the item(s) will be completed at a future date.</i>	<i>SC OSHA should conduct additional training for supervisors and implement management controls to assure that adequate abatement certification or documentation is received for each violation, and that the abatement information is maintained in the case file. Supervisors should ensure that case files are reviewed more carefully to ensure this is being done.</i>	<i>SC OSHA should conduct additional training for supervisors and implement management controls to assure that adequate abatement certification or documentation is received for each violation, and that the abatement information is maintained in the case file.</i>	<i>Same as 11-04 and 11-06. Another recommendation with nothing specifically identified as an error. Documentation and case file reviews are a continuing discussion in supervisor and staff meetings.</i>	Completed Awaiting Verification
11-10	<i>Not all case files provided documentation of the rationale to support or explain the reason changes were made to the violations and</i>	<i>SC OSHA should ensure that informal conference notes documenting changes made to the citations and/or penalties are</i>	<i>This recommendation has been discussed with the Informal Conference Hearing Officer. Policies are in place to address this issue. Will</i>	<i>With the OSHA Express database, any documentation received is scanned into the system. This recommendation has been</i>	Closed

Appendix C - Status of FY 2011 Findings and Recommendations

FY 2012 South Carolina State Plan Abridged FAME Report

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
	<i>penalties during informal conferences. Additionally, no follow-up documentation was provided to SC OSHA following the 50% EPO reduction in some case files</i>	<i>legible, organized and include the justification in the case file that documentation is received following the EPO.</i>	<i>review and update, as needed.</i>	<i>discussed with the Informal Conference Hearing Officer. Policies are in place to address this issue. Will review and update, as needed.</i>	
11-11	<i>Although the State typically adopts federal program changes and standards within 6-months, this information is not consistently shared with Federal OSHA in a timely manner.</i>	<i>SC OSHA should develop and implement procedures to ensure that Federal OSHA is notified of the adoption of all federal standards and directives, as well as State-initiated standards, in a timely manner. This process should also include appropriate legislative actions such as the recent State law, which eliminated the State authority to investigate discrimination complaints.</i>	<i>No action required on this recommendation</i>	<i>We disagree with this recommendation. SC OSHA has policies/procedures in place for notification of standard adoptions and legislative changes to the state plan. All notifications have been timely and in accordance with the policies/procedures. A few 2-way memos that only applied to directives were overlooked and therefore, not provided in a timely manner. Unsure as to how this happened, but all were provided to the Area Director immediately upon request during a quarterly meeting or by an email.</i>	Closed
11-12	<i>Following legislation on June 14, 2011, Section 41-15-520 of the 1976 Code of Laws, relating to remedies for employees charging discrimination, was modified to provide a referral to the USDOL. This action replaced Section 3.07-2 and revoked Section 3.07-3 of the SC OSHA State Plan.</i>	<i>South Carolina must take action to reinstate the State's 11-C authority to ensure its program maintains an "as least as effective" (ALAE) status of operation.</i>	<i>No action required on this recommendation</i>	<i>SC OSHA maintains that this item had no bearing on effectiveness of our program since employees were afforded protection under Section 11-C at all times. Federal OSHA was aware that SC OSHA was working to take back 11-C coverage during the FAME review period. Federal OSHA was, in fact, apprised of the situation regularly as it developed. OSHA staff was monitoring the progress and was aware the moment the legislation passed well in advance of this final report.</i>	Closed
11-13	<i>A clear definition of what documents should be maintained for the State's official Palmetto Star file is not evident. Files were not consistent as to what files they contained and for how long they should be retained.</i>	<i>SC OSHA should develop and implement criteria for public files that there is a clear understanding of what documents should be maintained for disclosure to the public, if requested. The internal self-evaluation program should include the Palmetto Star program</i>	<i>No action required on this recommendation</i>	<i>VPP file reviews have no place in monitoring effectiveness of a state program under FAME. This recommendation should have been as a suggestion, not in the eFAME. We appreciate this positive and helpful recommendation and will take it</i>	Closed

Appendix C - Status of FY 2011 Findings and Recommendations

FY 2012 South Carolina State Plan Abridged FAME Report

Rec #	Findings	Recommendations	Corrective Action Plan	State Action Taken	Status
		<i>in audits to ensure policies and procedures are followed.</i>		<i>under consideration. However, the OVP Manager will continue to develop and implement the policies and procedures that he feels works best for his program.</i>	
11-14	<i>South Carolina OSHA does not have an internal evaluation program as required by the State Plan Policies and Procedures Manual.</i>	<i>South Carolina must develop and implement a written formal program for conducting periodic internal self-evaluations of all SC OSHA programs. The procedures should assure that internal self-evaluations possess integrity and independence. Reports resulting from internal self-evaluations will be made available to federal OSHA.</i>	<i>SC OSHA has now returned to the past program and developed new guidelines for conducting internal audits. Data will be provided to Federal OSHA on a quarterly basis.</i>	<i>SC OSHA maintained an Internal Monitoring program for years, generating reports to the Federal OSHA office on a quarterly basis. Many years ago, it was recommended that we combine this report with the SOAR. SC OSHA has now returned to the past program and developed new guidelines for conducting internal audits. Data will be provided to Federal OSHA on a quarterly basis.</i>	Closed
12-03 11-15	<i>The current FY2011 SOAR merely provides a narrative overview of the State's activities and does not fully address the Strategic Performance Plan.</i>	<i>SC OSHA should implement a procedure to ensure SOAR reports effectively address the following areas: summary of the annual performance plan; track strategic plan accomplishments; address special accomplishments; and review the mandated activities.</i>	<i>Federal OSHA will continue to monitor the State progress in the development and implementation of an effective Strategic Performance Plan.</i>	<i>SC OSHA made changes to the existing SOAR report under recommendations of past Federal OSHA staff. SC OSHA has returned to format of the past.</i>	Open

Appendix D – FY 2012 State Activity Mandated Measures (SAMM) Report

FY 2012 South Carolina State Plan Abridged FAME Report

NOV 09, 2012
RID: 0454500

MEASURE	From: 10/01/2011 To: 09/30/2012	CURRENT FY-TO-DATE	REFERENCE/STANDARD
1. Average number of days to initiate Complaint Inspections	1286 8.24 156	75 5.00 15	Negotiated fixed number for each state
2. Average number of days to initiate Complaint Investigations	472 2.30 205	4 .18 22	Negotiated fixed number for each state
3. Percent of Complaints where Complainants were notified on time	141 92.76 152	19 100.00 19	100%
4. Percent of Complaints and Referrals responded to within 1 day -ImmDanger	0 .00 1	0 0 0	100%
5. Number of Denials where entry not obtained	2	1	0
6. Percent of S/W/R Violations verified			
Private	536 49.77 1077	26 5.39 482	100%
Public	15 78.95 19	0 .00 4	100%
7. Average number of calendar days from Opening Conference to Citation Issue			
Safety	25519 45.73 558	3689 49.18 75	2032800 55.9 36336
Health	5386 59.18 91	964 87.63 11	647235 67.9 9527

Appendix D - FY 2012 State Activity Mandated Measures (SAMM) Report

FY 2012 South Carolina State Plan Abridged FAME Report

NOV 09, 2012
RID: 0454500

MEASURE	From: 10/01/2011 To: 09/30/2012	CURRENT FY-TO-DATE	REFERENCE/STANDARD
8. Percent of Programmed Inspections with S/W/R Violations			
	311	48	76860
Safety	43.38	52.17	58.5
	717	92	131301
	24	3	9901
Health	39.34	33.33	53.0
	61	9	18679
9. Average Violations per Inspection with Violations			
	1076	154	367338
S/W/R	1.65	1.79	2.1
	649	86	175950
	685	59	216389
Other	1.05	.68	1.2
	649	86	175950
10. Average Initial Penalty per Serious Violation (Private Sector Only)	892950	124075	624678547
	848.00	838.34	1990.5
	1053	148	313826
11. Percent of Total Inspections in Public Sector	29	2	162
	2.62	1.79	3.5
	1108	112	4675
12. Average lapse time from receipt of Contest to first level decision	3443	0	3197720
	229.53	187.0	17104
	15	0	17104
13. Percent of 11c Investigations Completed within 90 days*	0	0	100%
	.00	0	100%
	1	0	100%
14. Percent of 11c Complaints that are Meritorious*	1	0	1619
	100.00	23.4	National Data (3 years)
	1	0	6921
15. Percent of Meritorious 11c Complaints that are Settled*	1	0	1444
	100.00	89.2	National Data (3 years)
	1	0	1619

*Note: Discrimination measures have been updated with data from SAMM reports run on 1/3/2013

Appendix E - State OSHA Annual Report (SOAR)
FY 2012 North Carolina State Plan Abridged FAME Report

[Available Upon Request]