

# **FY 2016 Follow-up Federal Annual Monitoring and Evaluation (FAME) Report**

State of Oregon  
Oregon Occupational Safety and Health Division (Oregon OSHA)



**Evaluation Period: October 1, 2015 – September 30, 2016**

**Initial Approval Date: December 28, 1972**  
**Program Certification Date: September 24, 1982**  
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# **I. Executive Summary**

## **A. State Plan Activities, Trends, and Progress**

The purpose of this report is to assess the activities of the Oregon Occupational Safety and Health Division (Oregon OSHA) for Fiscal Year (FY) 2016 with regard to activities mandated by the Occupational Safety and Health Administration (OSHA) and to gauge the State Plan's progress in resolving outstanding findings and recommendations from previous Federal Annual Monitoring Evaluations (FAMEs). This report also assesses the State Plan's achievement of its Annual Performance Plan goals, as well as its progress toward the goals in its Five-Year Strategic Plan.

As part of this evaluation, OSHA reviewed a portion of Oregon OSHA's whistleblower case files to verify corrective actions for the FY 2015 finding.

The FY 2016 Follow-up FAME Report on Oregon OSHA includes no new findings and three observations; one new observation and two continued observations. The new observation was related to Oregon OSHA's percent of total inspections in state and local government workplaces not meeting the negotiated further review level. The continued observation relates to Oregon OSHA's average number of serious, willful, and repeat violations per inspection that were below the national standard. The observation from the FY 2015 FAME that will be reviewed in FY2017 relates to Oregon OSHA ensuring that all evidence is adequately tested prior to dismissing or closing a retaliation case.

With the exception of the observations noted above, Oregon OSHA was within all other further review levels established in the State Activity Mandated Measures (SAMM) report. For example: All 40 imminent danger situation complaints or referrals received by Oregon OSHA were responded to within one day. Average lapse times for safety and health inspections were less than the national average lapse times. Oregon OSHA's average lapse time for safety inspections was 31.73 days as compared to the national lapse time of 45.16 days. Oregon OSHA's average lapse time for health inspections was 41.09 days as compared to the national average lapse time of 57.28 days.

## **B. State Plan Introduction**

The State of Oregon, under an agreement with OSHA, operates an occupational safety and health program through the Oregon Consumer and Business Services Department, Occupational Safety and Health Division (Oregon OSHA). The Oregon State Plan received initial approval on December 28, 1972, and was certified on September 24, 1982 after all developmental steps as specified in the plan had been completed. In May of 2005, after a full opportunity for public review and comment, and a comprehensive program evaluation, OSHA granted final approval to the Oregon State Plan, with the exception of temporary labor camp enforcement. The temporary

labor camp standard was subsequently revised by Oregon OSHA to meet federal concerns; as of yet, the State Plan has not pursued a formal change to remove that narrow limitation on its final approval. Final approval is a significant achievement, confirming that Oregon OSHA's program in actual operation is at least as effective as the federal program with respect to issues covered by that approval.

The Administrator of Oregon OSHA is appointed by the director of the Oregon Consumer and Business Services Department and serves as the designee for the State Plan. The current Administrator is Mr. Michael Wood.

Over the years, Oregon OSHA has adopted a number of major safety and health standards which, while deemed as effective as comparable federal standards, also have significant differences. Oregon OSHA has also adopted a number of state-initiated rules for which there are no federal counterparts, including Forest Activity Standards, Agricultural Standards, and Firefighter Standards. Oregon OSHA's rules, the Oregon Safe Employment Act, letters of interpretation, and recent rule activity can be accessed via the Rules and Laws section of the Oregon OSHA website.

In Oregon, the Bureau of Labor and Industries (BOLI) has statutory responsibility for accepting, processing, and making determinations on complaints alleging occupational safety and health workplace retaliation. Rules pertaining to the processing of these complaints, also known as whistleblower complaints, are contained in Division 438 of Oregon's Administrative Rules. Oregon OSHA reimburses BOLI for costs associated with conducting whistleblower investigations.

Oregon OSHA exercises jurisdiction over state and local government workplaces and private sector employers not covered by OSHA in Oregon. OSHA's inspection authority is limited to federal agencies, the U.S. Postal Service, contractors on U.S. military reservations, private employers and federal government employers at Crater Lake National Park, and private sector maritime employment on or adjacent to navigable waters, including shipyard operations and marine terminals. OSHA also covers private sector establishments on Native American reservations and tribal trust lands, including Native American-owned enterprises.

In FY 2016, Oregon OSHA allocated funds for 77 compliance officers, 28 consultants that are 100% state-funded and four additional consultants who provide private sector consultation under Section 21(d) of the Act. According to 2014 data, the program covers approximately 1,744,000 workers employed by 107,400 employers throughout the state. In FY 2016, Oregon OSHA's federally-approved state OSHA program was funded at \$26,398,079, of which \$5,597,130 were federal funds.

## C. Data and Methodology

OSHA has established a two-year cycle for the FAME process. This is the follow-up year, and as such, OSHA did not perform the level of case file review associated with a comprehensive FAME. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME.

The analyses and conclusions described herein are based on information obtained from a variety of sources, including:

- State Activity Mandated Measures (SAMM) report data (Appendix D)
- FY 2016 Mandated Activities Report for Consultation (MARC) data
- State Information Report (SIR) data
- FY 2016 State OSHA Annual Report (SOAR) prepared by Oregon, which contains details of the State Plan's achievements with respect to its annual goals
- FY 2016 Oregon OSHA Annual Performance Plan
- Grant Assurances
- Quarterly monitoring meetings between OSHA and the State Plan
- Case file reviews of retaliation case files

In addition to reviewing the SAMMs and Oregon OSHA's implementation of its Annual Performance Plan and Five-Year Strategic Plan, OSHA conducted an on-site review of the State Plan's whistleblower program to assess the correspondence sent to whistleblower complainants regarding their appeal rights.

OSHA conducted a case file review of 40 whistleblower case files. All cases reviewed were randomly selected from a list provided from the Web Integrated Management Information System (WebIMIS) database of all whistleblower cases opened in FY 2016. An IMIS report was run to find the total number of cases opened in FY2016 together with establishment names, case file numbers, et cetera. A total of 97 cases were opened by BOLI in FY 2016. Of those 97, each case file was assigned a consecutive number (1 – 97). A blind random sampling of numbers was run from a website which generates random numbers. Forty cases were pulled at random, following the number patterns generated. Forty cases is statistically significant (41% of total cases opened), and was the pre-determined number of cases to be reviewed pursuant to a decision made by the Assistant Regional Administrator of Cooperative and State Programs, the State Plan Monitoring Manager, and the Area Director of the Portland Area Office of OSHA. This was a focused audit based upon the FY 2015 FAME finding about including appeal language in letters to complainants. A program analyst from the Portland Area Office reviewed the language of dismissal letters (cases dismissed without merit) for 40 FY 2016 case files to ensure appeal rights language were incorporated or appended to the dismissal letters sent to the complainants. After case file review, it was determined that three of the case files were from the time period in FY 2016 before Oregon OSHA had implemented corrective action for appeals letters. These three case files were excluded from the total number of cases reviewed.

## **D. Findings and Observations**

This report contains no new findings and three observations. The FY 2015 FAME report included one finding that has now been marked as complete, as a result of OSHA's review of Oregon OSHA's retaliation case files. Additionally, OSHA will continue to monitor two observations from the FY 2015 FAME report; one observation relates to retaliation case files and the second observation relates to inspection case files. There is one new observation, Observation 2016-OB-01, which relates to Oregon OSHA's percent of total inspections in state and local government workplaces (SAMM 6). The SAMM report shows that Oregon OSHA's percentage of total inspections is 2.86, which is below the negotiated further review level of 3.4% (-5% of the negotiated goal of 3.58%) The observations noted above are summarized in Appendix B of this report.

## **II. Assessment of State Plan Performance**

### **A. Major New Issues**

#### Maximum Penalty Increase

With the passage of the Bipartisan Budget Bill on November 2, 2015, OSHA raised its maximum penalties effective August of 2016 and again increased penalties according to the Consumer Price Index (CPI) in January of 2017. As required by law, OSHA will continue to raise maximum penalties each year according to the CPI. State Plans are required to adopt both the catch-up increase and annual increase.

On June 6, 2017, Oregon's governor signed Senate Bill 92. The bill allows the Director of the Oregon Department of Consumer and Business Services to set civil penalties for violations of state occupational health and safety statutes, not to exceed maximum penalties or fall below certain minimum penalties under federal Occupational Safety and Health Act of 1970.

### **B. Assessment of State Plan Progress in Achieving Annual Performance Goals**

Oregon OSHA has established three broad goals in its Five-Year Strategic Plan, which covers the period from October 1, 2015 (FY 2016) through September 30, 2020 (FY 2020). These goals include short-range (annual) and long-range (five-year) objectives aimed at improving safety and health for Oregon's workers. Each year Oregon OSHA develops and submits its annual performance plan as part of its application for federal funds. The following is OSHA's assessment of Oregon OSHA's performance compared to its FY 2016 annual goals and the broad goals from their strategic plan.

Oregon OSHA's three goals from their FY 2016-2020 Five-Year Strategic Plan are as follows:

**Strategic Goal #1: Reduce serious workplace injuries and the risks that lead to them.**

**Strategic Goal #2: Reduce serious workplace illnesses and the risks that lead to them.**

**Strategic Goal #3: Reduce workplace deaths and the risks that lead to them.**

OSHA did not identify any issues or concerns regarding Oregon OSHA's performance in meeting its annual performance goals during FY 2016. All goals were met and were deemed acceptable.

The Oregon OSHA Five-Year Strategic Plan was also evaluated and OSHA found that overall the State Plan is consistent in meeting their performance goals. Please note that the number(s) in parentheses for each annual performance goal indicate the related five-year strategic goal(s). The following is OSHA's assessment of the State Plan's performance compared to its FY 2016 annual goals and Five-Year Strategic Plan:

**Annual Performance Goal (1,2,3)-1: Recognition Programs or Voluntary Programs or Self-Sufficiency:** Maintain the number of SHARP and VPP participants and continue to promote employer self-sufficiency through consultations and by encouraging employers to attain VPP and SHARP status. Oregon OSHA will promote SHARP and VPP through consultation, enforcement, technical services, and education.

**Results:** In FY 2016, an additional two employers received initial SHARP certification, bringing the total number of employers in the program to 203 as compared to 201 in FY 2015, including 22 current employers, 29 working towards SHARP, 173 certified SHARP and 152 graduates. The VPP program certified two new VPP sites and recertified two existing VPP sites in FY 2016. At the end of FY 2016, Oregon OSHA had 22 VPP sites.

**OSHA's Assessment:** The State Plan met this goal.

**Annual Performance Goal (1,2,3)-2: Outreach:** Educate employers and workers, particularly small employers in high hazard industries and vulnerable or hard-to-reach populations regarding the value of occupational safety and health by providing workshops, conferences, educational venues, training, marketing, and other outreach activities.

**Results:** Oregon OSHA developed 16 new or substantially revised publications such as "Fall Protection Trigger Heights for the Construction Industry" and "Violence in the Workplace – Can it happen where you work?" Oregon OSHA also continued its outreach to non-English speaking workers by making training and outreach materials available to the multicultural workforce by adding 45 non-English videos to their expansive library. An on-line course titled "Record Keeping and Recording (OSHA 300)" was deployed in FY 2016. Oregon OSHA has had a long history of partnering with labor, business, and associations to coordinate occupational safety and health conferences throughout the state and toward that effort conducted seven conferences during this period. Oregon OSHA conducted 229 additional outreach activities to high hazard industries and vulnerable and hard-to-reach workers, including 14 Spanish language training sessions. Oregon OSHA loaned out 418 non-English videos in FY 2016.

**OSHA's Assessment:** The State Plan met this goal.

**Annual Performance Goal (1, 2, 3)-3: Partnerships:** Promote occupational safety and health by maintaining and enhancing the effectiveness of existing partnerships and establishing new partnerships as opportunities present themselves, each with specific safety and/or health awareness improvement objectives. Use existing partnerships to advise Oregon OSHA management on where more specific focus would be fruitful.

**Results:** Oregon OSHA increased the number of active partnerships by one as compared to the FY 2015, total of 36. At the end of FY 2016, there were a total of 37 active partnerships; 18 of those partnerships are among the target industries of agriculture, construction, logging, and health care. Oregon OSHA completed multiple listening circles organized by the Oregon Law Center and the Northwest Justice Project with the intent of addressing heat stress issues.

**OSHA's Assessment:** The State Plan met this goal.

**Annual Performance Goal (1, 2)-1: Safety and Health Hazards:** Reduce injury and illness by reducing the days away, restrictions, and transfers (DART) rate from 2.2 to 2.2 (or less) per 100 workers and total case incident rate (TCIR) from 4.1 to 3.7 (or less) per 100 workers by the end of year 2020 by focusing on targeted high hazard industries and safety and health hazards.

**Results –** In FY 2016, Oregon OSHA continued its focus on inspections in high hazard industries, and exceeded the goal of 75% of safety inspections in high hazard industries. There were 2,563 (82%) safety inspections and 491 (60 %) health inspections in high hazard industries. The DART rate for Calendar Year (CY) 2015, the most recent year available, was 2.1 for all sectors. Oregon OSHA feels that its approach of targeting high hazard industries and safety and health hazards has contributed to Oregon OSHA achieving a DART rate of 2.1. The TCIR rate for private industries has been slowly decreasing each year from 5.6 in CY 2003, to 3.8 in CY 2015 over all sectors.

**OSHA's Assessment:** The State Plan met this goal.

**Annual Performance Goal (2)-1: Health Hazards:** Increase the number of severe chemical hazards identified (and therefore corrected) to at least 817 by the end of 2020.

**Results:** In FY 2016, the number of serious hazards identified increased 6.7% (793/743) above the base indicator. The 5-year rolling average for FY 2015 was 778, which was 4.7% above the base indicator. Oregon OSHA's inspection priorities and resources are targeted in high hazard industries with the current inspection scheduling system and emphasis programs.

**OSHA's Assessment:** The State Plan met this goal.

**Annual Performance Goal (1, 2, 3)-4: Emphasis:** Implement all state local emphasis programs and appropriate national emphasis programs.

**Results:** Oregon OSHA conducted 962 (31%) of all safety inspections and 228 (28%) of all health inspections in local and national emphasis programs. Oregon OSHA conducted 1,297 (50%) of all consultations in local and national emphasis programs. Emphasis areas include trenching, falls in construction, struck-by in logging, farm labor housing, field sanitation, pesticide, lead, silica, diisocyanate, process safety management, combustible dust, hexavalent chromium, amputation, diacetyl, nursing and residential care facilities, and severe violator enforcement program.

**OSHA's Assessment:** The State Plan met this goal.

**Annual Performance Goal (3) -1: Fatalities:** Reduce the most recent three-year average rate of workplace fatalities from 1.78 per 100,000 to 1.4 per 100,000 by 2020 through inspections and interventions.

**Results:** During FY 2016, inspections in trenching, falls in construction, and struck by hazards in logging accounted for 17% (691/4,048) of Oregon OSHA's total enforcement inspections. There were 27 accepted compensable fatalities in CY 2015 resulting in a fatality rate of 1.50. The CY 2015 compensable fatality rate of 1.5 is a reduction over the baseline rate of 1.78, which indicates a downward trend and that the goal of 1.4 by 2020 may be achievable.

**OSHA's Assessment:** The State Plan has met this goal.

**Annual Performance Goal (1, 2, 3)-5 Timely Response:** Investigations/inspections will be initiated timely in 95% of all reported fatalities and hazard complaints; complainant responses will be timely in 90% of all cases; family members will be notified 100% timely, and; discrimination cases will be processed 80% timely.

**Results:** The Appendix D SAMM Report reflects that 92.31% (12/13) of fatality inspections were initiated timely. However, the one fatality listed in the SAMM report as not having been inspected timely was adequately explained by Oregon OSHA. The fatality investigation was initiated as a timely accident investigation; however, four days after the opening conference, the victim of the accident passed away. As the accident investigation was initiated timely, and the inspection was already in progress when the victim passed away, Oregon OSHA did in fact meet their goal.

Per the Appendix D SAMM Report, the State Plan's response to imminent danger complaints was 100% (40/40). This exceeds the State Plan's Annual Performance Plan goal of 95% initiated timely.

Family letters were sent in 18 of 19 (95%) investigated fatalities according to the FY 2016 State OSHA Annual Report, and the one outlier was due to lack of next of kin information. Therefore, Oregon OSHA essentially met their goal for family notification.

The percent of retaliation investigations completed within 90 days was 83%. This exceeded the State Plan's annual performance goal of completing 80% of retaliation investigations within 90 days.

**OSHA's Assessment:** The State Plan met this goal.

**Annual Performance Goal (1, 2, 3)-6: Customer Service:** Achieve and maintain customer satisfaction in the delivery of Oregon OSHA programs and services as evidenced by a survey rating of 90% or above on each program survey.

**Results:** Throughout the year, Oregon OSHA submits surveys to stakeholders for the purpose of determining the results of customer service satisfaction. Surveys were given to stakeholders regarding conferences, training courses, the use of audio-visual materials, appeals, laboratory services, consultation visits, and enforcement visits. The overall FY 2016 customer satisfaction rating was 90% or better in six of the seven program areas surveyed. The Appeal customer satisfaction service survey result was 88%. One notable increase was related to the Oregon OSHA Resource Library survey which increased from 90% in FY 2015 to 100% in FY 2016 as a result of them adding 45 non-English videos to the library.

In FY 2016 Oregon OSHA did not technically meet their goal due to the appeals survey result being below 90%, but OSHA considers the result to be acceptable since the results of six out of the seven surveys met the goal and the appeals survey was off by only 2%.

**OSHA's Assessment:** The State Plan essentially met this goal.

**Annual Performance Goal (1, 2, 3)-7: Staff Development:** Ensure 90% of safety and health staff receives 48 hours of safety and health professional development training over two years.

**Results:** During FY 2016, the first year of the two-year period, 68% of the safety and health staff received 48 hours of professional development training. Oregon OSHA's safety and health staff includes consultation, enforcement, appeals, technical, laboratory, and training safety and health professionals.

In March 2017, staff will attend the Governor's Occupational Safety and Health (GOSH) Conference, which accounts for a large portion of required training hours by staff.

**OSHA's Assessment:** The State Plan is on track to meet this goal.

## **C. Highlights from the State Activity Mandated Measures (SAMM)**

### **Average Current Penalty Per Serious Violation**

Oregon OSHA's average current penalty per serious violation in private sector (SAMM 8: 1-250+ workers) was \$698.25 in FY 2016. The Further Review Level (FRL) is -25% of the National Average (\$2,279.03) which equals \$1,709.27. Penalties are one component of effective enforcement, and State Plans are required to adopt penalty policies and procedures that are "at least as effective" (ALAE) as those contained in OSHA's FOM, which was revised on August 2, 2016, to include changes to the penalty structure in Chapter 6 – Penalty and Debt Collection.

OSHA will continue to explore ALAE analysis of State Plan penalty structures to include evaluation of average current penalty per serious violation data.

Appendix D contains the complete FY 2016 SAMM for Oregon OSHA.

During FY 2016, Oregon OSHA exceeded several further review levels established in the SAMM.

- All forty imminent danger situation complaints or referrals received by Oregon OSHA were responded to within one day.
- Average lapse times for safety and health inspections were less than the national average lapse times. Oregon OSHA's average lapse time for safety inspections was 31.73 days as compared to the national lapse time of 45.16 days. Oregon OSHA's average lapse time for health inspections was 41.09 days as compared to the national lapse time of 57.28 days.
- Oregon OSHA demonstrated a penalty retention percent of 96.77% as compared to the national penalty retention of 69.86%.

In addition, SAMM 5 was outside the further review level, but the reason for this outlier is discussed below in respect to Observation FY 2016-02.

### III. Assessment of State Plan Corrective Actions

This section details the finding and observations for the previous evaluation period and the State Plan's progress in taking corrective action towards addressing these items. A summary of the observations subject to new and continued monitoring can be found in Appendix B, and a summary of the FY 2015 finding and recommendation can be found in Appendix C.

**Finding FY 2015-01- Completed:** OSHA reviewed Oregon OSHA's retaliation case files and found that appeal rights were given to complainants, when required, in 36 of 37 case files reviewed, or in 97% of case files.

**Status:** Oregon OSHA worked to address Finding FY 2015-01, which related to appeal rights not being provided for all retaliation complaint investigations. Oregon OSHA worked with BOLI to ensure that appeal rights were included in letters given to complainants upon closure of complaints. During quarterly audits of BOLI, Oregon OSHA reviewed closing letters to ensure that appeal language is included in order to assure compliance. A review by OSHA of retaliation case files in FY 2016 revealed that in 97% (36/37) of reviewed case files, the appeal language was included, when appropriate. Therefore, OSHA considers this finding and recommendation to be completed.

**Observation FY 2016-OB-02 (Continued from FY 2015-OB-01):** Oregon OSHA's average number of serious, willful, and repeat violations per inspection with violations (SAMM 5) is 1.26, which is below the further review level of 1.5.

**Status:** This is the third year in a row that the rate has been below the national average. OSHA will continue to monitor this issue.

**Observation FY 2016-OB-03 (Continued from FY 2015-OB-02):** In the FY 2015 FAME report, OSHA found that Oregon OSHA did not ensure that BOLI was adequately testing all of the evidence prior to dismissing or closing retaliation cases and that BOLI was not documenting justification for case closure.

**Status:** The limited case file review of retaliation cases in FY 2016 did not focus on this issue. Therefore, this observation will continue to be monitored for the FY 2017 FAME, and be a focus of the onsite case file review in the FY 2017 comprehensive FAME.

## Appendix A – New and Continued Findings and Recommendations

FY 2016 Oregon OSHA Follow-up FAME Report

| FY 2016-# | Finding | Recommendation | FY 2016-# or<br>FY 20XX-OB-# |
|-----------|---------|----------------|------------------------------|
|           | None.   |                |                              |

## Appendix B – Observations Subject to New and Continued Monitoring

### FY 2016 Oregon OSHA Follow-up FAME Report

| Observation #<br>FY 2016-OB-# | Observation#<br>FY 2015-OB-# | Observation   | Federal Monitoring Plan   | Current Status |
|-------------------------------|------------------------------|---|---|----------------|
| FY 2016-OB-01                 |                              | Oregon OSHA’s percent of total inspections in state and local government workplaces (SAMM 6) is 2.86%, which is below the State Plan negotiated further review level of 3.4%.   | OSHA will monitor Oregon OSHA during FY 2017 to identify possible causes of this disparity to ensure state and local government workplaces inspections are conducted. | New            |
| FY 2016-OB-02                 | FY 2015-OB-01                | Oregon OSHA’s average number of serious, willful, and repeat violations per inspection with violations (SAMM 5) is 1.26, which is below the further review level of 1.5. This is the third year in a row that the rate has been below the national average.   | OSHA will continue monitoring Oregon OSHA during FY 2017 to identify possible causes of this disparity to ensure that violations are being correctly classified.      | Continued      |
| FY 2016-OB-03                 | FY 2015-OB-02                | Oregon OSHA is not ensuring that all evidence is adequately tested by BOLI prior to their dismissal and closure of 11(c) retaliation cases and is not always documenting justification for case closure. During the FY 2015 review, it was noted that in 10% of case files reviewed (2/20) this was an issue. This item was not reviewed during FY2016 and will therefore continue to be monitored during FY2017. | OSHA will further address this item with Oregon OSHA and BOLI through additional monitoring of the retaliation program in FY 2017.                                    | Continued      |

## Appendix C - Status of FY 2015 Findings and Recommendations

### FY 2016 Oregon OSHA Follow-up FAME Report

| FY 20XX-#  | Finding  | Recommendation  | State Plan Response/Corrective Action  | Completion Date       | Current Status and Date |
|------------|--|---|--|-----------------------|-------------------------|
| FY 2015-01 | No appeal rights were given to complainants in 4 out of 20 (20%) whistleblower complaint investigations. | Ensure that when safety and health whistleblower complaints are dismissed, complainants are informed of their right to request a review of their investigation by Oregon OSHA, as required by the Oregon OSHA Program Directive A-288 Whistleblower Investigation Manual. | Oregon OSHA has taken corrective action by working with the (BOLI) to ensure that appeal rights are given to complainants. It is now BOLI's procedure to include appeal rights in closing letters to complainants. During the quarterly audits of BOLI, Oregon OSHA is reviewing closing letters to ensure that appeal language is included. | Reviewed<br>1/24/2017 | Completed<br>1/24/2017  |

## Appendix D – FY 2016 State Activity Mandated Measures (SAMM) Report

### FY 2016 Oregon OSHA Follow-up FAME Report

Fiscal Year 2016 is the first year since the transition from the NCR (OSHA’s legacy data system) began that all State Plan enforcement data has been captured in OSHA’s Information System (OIS). All State Plan and federal whistleblower data continues to be captured in OSHA’s WebIMIS System. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report and State Plan WebIMIS report run on November 14, 2016, as part of OSHA’s official end-of-year data runs. The further review levels for SAMMs 5, 8, 9, 11, 12, 15, and 17 have been negotiated to rely on a three-year national average. However, due to the recent transition to OIS, the further review levels for these SAMMs will rely on a one-year national average for one more year.

**Appendix D – FY 2016 State Activity Mandated Measures (SAMM) Report**  
 FY 2016 Oregon OSHA Follow-up FAME Report

| <b>U.S. Department of Labor</b>   |   |                        |  |  |
|---|---|------------------------|--|--|
| Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs) |   |                        |  |  |
| State Plan: <b>Oregon – OREGON OSHA</b>   |   |                        | FY 2016  |  |
| <b>SAMM Number</b>  | <b>SAMM Name</b>  | <b>State Plan Data</b> | <b>Further Review Level</b>  | <b>Notes</b>   |
| <b>1a</b>   | Average number of work days to initiate complaint inspections (state formula)         | 6.32                   | 5 days for serious hazards;<br>120 days for other than serious hazards | Further review level is negotiated by OSHA and the State Plan.                 |
| <b>1b</b>   | Average number of work days to initiate complaint inspections (federal formula)       | 2.45                   | N/A  | This measure is for informational purposes only and is not a mandated measure. |
| <b>2a</b>   | Average number of work days to initiate complaint investigations (state formula)      | 0.00                   | 10   | Further review level is negotiated by OSHA and the State Plan.                 |
| <b>2b</b>   | Average number of work days to initiate complaint investigations (federal formula)    | 0.00                   | N/A  | This measure is for informational purposes only and is not a mandated measure. |
| <b>3</b>  | Percent of complaints and referrals responded to within one workday (imminent danger) | 100%                   | 100%   | Further review level is fixed for all State Plans.                             |
| <b>4</b>  | Number of denials where entry not obtained  | 0                      | 0  | Further review level is fixed for all State Plans.                             |

**Appendix D – FY 2016 State Activity Mandated Measures (SAMM) Report**  
 FY 2016 Oregon OSHA Follow-up FAME Report

|          |   |             |                       |  |
|----------|---|-------------|-----------------------|--|
| <b>5</b> | Average number of violations per inspection with violations by violation type             | SWRU: 1.26  | +/- 20% of SWRU: 1.87 | Further review level is based on a one-year national rate.   |
|          |   | Other: 1.10 | +/- 20% of Other: .99 |  |
| <b>6</b> | Percent of total inspections in state and local government workplaces                     | 2.86%       | +/- 5% of 3.58%       | Further review level is based on a number negotiated by OSHA and the State Plan through the grant application. |
| <b>7</b> | Planned v. actual inspections – safety/health   | S: 3,098    | +/- 5% of S: 3,400    | Further review level is based on a number negotiated by OSHA and the State Plan through the grant application. |
|          |   | H: 815      | +/- 5% of H: 900      |  |
| <b>8</b> | Average current serious penalty in private sector - total (1 to greater than 250 workers) | \$698.25    | +/- 25% of \$2,279.03 | Further review level is based on a one-year national rate.   |
|          | <b>a.</b> Average current serious penalty in private sector (1-25 workers)                | \$585.00    | +/- 25% of \$1,558.96 | Further review level is based on a one-year national rate.   |
|          | <b>b.</b> Average current serious penalty in private sector (26-100 workers)              | \$986.55    | +/- 25% of \$2,549.14 | Further review level is based on a one-year national rate.   |
|          | <b>c.</b> Average current serious penalty in private sector (101-250 workers)             | \$499.57    | +/- 25% of \$3,494.20 | Further review level is based on a one-year national rate.   |
|          | <b>d.</b> Average current serious penalty in private sector (greater than 250 workers)    | \$1,303.05  | +/- 25% of \$4,436.04 | Further review level is based on a one-year national rate.   |

**Appendix D – FY 2016 State Activity Mandated Measures (SAMM) Report**  
 FY 2016 Oregon OSHA Follow-up FAME Report

|           |   |           |                         |   |
|-----------|---|-----------|-------------------------|---|
| <b>9</b>  | Percent in compliance   | S: 29.42% | +/- 20% of<br>S: 28.85% | Further review level is based on a one-year national rate.      |
|           |   | H: 24.76% | +/- 20% of<br>H: 35.68% |   |
| <b>10</b> | Percent of work-related fatalities responded to in one workday                            | 92.31%    | 100%                    | Further review level is fixed for all State Plans.              |
| <b>11</b> | Average lapse time  | S: 31.73  | +/- 20% of<br>S: 45.16  | Further review level is based on a one-year national rate.      |
|           |   | H: 41.09  | +/- 20% of<br>H: 57.28  |   |
| <b>12</b> | Percent penalty retained  | 96.77%    | +/- 15% of<br>69.86%    | Further review level is based on a one-year national rate.      |
| <b>13</b> | Percent of initial inspections with worker walk around representation or worker interview | 100%      | 100%                    | Further review level is fixed for all State Plans.              |
| <b>14</b> | Percent of 11(c) investigations completed within 90 days                                  | 83%       | 100%                    | Further review level is fixed for all State Plans.              |
| <b>15</b> | Percent of 11(c) complaints that are meritorious  | 6%        | +/- 20% of<br>24%       | Further review level is based on a three-year national average. |
| <b>16</b> | Average number of calendar days to complete an 11(c) investigation                        | 89        | 90                      | Further review level is fixed for all State Plans.              |
| <b>17</b> | Percent of enforcement presence   | 4.46%     | +/- 25% of<br>1.26%     | Further review level is based on a one-year national rate.      |