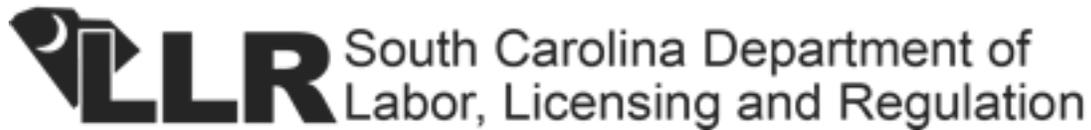


FY 2016 Follow-up Federal Annual Monitoring and Evaluation (FAME) Report

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



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I. Executive Summary

A. State Plan Activities, Themes, and Progress

The Fiscal Year (FY) 2016 FAME Report is a follow-up FAME Report. This report is focused on State Plan's progress in making corrections to the FY 2015 FAME Report findings and observations. This report also assesses the South Carolina Department of Labor, Licensing, and Regulations (SCDLLR) – Division of Occupational Safety and Health Program's (SC OSHA's) progress toward achieving its performance goals established in the FY 2016 Strategic Management Plan, as well as reviews the effectiveness of programmatic areas related to enforcement activities, including a summary of an onsite evaluation. SC OSHA met or exceeded a majority of its annual performance goals.

The FY 2015 FAME Report identified nine findings and two observations. The State Plan has not completed corrective actions for three of the findings. In addition, two issues that were previously identified as findings have been converted into observations in the FY 2016 FAME Report. Also, a whistleblower data entry concern was added as new observation. Both FY 2015 observations were closed. OSHA continues to work with the State Plan to resolve their findings.

SC OSHA has experienced a significant problem in the area of staff recruitment and retention, which has directly impacted the State Plan's ability to meet its enforcement goals. As a result, the State Plan has experienced a decline in the number of inspections conducted. However, SC OSHA was able to expand enforcement staffing levels from 10 compliance officers in FY 2015 to 18 in FY 2016. As these new compliance officers are trained, it is expected that over the next year or so, this will lead to improvement in a number of enforcement measures, such as complaint response time.

The Office of Recognition Programs and Outreach has continued to work with employers throughout the state to explore new initiatives to improve workplace safety and health. The South Carolina Office of OSHA Voluntary Programs (SC OVP) began the SC OSHA outreach initiatives to provide South Carolina high school students with basic safety orientation. This training helps vocational education pathways students pursuing careers in manufacturing or other general industry employment settings; is beneficial to the students' future employers; and provides students entering the workforce with enhanced safety knowledge and increased knowledge of their workplace rights, which makes the students more supportive of a safety culture and more productive. Additionally, this safety and health training will likely lead to lower injury and illness rates, as well as reduced workers' compensation rates for the state. OSHA's 10-hour safety and health training is also aligned with the South Carolina Department of Education requirements. The first outreach sessions were completed on August 18, 2016, with the following results: general safety training was provided to 500 high school students, and OSHA 10-hour safety and health training was provided to 126 high school students. South Carolina OVP is planning to continue this outreach effort in FY 2017.

In FY 2016, the Office of Training conducted a total of 322 classes for state and local government and private sector employers. Over 8,000 workers received training in South Carolina.

Statistical Training Information FY 2016

Private sector employers trained	1,508
Private sector employees trained	2,317
Public sector employers trained	817
Public sector employees trained	3,384
Total number of workers that received training	8,026

During this period, SC OSHA increased its efforts to reach vulnerable workers. SC OSHA conducted 55 enforcement inspections pertaining to temporary workers. SC OSHA was able to impact over 1,800 workers in this industry.

The 2015 injury and illness total case rate (TCR) for all industries, including state and local government decreased from 3.0 to 2.9. Private industry observed a decrease in its TCR from 2.8 to 2.5. The state and local government TCR increased from 4.4 to 4.7. South Carolina continued to be one of the few states with rates below the national average. SC OSHA will continue working to develop strategies that can further reduce these rates during the next year.

B. State Plan Introduction

The South Carolina Occupational Safety and Health State 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 December 6, 1972, and final approval was granted in 1987. In 1994, the South Carolina Department of Labor was eliminated as part of the reorganization of the state government, and the SCDLLR was created. During this review period, Richele Taylor was the director, and Emily H. Farr was appointed as the interim director of the SCDLLR on August 8, 2016. SCDLLR 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. Dottie Ison is the Administrator for the SC OSHA program.

Since the reorganization of SC OSHA in 2006, the OSH Administrator has had responsibility over the OVP, as well as the following: the whistleblower [11(c)] laws; training; safety and health compliance; technical support and standards; the Web Integrated Management Information System; and the South Carolina Bureau of Labor Statistics. The Office of Technical Support and Standards provides information to assist the public in complying with standards. The office also supports the compliance program with enforcement by providing guidance for internal and external use. In addition, the office reviews new OSHA standards and directives to determine whether they should be adopted by SC OSHA. An informal conference hearing officer reports directly to the OSH Administrator. In South Carolina, state and local government agencies and workers are afforded the same rights, responsibilities, and coverage as those in the

private sector. Private sector onsite consultative services are provided through a 21(d) grant administered by OVP.

The table below shows SC OSHA’s funding levels from FY 2012 through FY 2016.

FY 2012-2016 Funding History					
Fiscal Year	Federal Award (\$)	State Plan Match (\$)	100% State Funds (\$)	Total Funding (\$)	% of State Plan Contribution
2016	2,054,700	2,054,700	-	4,109,400	50%
2015	1,788,902	1,788,902	-	3,577,804	50%
2014	1,734,200	1,734,200	-	3,468,400	50%
2013	1,734,200	1,734,200	-	3,468,400	50%
2012	1,734,200	1,734,200	-	3,468,400	50%

C. Data and Methodology

This is OSHA’s report on the operation and performance of the SC OSHA program. The report was compiled using information gained from the FY 2016 State OSHA Annual Report, interviews with the SC OSHA staff, as well as the State Activity Mandated Measures (SAMM) Report and the State Indicator Report for FY 2016.

OSHA has established a two-year cycle for the FAME process. FY 2016 is a follow-up year, and as such, OSHA did not perform the level of case file review associated with a comprehensive FAME. However, 19 case files were reviewed. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME.

D. Findings and Observations

OSHA identified nine findings and two observations in FY 2015. Four of the nine findings from FY 2015 were completed, two were converted to observations, and three findings remain open. In addition, the two observations identified in FY 2015 were closed. However, one new observation was added in FY 2016. Details on the findings and observations are provided in Section III of this report.

II. Assessment of State Plan Performance

A. Major New Issues

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 the annual increase.

In addition, one of the primary issues facing the State Plan is the high worker turnover. SC OSHA, like many other State Plans, is experiencing a significant problem in the area of recruitment and retention. In fact, this issue was a contributing factor in the State Plan's inability to reach its inspection goal of 996 inspections by conducting only 725 inspections. However, during FY 2016, SC OSHA added an OSHA training director, four new health compliance officers, and four new safety compliance officers to their enforcement staff. It is expected that after the compliance officers are trained and begin conducting inspections, SC OSHA will be able to meet or exceed its inspection goals. Also, the State Plan has provided its existing compliance staff with more frequent awareness training, as well as specialized OSHA Training Institute training courses. In order to maintain current benchmarks, SC OSHA is posting several vacancy announcements for individuals interested in positions in safety and health enforcement. SC OSHA has also restructured the compliance officer compensation scale to make it more appealing to individuals interested in a safety and health career.

During FY 2016, SC OSHA conducted 43 fatality investigations and nine accident investigations. Fatalities rose in South Carolina from 29 in FY 2015 to 43 in FY 2016. Fatality figures for FY 2016 indicate 20 construction fatalities, which is seven more than the same time period last year. Agriculture and service industries had the second highest number of work-related deaths with five each. The leading cause of work-related fatalities in FY 2016 was struck-by events, which accounted for 17 fatalities. Nine workers died in falls from elevations, and seven workers died after being caught in between objects. Five workers were electrocuted. Manufacturing deaths remained at four from FY 2015 to FY 2016.

In order to address injuries, illnesses, and the increase in fatalities, SC OSHA is actively preparing several activities that will decrease the numbers of injuries, illnesses, and fatalities. These activities include the following:

- Participation in the National Safety Stand Down to Prevent Falls in Construction;
- Week-long construction-focused inspections that encourage employers to adopt a safety and health culture on all jobsites within the three major areas of the state;
- Annual participation in the South Carolina Manufacturers Alliance's South Carolina Safety Summit;
- Annual participation in the Upstate and Midlands American Society of Safety Engineers safety conferences;
- Increased number of plain view inspections that target potential hazards that result in trenching and excavation fatalities and falls from elevation;
- Construction consultation visits where fall protection concerns are addressed with general and subcontractors;
- Outreach efforts for youth safety awareness training for high school students with a percentage of the students receiving OSHA 10-hour certification;
- A stakeholders meeting to plan regional half-day seminars that focus on fall protection, scaffolding, and struck-by hazards; and
- Increased penalties for high gravity violations, which serve as a deterrent for employers that are not embracing a continued safety and health culture at their jobsites.

As a result of these efforts, SC OSHA predicts that there will be a reduction in the number of fatalities in FY 2017. In the last few months, there has been a reduction in the number of fatalities. The first quarter of FY 2017 resulted in four fatalities.

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

The role of SC OSHA is to enforce safety and health regulations for employers who are not in compliance with the rules and regulations through enforcement efforts; to provide compliance assistance through targeted outreach, education, and training; and to emphasize increased awareness for South Carolinians on the importance of a safety and health culture.

In accordance with the requirements of the Government Performance and Results Act, SC OSHA developed a Five-Year Strategic Plan covering the period FY 2012 through FY 2016. The Five-Year Strategic Plan incorporated the two OSHA goals as its direction. The two overall strategic goals are:

Goal 1. Ensure and improve workplace safety and health.

Goal 2. Promote a culture of safety and health.

The FY 2016 Annual Performance Plan developed by SC OSHA was intended to support the overall goals of the Five-Year Strategic Plan. The 2016 Performance Plan included specific performance goals designed to produce measurable progress toward realization of SC OSHA’s strategic goals. Performance goals include:

- Reducing fatalities and occupational injuries in construction;
- Reducing injuries, illnesses, and fatalities in selected high-hazard industries, with a goal of removing the industry from the High-Hazard List due to decreased injury and illness rates;
- Improving communication and interaction with high-risk worker organizations regarding workplace safety and health;
- Identifying employers who have the potential to successfully participate in and/or renew their status in the South Carolina Voluntary Protection Program; and
- Effective response to mandates so that workers are provided full protection under SC OSHA by timely issuance of citations so that hazards can be corrected quickly and by timely response to work-related fatality and catastrophe reports.

OUTCOME GOAL

<u>Performance Goal</u>	<u>Annual Performance Goal</u>	<u>Outcome</u>	<u>Comments</u>
Reduce the overall injury and illness	Reduce the overall injury and illness rate (TRC rate) in	EXCEEDED	The TRC baseline rate for manufacturing was

rate (total recordable case (TRC) rate) in manufacturing by <u>10%</u> .	manufacturing by <u>2%</u> each year (October 1 – September 30).		<u>4.0.</u> Our goal for FY 2015 was <u>3.6.</u> According to the 2015 BLS survey report, the TRC rate for manufacturing in South Carolina was <u>3.1.</u>
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OUTCOME GOAL

<u>Performance Goal</u>	<u>Annual Performance Goal</u>	<u>Outcome</u>	<u>Comments</u>
Initiate inspection of fatalities and catastrophes within one working day of notification for <u>95%</u> of occurrences to prevent further injuries and death.	Initiate inspection of fatalities and catastrophes within one working day of notification for <u>95%</u> of occurrences to prevent further injuries and death.	DID NOT MEET	<u>Ninety-three percent</u> of the fatalities were opened within one working day of notification.

OUTCOME GOAL

<u>Performance Goal</u>	<u>Annual Performance Goal</u>	<u>Outcome</u>	<u>Comments</u>
Reduce the overall injury and illness rate (TRC rate) in construction by <u>10%</u> .	Reduce the injury and illness rate (TRC rate) in construction by <u>2%</u> each year (October 1 – September 30).	EXCEEDED	The TRC baseline rate for construction was <u>2.6.</u> Our goal for FY 2015 was a rate of <u>2.5.</u> According to the 2015 BLS data, the TRC rate for construction was <u>2.3.</u>

OUTCOME GOAL

<u>Performance Goal</u>	<u>Annual Performance Goal</u>	<u>Outcome</u>	<u>Comments</u>
<u>Fifty percent</u> of employers who receive a 21(d) visit either implement an	<u>Fifty percent</u> of employers who receive a 21(d) visit either implement an effective safety and health program or	EXCEEDED	<u>Ninety-three percent</u> of the employers that requested a 21(d)

effective safety and health program or improve their existing program.	improve their existing program.		visit implemented or improved their safety and health programs.
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OUTCOME GOAL

<u>Performance Goal</u>	<u>Annual Performance Goal</u>	<u>Outcome</u>	<u>Comments</u>
<u>Fifty percent</u> of high-hazard employers who request an informal conference will develop and implement systems to address specific safety and health issues.	<u>Fifty percent</u> of high-hazard employers who request an informal conference will develop and implement systems to address specific safety and health issues.	EXCEEDED	<u>Eighty-seven percent</u> of high-hazard employers that requested an informal conference entered into an informal settlement agreement (29 of 33 high-hazard inspections were settled).

OUTCOME GOAL

<u>Performance Goal</u>	<u>Annual Performance Goal</u>	<u>Outcome</u>	<u>Comments</u>
Provide timely responses to formal complainants by reducing the notification time for inspection results to 20 days for <u>95%</u> of formal complaints that are inspected.	Provide timely responses to formal complainants by reducing the notification time for inspection results to 20 days for <u>95%</u> of formal complaints that are inspected.	DID NOT MEET	Complainants were notified of inspection results within 20 days of closing the inspection <u>90%</u> of the time.

OUTCOME GOAL

<u>Performance Goal</u>	<u>Annual Performance Goal</u>	<u>Outcome</u>	<u>Comments</u>
Initiate investigation of <u>98%</u> of formal complaints within <u>seven workdays</u> .	Initiate investigation of <u>98%</u> of formal complaints within <u>seven workdays</u> .	DID NOT MEET	<u>Eighty-two percent</u> of formal complaint investigations were initiated within <u>seven</u>

			<u>workdays.</u>
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OUTCOME GOAL

<u>Performance Goal</u>	<u>Annual Performance Goal</u>	<u>Outcome</u>	<u>Comments</u>
Ensure worker protection by obtaining 95% of warrants in a timely manner (within 10 workdays of refusal).	Ensure worker protection by obtaining 95% of warrants in a timely manner (within 10 workdays of refusal).	EXCEEDED	Eight companies denied entry during the year. Three warrants were obtained within 10 work days. Four companies allowed re-entry. One warrant was not obtained.

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

SC OSHA’s average current penalty per serious violation in the private sector (SAMM 8: 1-250+ workers) was \$802.16 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 Field Operations Manual (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.

SAMM 11 – Average Lapse Time

According to the SAMM Report, in FY 2016, the average lapse time (in days) from opening conference to citation issuance was 41.77 for safety and 59.04 for health. The further review level was 54.19 for safety and 68.74 for health (+20% of the national average). SC OSHA was within the further review level for both safety and health average lapse time.

There were also some deviations where SC OSHA operated outside the further review levels for some of the SAMMs. Where deviations or outliers were identified, the data was closely monitored by OSHA and discussed with the State Plan at quarterly meetings. Those measures that are noted to have deviations or outliers during this evaluation period are explained here.

SAMM 9 - Percent in Compliance

SC OSHA percentages for closing cases without citing violations (recorded as in-compliance inspections) were 44.25% of safety inspections and 68.49% of health inspections. SC OSHA’s in-compliance rates during FY 2016 were above the further review level of 34.62 for safety and 42.82 for health for this measure. The Area Office will revisit this during the next case file review.

SAMM 10 - Percent of Fatalities Responded to in One Workday

SAMM 10 indicates that the State Plan responded to 92.68% of fatalities within one workday, where the further review level is 100%. Further investigation of the outliers revealed that when the State Plan did not meet the one workday response goal, it was due to reasonable delays. For instance, three fatality inspections were delayed because the employer was not able to be immediately identified.

SAMM 14 - Percent of 11(c) Investigations Completed Within 90 Days

SAMM 15 - Percent of 11(c) Complaints That Are Meritorious

SAMM 16 - Average Number of Calendar Days to Complete an 11(c) Investigation

The SAMM Report shows no data for the whistleblower measures due to a data entry issue. As a result, a new observation has been added to Appendix B. The SC OSHA Whistleblower Program was formally transferred to the Labor Legal Department on August 1, 2016.

For a complete list of SAMM results, reference Appendix D.

III. Assessment of State Plan Corrective Actions

Findings and Recommendations:

FY 2015-01 (currently FY 2016-01): The State Plan does not have a formal written policy that outlines the direction, guidance, and training options that directly contribute to the compliance personnel's ability to represent SCDLLR with a high degree of professional expertise.

Recommendation: SC OSHA should develop a formal written policy that incorporates the requirements of Training and Education Directive (TED) 01-00-019 or an equivalent document to ensure a well-trained compliance staff.

Status-Open: SC OSHA acknowledges that updates are needed and was already in the process of updating the current training to incorporate applicable TED requirements and more hands-on, technical modules to enhance the learning process. Specifically, SC OSHA has hired a training director who is in the process of developing a formal written training policy and will incorporate state-specific requirements similar to TED 01-00-019 to ensure a well-trained compliance staff. This finding is open.

FY 2015-02 (currently FY 2016-02): During FY 2015, SC OSHA did not adhere to the operational policy, OP-001-12, which requires that the State Plan conduct an internal audit annually.

Recommendation: SC OSHA should ensure that its current internal auditing policy is properly enforced or amended to appropriately reflect the State Plan's self-assessment policy.

Status-Open: SC OSHA is still working to effectively address this finding. During this period, a basic policy governing internal audits in the SC OSHA program was developed, and an internal audit of the complaint process was completed in January 2017. However, enhancements to the program are planned. This finding is open.

FY 2015-03: SC OSHA takes an average of 18.29 workdays to initiate complaint inspections, which is outside the further review level of seven days for SAMM 1a. This rate has been driven up due to the increased number of complaints under the new reporting requirements and the Rapid Response Initiative (RRI) adopted and implemented by SC OSHA.

Recommendation: SC OSHA should review its complaint intake procedures to ensure they can be timely in addressing the increased number of complaints under the new reporting rule and policies.

Status-Converted to an Observation: SC OSHA is continually updating the complaint intake procedures to decrease the number of days it takes to initiate an inspection. This is being achieved by fine tuning the internal process and designing online forms to capture the complaints and adhere to the RRI for the new reporting rule. While the State Plan is still outside the FRL for SAMM 1a, in FY 2016, it took SC OSHA an average of 13.17 workdays to initiate a complaint inspection, an improvement over FY 2015. This finding has been converted to an observation.

FY 2015-04: SC OSHA is not following the policies set forth in their RRI. Specifically, SC OSHA has mis-categorized amputations as Category 3 accidents without thorough assessment of the cause of the accidents and has not documented that internal investigation and abatement information returned by employers has been reviewed by SC OSHA, per the RRI.

Recommendation: SC OSHA should review and clarify assessment procedures for amputations to ensure they are in line with the RRI policy.

Status-Completed: SC OSHA updated and implemented the procedures that made the assessment uniform. Based on the uniform assessments, the abatement information returned by the employer is reviewed and documented. This finding is completed.

FY 2015-05: Contrary to the RRI policy and procedures, SC OSHA is not inspecting or citing employers for failing to provide reports of accidents within the 24-hour time period.

Recommendation: SC OSHA should evaluate their implementation of the RRI policy and ensure it is followed with respect to late reporting by employers.

Status-Completed: SC OSHA reviewed the RRI procedures that were implemented to ensure employers are being inspected and cited for failing to report accidents within the 24-hour timeframe. As a result, four cases were identified where SC OSHA issued citations for failing to report severe injuries in FY 2016. This finding is completed.

FY 2015-06: Three of 28 (10.7%) of fatalities reported and categorized as Category 1 accidents were not investigated for valid reasons, but the rationale was not documented in the case file.

Recommendation: SC OSHA should maintain initial information and pre-determination information to validate the reason for not conducting the investigations.

Status-Completed: SC OSHA now validates the reason for conducting or not conducting investigations and maintains documentation in the case file. This finding is completed.

FY 2015-07 (formerly FY 2013-01 and currently FY 2016- 03): SC OSHA did not conduct programmed health inspections in the construction industry.

Recommendation: SC OSHA should designate a health compliance officer to the construction team to ensure health hazards within the industry are addressed.

Status-Open: SC OSHA has a smaller staff of health compliance officers available to travel with its construction team. However, as the number of health inspectors increases, they will be assigned to construction inspections as warranted. SC OSHA will look at a potential emphasis program for health in construction when our new health inspectors are out of training. Until that time, health inspectors will conduct only non-programmed inspections. This finding is open.

FY 2015-08 (formerly FY 2013-07): The State Plan's Whistleblower Investigation Manual has not been approved.

Recommendation: SC OSHA should make the necessary revisions to the manual, including changing the manual's purpose and intent to a training tool and regulatory guidance, respectively.

Status-Completed: SC OSHA's Whistleblower Investigation Manual has been approved with the most recent changes published. The manual will be used for all state whistleblower investigations. This finding is completed.

FY 2015-09: The state and local government consultation case files did not contain all the required information as outlined in the Consultation Policies and Procedures Manual.

Recommendation: SCDLLR should ensure that each consultation case file includes all the required documentation as outlined in the Consultation Policies and Procedures Manual, such as: the Safety and Health Program Assessment Worksheet (Form 33); recommendation of interim measures; copies of OSHA-300 Logs; comparison of the site's DART and TRC rates to the national and state averages; description of the workplace and the working conditions at the site in the employer's report; the filing arrangement outlined in Appendix H; a diary sheet to document dates of importance, actions, date reports are sent, etc.

Status-Converted to an Observation: This does not negatively impact the effectiveness of the SC OSHA program, but it should be monitored. SC OSHA will include this documentation in consultation case files and reports to the employers they serve. This finding has been converted to an observation.

Observations:

FY 2015-OB-01: Responses to Federal Program Changes and standards are not consistently shared with OSHA in a timely manner.

Federal Monitoring Plan: The OSHA Area Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2016.

Status-Closed: Timely notification of the State Plan's intended actions within the specified timeframe has been achieved. This observation is closed.

FY 2015-OB-02: Case file documentation was found disorganized and not in compliance with whistleblower case file directives.

Federal Monitoring Plan: The OSHA Area Office will continue to effectively monitor the State Plan's performance in this area during quarterly meetings throughout FY 2016.

Status-Closed: The SC OSHA Whistleblower Program was formally transferred to the Labor Legal Department on August 1, 2016. As of that date, pending files and new files are being handled by a licensed attorney who doubles as an investigator. There are also two CSHOs available as backups if needed, but the State Plan has not had to utilize them in this new

system. The Chief of Labor reviews all reports of investigation and makes final determinations (dismissal, settlement, litigation). The Assistant Labor Counsel reviews all files recommended for litigation to determine whether the case meets the legal threshold for trial. This observation is closed.

Appendix A – New and Continued Findings and Recommendations

FY 2016 South Carolina Follow-up FAME Report

FY 2016-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#
FY 2016-01	The State Plan does not have a formal written policy that outlines the direction, guidance, and training options that directly contribute to the compliance personnel’s ability to represent SCDLLR with a high degree of professional expertise.	SC OSHA should develop a formal written policy that incorporates the requirements of TED 01-00-019 or an equivalent document to ensure a well-trained compliance staff.	FY 2015-01
FY 2016-02	During FY 2015, SC OSHA did not adhere to the operational policy, OP-001-12, which requires that the State Plan conduct an internal audit annually.	SC OSHA should ensure that its current internal auditing policy is properly enforced or amended to appropriately reflect the State Plan’s self-assessment policy.	FY 2015-02
FY 2016-03	SC OSHA did not conduct programmed health inspections in the construction industry.	SC OSHA should designate a health compliance officer to the construction team to ensure health hazards within the industry are addressed.	FY 2015-07 FY 2013-01

Appendix B – Observations Subject to New and Continued Monitoring

FY 2016 South Carolina Follow-up FAME Report

Observation # FY 2016-OB-#	Observation# FY 20XX-OB-# or FY 20XX-#	Observation	Federal Monitoring Plan	Current Status
FY 2016-OB-01	FY 2015-03	SC OSHA takes an average of 13.17 workdays to initiate complaint inspections, which is outside the further review level of seven days for SAMM 1a.	The OSHA Area Office will continue to effectively monitor the State Plan’s performance in this area during quarterly meetings throughout FY 2017.	New
FY 2016-OB-02	FY 2015-09	The state and local government consultation case files did not contain all the required information as outlined in the Consultation Policies and Procedures Manual.	The OSHA Area Office will continue to effectively monitor the State Plan’s performance in this area during quarterly meetings throughout FY 2017.	New
FY 2016-OB-03		SC OSHA does not consistently track and enter whistleblower data into the whistleblower database.	The OSHA Area Office will continue to effectively monitor the State Plan’s performance in this area during quarterly meetings throughout FY 2017.	New
	FY 2015-OB-01	Responses to Federal Program Changes and standards are not consistently shared with OSHA in a timely manner.		Closed
	FY 2015-OB-02	Case file documentation was found disorganized and not in compliance with whistleblower case file directives.		Closed

Appendix C - Status of FY 2015 Findings and Recommendations

FY 2016 South Carolina Follow-up FAME Report

FY 2015-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
FY 2015-01	The State Plan does not have a formal written policy that outlines the direction, guidance, and training options that directly contribute to the compliance personnel's ability to represent SCDLLR with a high degree of professional expertise.	SC OSHA should develop a formal written policy that incorporates the requirements of TED 01-00-019 or an equivalent document to ensure a well-trained compliance staff.	<p>SC OSHA acknowledges that updates are needed and was already in the process of updating the current training to incorporate applicable TED requirements and more hands-on, technical modules to enhance the learning process. Specifically, SC OSHA has hired a training director who is in the process of developing a formal written training policy and will incorporate state-specific requirements similar to TED 01-00-019 to ensure a well-trained compliance staff.</p> <p>The training program and guidelines have been completed. SC OSHA is in the process of making a final review.</p>	Not Applicable	Open January 2017
FY 2015-02	During FY 2015, SC OSHA did not adhere to the operational policy, OP-001-12, which requires that the State Plan conduct an internal audit annually.	SC OSHA should ensure that its current internal auditing policy is properly enforced or amended to appropriately reflect the State Plan's self-assessment policy.	SC OSHA is still working to effectively address this finding. During this period, a basic policy governing internal audits in the SC OSHA program was developed, and an internal audit of the complaint process was completed in January 2017. However, enhancements to the program are planned.	Not Applicable	Open January 2017
FY 2015-03	SC OSHA takes an average of 18.29 workdays to initiate complaint	SC OSHA should review its complaint intake procedures to ensure they can be	SC OSHA is continually updating the complaint intake procedures to decrease the number of days it takes to initiate an inspection. This is being	Not Applicable	Converted to an Observation January 2017

	<p>inspections, which is outside the further review level of seven days for SAMM 1a. This rate has been driven up due to the increased number of complaints under the new reporting requirements and the Rapid Response Initiative (RRI) adopted and implemented by SC OSHA.</p>	<p>timely in addressing the increased number of complaints under the new reporting rule and policies.</p>	<p>achieved by fine tuning the internal process and designing online forms to capture the complaints and adhere to the RRI for the new reporting rule. While the State Plan is still outside the FRL for SAMM 1a, in FY 2016, it took SC OSHA an average of 13.17 workdays to initiate a complaint inspection, an improvement over FY 2015.</p>		
FY 2015-04	<p>SC OSHA is not following the policies set forth in their RRI. Specifically, SC OSHA has mis-categorized amputations as Category 3 accidents without thorough assessment of the cause of the accidents and has not documented that internal investigation and abatement information returned by employers has been reviewed by SC OSHA, per the RRI.</p>	<p>SC OSHA should review and clarify assessment procedures for amputations to ensure they are in line with the RRI policy.</p>	<p>SC OSHA updated and implemented the procedures that made the assessment uniform. Based on those uniform assessments, the abatement information returned by the employer is reviewed and documented.</p>	<p>January 2017</p>	<p>Completed January 2017</p>

FY 2015-05	Contrary to the RRI policy and procedures, SC OSHA is not inspecting or citing employers for failing to provide reports of accidents within the 24-hour time period.	SC OSHA should evaluate their implementation of the RRI policy and ensure it is followed with respect to late reporting by employers.	SC OSHA reviewed the RRI procedures that were implemented to ensure employers are being inspected and cited for failing to report accidents within the 24-hour timeframe. As a result, four cases were identified where SC OSHA issued citations for failing to report severe injuries in FY 2016.	January 2017	Completed January 2017
FY 2015-06	Three of 28 (10.7%) of fatalities reported and categorized as Category 1 accidents were not investigated for valid reasons, but the rationale was not documented in the case file.	SC OSHA should maintain initial information and pre-determination information to validate the reason for not conducting the investigations.	SC OSHA now validates the reason for conducting or not conducting investigations and maintains documentation in the case file.	January 2017	Completed January 2017
FY 2015-07	SC OSHA did not conduct programmed health inspections in the construction industry.	SC OSHA should designate a health compliance officer to the construction team to ensure health hazards within the industry are addressed.	<p>With the large number of health inspections, SC OSHA has a smaller staff of health compliance officers available to travel with the construction team. As the number of health inspectors increases, they will be assigned to construction inspections as warranted.</p> <p>We will look at a potential emphasis program for health in construction when our new health inspectors are out of training. Until that time, health inspectors will conduct only non-</p>	Not Applicable	Open January 2017

			programmed inspections.		
FY 2015-08	The State Plan's Whistleblower Investigation Manual has not been approved.	SC OSHA should make the necessary revisions to the manual, including changing the manual's purpose and intent to a training tool and regulatory guidance, respectively.	SC OSHA's Whistleblower Investigation Manual has been approved with the most recent changes published. The manual will be used for all state whistleblower investigations.	January 2017	Completed January 2017
FY 2015-09	The state and local government consultation case files did not contain all the required information as outlined in the Consultation Policies and Procedures Manual.	SCDLLR should ensure that each consultation visit file includes all the required documentation as outlined in the Consultations Policies and Procedures Manual, such as: the Safety and Health Program Assessment Worksheet (Form 33); recommendation of interim measures; copies of OSHA-300 Logs; comparison of the site's DART and TRC rates to the national and state averages; description	This does not negatively impact the effectiveness of the SC OSHA program, but it should be monitored. SC OSHA will include this documentation in consultation case files and reports to the employers they serve.	Not Applicable	Converted to an Observation January 2017

	<p>of the workplace and the working conditions at the site in the employer's report; the filing arrangement outlined in Appendix H; a diary sheet to document dates of importance, actions, date reports are sent, etc.</p>			
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Appendix D - FY 2016 State Activity Mandated Measures (SAMM) Report

FY 2016 South Carolina 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.

U.S. Department of Labor

Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)

State Plan: South Carolina – SC OSHA			FY 2016	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	13.17	7	Further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	11.89	N/A	This measure is for informational purposes only and is not a mandated measure.
2a	Average number of work days to initiate complaint investigations (state formula)	0.60	5	Further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	0.60	N/A	This measure is for informational purposes only and is not a mandated measure.
3	Percent of complaints and referrals responded to within one workday (imminent danger)	N/A	100%	N/A – The State Plan did not receive any imminent danger complaints and referrals in FY 2016. Further review level is fixed for all State Plans.
4	Number of denials where entry not obtained	1	0	Further review level is fixed for all State Plans.
5	Average number of violations per inspection	SWRU: 1.53	+/- 20% of SWRU: 1.87	Further review level is based on a one-year national rate.

	with violations by violation type	Other: 0.54	+/- 20% of Other: .99	
6	Percent of total inspections in state and local government workplaces	2.76%	+/- 5% of 2.78%	Further review level is based on a number negotiated by OSHA and the State Plan through the grant application.
7	Planned v. actual inspections – safety/health	S: 643	+/- 5% of S: 870	Further review level is based on a number negotiated by OSHA and the State Plan through the grant application.
		H: 82	+/- 5% of H: 136	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$802.16	+/- 25% of \$2,279.03	Further review level is based on a one-year national rate.
	a. Average current serious penalty in private sector (1-25 workers)	\$517.78	+/- 25% of \$1,558.96	Further review level is based on a one-year national rate.
	b. Average current serious penalty in private sector (26-100 workers)	\$853.92	+/- 25% of \$2,549.14	Further review level is based on a one-year national rate.
	c. Average current serious penalty in private sector (101-250 workers)	\$1,020.02	+/- 25% of \$3,494.20	Further review level is based on a one-year national rate.
	d. Average current serious penalty in private sector (greater than 250 workers)	\$1,480.37	+/- 25% of \$4,436.04	Further review level is based on a one-year national rate.
9	Percent in compliance	S: 44.25%	+/- 20% of S: 28.85%	Further review level is based on a one-year national rate.
		H: 68.49%	+/- 20% of H: 35.68%	

10	Percent of work-related fatalities responded to in one workday	92.68%	100%	Further review level is fixed for all State Plans.
11	Average lapse time	S: 41.77	+/- 20% of S: 45.16	Further review level is based on a one-year national rate.
		H: 59.04	+/- 20% of H: 57.28	
12	Percent penalty retained	58.01%	+/- 15% of 69.86%	Further review level is based on a one-year national rate.
13	Percent of initial inspections with worker walk around representation or worker interview	100%	100%	Further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	0%	100%	Further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	0%	+/- 20% of 24%	Further review level is based on a three-year national average.
16	Average number of calendar days to complete an 11(c) investigation	0	90	Further review level is fixed for all State Plans.
17	Percent of enforcement presence	0.88%	+/- 25% of 1.26%	Further review level is based on a one-year national rate.