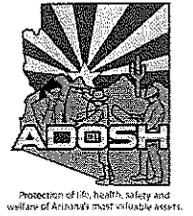




THE INDUSTRIAL COMMISSION OF ARIZONA

DIVISION OF OCCUPATIONAL SAFETY & HEALTH

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October 27, 2010

Mr. Ken Nishiyama Atha
Regional Administrator, OSHA
90 7th Street, 18100
San Francisco, CA 94103

Re: Arizona Division of Occupational Safety and Health's Response to FY 2009
Enhanced FAME

Dear Mr. Atha:

In late January 2010, a team of Federal Occupational Safety and Health ("OSHA") employees began their audit of the Arizona Division of Occupational Safety and Health's ("ADOSH") FY 2009 23g program. The following week, one of the OSHA employees made the following comment to a Commission employee:

"My RA says I have to find something wrong. Can you point me to a problem? We have to justify our existence."

The following day, the undersigned spoke to the OSHA employee who allegedly made this statement. The employee appeared embarrassed, but confirmed that those had been the instructions given. Although no such comments were made by the other members of the audit team, it clearly set the tone for the entire process, causing us to question the nature and scope of the ongoing audit.

Unfortunately, many of the findings in the recently released report seem to be the result of "having to find something wrong" as opposed to ensuring that the ADOSH program is "at least as effective" as the federal program. From our perspective, what could have been a constructive examination of the Arizona program was, for the most part, an exercise in the identification of minutia. Many of the report findings lead us to conclude that OSHA believes a state program is not at least as effective as the federal program if the state's procedures (e.g., case file layout) are not exactly the same as the federal.¹

¹ We also believe that the federal audits of the Arizona and other state programs could have been better planned and coordinated to ensure consistency between the reports.

To be clear, we recognize the importance and value of a fair and meaningful audit. We would welcome any audit that is based upon objective criteria that is designed to identify substantive areas in need of improvement, as well as areas of strength. Unfortunately, we feel this audit achieved little of both.

The following represents ADOSH's official response to OSHA's FY 2009 EFAME report of our 23g program. Where appropriate, we have listed the actions taken, or that will be taken, to address the findings and recommendations. As a preliminary matter, many of the "findings" noted in the report appear to stem from "deficiencies" in a minority of files reviewed. While it is difficult to respond to many of these findings because OSHA failed to provide supporting case file information (despite repeated requests for that information), we do not believe that these findings are representative of the majority of case files processed by ADOSH. For this reason, we do not believe that these "findings" represent significant or systemic issues within the ADOSH program and therefore do not require additional action on our part.

OSHA Recommendation 1: Ensure that the 15 day due date is entered into IMIS for all cases where citations are issued.

Response: We agree with this recommendation and implemented this change effective August 3, 2010.

OSHA Recommendation 2: Ensure compliance officers understand the necessary documentation required for violations and completion of OSHA forms. Management should review case files on a regular basis to ensure documentation adequately supports violations and that forms are complete and up to date.

Response: We agree that compliance officers need to understand what documents are required to support a violation and how to complete the necessary forms. We also agree that management should review case files on a regular basis to ensure the documentation submitted adequately supports the violations cited. We believe that, with a few exceptions, our work product reflects our compliance with this recommendation. However, although most case files contain adequate documentation and review, we have implemented the following for continued improvement in this area:

- Effective January 1, 2010, compliance officers are required to request copies of 300 logs during all inspections and enter that information into the IMIS system. Additionally, compliance officers are required to include explanatory information on the 1A if a log is not available. Consistent with our long-standing practice, if a log is required but not maintained, then a citation will be issued.
- On March 17, 2010, additional training was provided to staff regarding the element of employer knowledge. Since that training, we have seen improvement in the information included in this area of the citation worksheets. We intend to provide additional training as necessary.
- We have provided supervisors additional training regarding the definition of formal versus non-formal complaints, as well as the need to enter the optional Code N-11 for electronic complaints.

OSHA Recommendation 3: Ensure a comprehensive and in-depth investigation to fully evaluate the conditions of a fatality in accordance with OSHA instruction CPL 2.113 and CPL 2.94 is completed and that contact with the family is sufficiently documented [sic].

Response: ADOSH compliance officers understand the need and importance of conducting comprehensive and in-depth fatality investigations. ADOSH investigations, particularly fatality investigations, are comprehensive. We disagree with OSHA's conclusion suggesting otherwise based on the opinion of an OSHA auditor that compliance officers spent "insufficient time" on an investigation. The auditor was not on the site and cannot know the specific circumstances of an investigation.

That said, I personally reviewed (once again) each of the eight FY 2009 fatality investigations that were found to be in compliance. My review indicates that ADOSH's investigation was thorough and comprehensive in six of those eight cases. In each of the six cases, the compliance officers interviewed the appropriate witnesses and other parties, asked the right questions, obtained the relevant documentation and reached the correct conclusions.

In the remaining two cases, we could have conducted additional interviews to better document our position that citations were not warranted. I did not find, however, any errors or indications that our conclusions were otherwise incorrect.

With respect to family contact, ADOSH compliance officers make every effort to identify and make contact with appropriate family members following an accident. Unfortunately, sometimes it is not possible to identify next of kin. In those situations, we will begin documenting the reason(s) why contact could not be made. Notwithstanding the above, we agree that additional training is always beneficial and we are committed to providing continued training to our staff regarding the conduct of comprehensive investigations.

Recommendation 4: Ensure union representatives are presented the opportunity to participate in every aspect of the inspection and their involvement is adequately documented.

Response: We disagree with one of the findings underlying this recommendation. OSHA incorrectly concludes that union representatives were not offered an opportunity to participate in the inspection process because OSHA found eight case files that lacked documentation regarding this opportunity. Compliance officers always inquire about union presence and, where such presence is confirmed, offer the employee representative an opportunity to participate in the inspection. To the extent that there is an issue, it is merely with documentation. This issue has been addressed. Effective January 2, 2010, we have amended the inspection narrative to require documentation of the opportunity given to employee representatives to participate in the inspection process.

OSHA Recommendation 5: Ensure employee interviews are obtained and documented in all fatality investigations.

Response: Despite repeated requests for such information, OSHA has failed to provide the activity numbers for the specific cases in which OSHA believes the employee interviews were deficient. As such, it is difficult to respond to or assess the validity of this finding. That said, OSHA identifies five case files that did not contain interview statements of employees. As stated above, we have reviewed the files believed to be the subject of this recommendation and found adequate employee interviews in all but two of the fatality investigations. In those two cases, additional employee interviews should have been conducted, although it is not believed that such interviews would have changed the outcome of our investigations.

As OSHA notes in its report, the ADOSH FIRM requires compliance officers to obtain interview statements "whenever the CSHO determines that such statements would be useful..." Our compliance officers obtain employee interview statements (written and/or verbal) in all fatality investigations, except in those rare circumstances where there are no employees to be interviewed.

OSHA Recommendation 6: Inspection files did not contain documentation of the informal conference discussions.

Response: We repeatedly informed OSHA that documentation of our informal conferences is, and always has been, maintained. Upon advice of its attorneys, ADOSH maintained this documentation in a separate file. Maintaining documentation of informal conferences in a separate file is "as effective" as maintaining the documentation in the inspection file. There is no reason that this issue should be characterized as a "finding" nor included as a "recommendation." In the spirit of working together on this issue, however, effective August 3, 2010, we have modified our internal practice to address this issue and informal conference documentation is now being included within the case files.

OSHA Recommendation 7: Ensure consistent organization of inspection case files as referenced in the ADOSH FIRM and that diary sheets or similar daily/chronological logs are maintained.

Response: Despite repeated requests for such information, OSHA has failed to provide the specific case files where organization was found to be deficient. Therefore, it is difficult to respond to or verify the validity of this finding. More importantly, mandating that a file be organized (including the use of diary sheets) in a manner that is *identical* to the way a federal file is organized is not the criteria by which we should be evaluated. The criterion for evaluation is whether our program is as least as effective as the Federal program. We believe that our case files are consistent in their organization and that a diary sheet is unnecessary.

OSHA Recommendation 8: Review current procedures for IMMLANG and make a determination whether Arizona will adopt a policy to ensure consistency if followed.

Response: Contrary to OSHA's report, the IMMLANG code is not "designed to allow the state to track fatalities." As we have previously stated to OSHA, ADOSH does not have access to the data generated through use of the IMMLANG code. We therefore do

not have the ability to track fatalities using the code. We do not have access to any report that will allow tracking via that code. In short, while entering the IMMLANG code may provide information that is useful to OSHA, it provides no benefit to ADOSH. Since the entering of this code is optional, ADOSH will discontinue its use.

OSHA Recommendation 9: Ensure that citation penalties are assessed in accordance with... the ADOSH FIRM.

Response: This finding is apparently made because two case files did not reflect the gravity based penalty of the cited hazard. We do not believe that this finding represents a significant or systemic issue. ADOSH staff is provided adequate instruction on the proper calculation and assessment of penalties. We do not believe any further action is warranted with respect to this item.

OSHA Recommendation 10: Consider auditing closed fatality case files on occasion to ensure that appropriate documentation is included in the file. Ensure supervisors use the IMIS Abatement Tracking report and send appropriate follow-up letters to employers.

Response: This finding is apparently made because two case files did not contain adequate abatement documentation to justify closing the file. We do not believe that this finding represents a significant or systemic issue. Nevertheless, ADOSH will establish a procedure to conduct occasional file audits. We will also use the Abatement Tracking Report to assist us in obtaining appropriate abatement information, and we began using this report effective August 3, 2010.

OSHA Recommendation 11: Modify the scope and targeting mechanism of the CLAIMS LEP to ensure it is successful.

Response: We have reviewed the CLAIMS LEP and decided to discontinue this program as it is outdated and is no longer a useful tool for identifying the most hazardous employers. Regarding the comment that ADOSH should have unused LEP codes removed from the IMIS system, it is our understanding that outdated codes cannot be removed. If, however, we are incorrect in that understanding, we request that OSHA remove the following LEP codes as they are outdated and no longer used: CLAIMS, AGRIC, AZHEALTH, and AZSAFETY.

OSHA Recommendation 12: Assess all programmed inspection systems and implement measures to improve in-compliance rates to ensure that the most hazardous industries and workplaces are being addressed.

Response: We have reviewed all of our programmed inspection methods and implemented improved measures to ensure that the most hazardous workplaces are inspected. We have reviewed those industries where we have seen prior success in terms of the identification of serious hazards and we are targeting inspections in those industries. We have implemented additional targeting methods that include the use of experience modification rates and the Site Specific Targeting program (data should be received from OSHA in 2011). We have also conducted additional in-house training

(August 3, 2010) with compliance officers that addresses identification of violations, both serious and non-serious.

In addition to this training, we have provided additional instruction to supervisors regarding their case file review methods. We are also working with them to identify other tools that can improve in-compliance rates and identification of the most hazardous workplaces.

OSHA Recommendation 13: Evaluate resources and schedule inspections to ensure inspection goals are met.

Response: We constantly evaluate our resources in an effort to meet our inspection goals. As OSHA noted in its report, notwithstanding the continued challenges of staffing shortages, ADOSH achieved 94% of its goal for total number of inspections.

OSHA Recommendation 14: Ensure the most hazardous industries and workplaces are being inspected in an effective manner to identify serious hazards and consider conducting training on hazard classification to ensure consistency with violation classification.

Response: See response to recommendation 12 above. Additionally, OSHA noted that most files contained evidence of adequate documentation to support the violations cited. We agree that our hazard and violation classification is consistent in most all cases. To address those instances in which OSHA raised questions regarding the classification of hazards, we have conducted additional training (August 3, 2010) and have reviewed our manner of citation classification.

OSHA Recommendation 15: Continue to work closely with the Commission and staff to ensure that citations are issued in a timely manner.

Response: We have updated procedures to evaluate staff regarding individual citation lapse times and, where necessary, will take additional steps to ensure improvement in individual performance. Additionally, the Commission has recently agreed to raise the total penalty amount requiring their approval from \$1000.00 to \$2500.00. We anticipate that both these steps will improve our average citation lapse time.

OSHA Recommendation 16: Ensure that adequate documentation is obtained from the employer to appropriately address citations.

Response: The findings in support of this recommendation do not represent a significant nor systemic issue. As noted by OSHA, ADOSH timely verified abatement in 94% and 100% of the serious, willful and repeat violations in the private and public sectors respectively. Nevertheless, we have reinstructed staff regarding abatement requirements. Additionally, we have clarified and began using field 19 on the OSHA-1B. We are also utilizing the Default Violation Abatement Standard Report to assist in tracking abatement. We have implemented the use of additional abatement codes where appropriate. Finally, we will be auditing files at least annually to review abatement.

OSHA Recommendation 17: Retain an IT Backup System Administrator to prevent a breakdown in the system in the event the IT Administrator is unable to perform these functions.

Response: We have repeatedly stated to OSHA on a number of prior occasions that ADOSH has an IT Backup System Administrator. Therefore, this finding makes no sense. If OSHA is not satisfied with the IT backup system administrator identified, then it needs to provide a reason as to why.

OSHA Recommendation 18: Ensure staff is properly trained on entering appropriate information in IMIS while handling complaints, abatement, and discrimination cases. Management should review case files and use IMIS reports on a regular basis to ensure that data is being entered correctly into IMIS.

Response: Staff has been trained on entering appropriate information in IMIS for all types of reports and forms. We will conduct follow up training where necessary to ensure accurate information in the system. Additionally, effective August 3, 2010, we began using many of the audit reports suggested by OSHA (in addition to those we were already using) to ensure data is correctly entered into IMIS.

OSHA Recommendation 19: Ensure standard adoption is within six months of the federal promulgation date.

Response: OSHA findings in support of this recommendation include incorrect information. First, the moratorium on rulemaking includes an exception for rulemaking that impacts critical health and safety functions of an agency. While the impact of this moratorium has delayed required rulemaking, the Governor's Office has granted exceptions to the moratorium for adoption of OSHA standards required to maintain the effectiveness of our state plan.

Second, according to our records, the following standards and plan changes were instituted by OSHA during FY 2009:

Standard/Plan Change	ADOSH Response
Petroleum Refineries/PSM – NEP	Not applicable
PSM covered chemical facilities – NEP	Adopted 12/7/09
Site Specific Targeting 2009	Not adopted
Clarification of employer duty to provide PPE and train each employee	Adopted 9/11/10
Longshoring and Marine Terminals, Vertical Tandem Lifts	Not applicable

Clearly, although it took longer than six months, those items requiring ADOSH adoption have been adopted. We plan to continue to work within the restrictions of the current rulemaking process and adopt standards and plan changes as expeditiously as possible.

OSHA Recommendation 20: Adopt a formal training program for compliance personnel and submit a Plan Change Supplement for OSHA's review. Arizona must also submit a State Plan Change Supplement with a description of their targeting systems.

Response: We have repeatedly stated to OSHA that ADOSH has already submitted its training plan for OSHA's review. In fact, OSHA's report makes reference to that plan when it expresses concern over the content of the training courses ADOSH intends to provide to staff. We do not understand why on one page of OSHA's report it states that a training plan has not been submitted, when on another page of the report it questions the content of that training plan.

With respect to submitting a State Plan Change Supplement describing ADOSH targeting systems, we believe that these descriptions have been previously submitted. However, we will work with Region IX and provide a description of those targeting systems they do not have on file.

OSHA Recommendation 21: Continue efforts to complete discrimination investigations within 90 days.

Response: We continue to make every effort to complete discrimination investigations within the required 90 day period. While we recognize that we do not complete 100% of our investigations within the targeted 90 days, our performance is consistent with federal OSHA's performance (50% completed timely) and ADOSH would therefore be considered "at least as effective."

OSHA Recommendation 22: Ensure policies and procedures are updated and discrimination investigators are appropriately trained and that files are reviewed on a regular basis to ensure that appropriate letters to complainants and respondents are sent informing them that the investigation has been opened... and to ensure that both parties receive a closing letter after the investigation is closed...

Response: ADOSH discrimination policies and procedures will be reviewed and updated as necessary. Our investigators have received much of their training from OSHA, and we feel that training was adequate. However, if OSHA is dissatisfied with the training it provided to ADOSH staff, or it believes there is other training that will be beneficial, we will make every effort to make that additional training available to staff.

Regarding opening letters, we do not believe that an opening letter will enhance our investigations. Our current practice is to verbally inform both the complainant and the employer of the opening of an investigation. This verbal conversation provides benefits not available through use of an opening letter, including the opportunity to obtain additional information from both parties. Sending a letter informing parties of the opening of an investigation would only be redundant.

Closing letters are already sent to all parties. The finding by OSHA that one case file did not contain closing documentation does not support that this is a significant or systemic issue. Furthermore, since OSHA has refused to provide us with the specific case

involving this alleged deficiency, it is not possible for ADOSH to verify the accuracy of the allegation.

OSHA Recommendation 23: Ensure policies and procedures are updated and discrimination investigators are trained to accept and docket orally filed complaints and not require a complainant to submit a complaint in writing...

Response: Arizona law requires that discrimination complaints be submitted in writing. This requirement ensures a clear record as to a complainant's concerns. It provides a clear statement to which an employer may respond. This requirement does not render our process any less effective than the Federal process. If anything, it renders the process more effective.

OSHA Recommendation 24: Review discrimination cases on a regular basis to ensure that discrimination complaints are properly coded in IMIS.

Response: We will implement a bi-annual audit (January and July) for this purpose.

OSHA Recommendation 25: Review case files on a regular basis to ensure that closing conferences are documented in the case files...

Response: We will implement a bi-annual audit (January and July) for this purpose.

OSHA Recommendation 26: Ensure required statements and information are obtained in interview statements as required... in ADOSH's discrimination manual...

Response: We have trained and will continue to train investigators on the importance of thorough interview statements. The majority of these interviews are digitally recorded. When necessary, written statements are obtained. With few exceptions, our discrimination investigations, including employee and management interviews, are thorough and our reports adequately address the required elements.

OSHA Recommendation 27: Ensure that the case files contain adequate documentation and the case files are properly organized...

Response: We have trained, and will continue to train, investigators on the importance of adequate documentation. We believe that our case files adequately document the complainant and respondent positions, the case analysis and all decisions and resolutions. Our case file organization has been fairly consistent, but we have taken steps, effective August 3, 2010, to improve the format of our narratives and case file layout. Additional improvements will be made to the narrative format as necessary.

OSHA Recommendation 28: The Final Investigative Report template must be amended to follow the identical format prescribed in ADOSH's discrimination manual... The report must be dated and signed by the investigator and the approving supervisor for accountability.

Response: The report template has been modified to assist in the proper written presentation of a case. Investigators have been trained on this report template and will be expected to follow it. The template includes appropriate space for the investigator and supervisor to sign. To the extent that the most recent version of the FIR template differs from that specified in our discrimination manual, the manual will be updated to reflect necessary changes.

OSHA Recommendation 29: Instruct investigators and review case files on a regular basis to ensure that the complainants in all cases are interviewed, as well as all relevant witnesses, including management and third parties...

Response: We have reinstructed investigators about the importance and need to interview each complainant and every relevant witness. Files are regularly reviewed to ensure this happens.

OSHA Recommendation 30: Provide additional guidance to discrimination investigators on analyzing and documenting pertinent factors relating to discrimination cases, including work refusals and nexus.

Response: We have trained, and will continue to train, investigators on the analysis and documentation of pertinent factors relating to discrimination cases. Files are reviewed to ensure that adequate documentation is contained therein and the case analysis was appropriate.

OSHA Recommendation 31: Implement a system to ensure Medical Access Orders are obtained prior to the VPP onsite visit.

Response: We have implemented a policy to obtain an MAO prior to each VPP onsite visit.

OSHA Recommendation 32: Ensure funds that will not be spent by September 30 are appropriately returned to federal OSHA with adequate time to allocate.

Response: We have always made, and will continue making every effort to return unspent funds in a timely manner so that the funds may be reallocated.

OSHA Recommendation 33: Ensure the inspector positions are fully staffed to the extent possible and develop a plan to address the challenges in hiring and retaining experienced personnel.

Response: Staff retention has always been a challenge for ADOSH. Unfortunately, Arizona State employee salaries are below comparable positions in the private sector. This results in significant turnover for ADOSH and other state agencies. Nevertheless, we have explored and will continue to explore ways of hiring and retaining experienced personnel.

OSHA Recommendation 34: Ensure that compliance staff receives at least the basic required courses as required by federal OSHA's Directive...

Response: As noted above, ADOSH has submitted a training plan which we believe meets the requirements of the training directive, while remaining within our current budget limitations. If OSHA has suggestions on how to improve our training program with these limitations in mind, we are open to discussing them. Previously, OSHA made some of the required courses available to ADOSH staff by sending OTI instructors to Arizona and/or Nevada. In recent years, however, such OTI courses have been almost non-existent. If OSHA insists that ADOSH staff receive the exact courses outlined in OSHA's training directive, then we urge OSHA to make those courses available in a convenient and cost-effective manner. ADOSH does not currently have the resources to send staff to the OTI in Illinois for these courses.

OSHA Recommendation 35: Evaluate [Performance Goal 1.1] and implement a plan to ensure that resources are available to meet the targeted number of inspections.

Response: The efforts directed toward this goal have been commensurate with our available resources. Nevertheless, we will make efforts to direct additional resources toward this goal to more closely achieve the targeted number of inspections.

OSHA Recommendation 36: Re-evaluate efforts in reducing injury and illness in the architectural and structural metals manufacturing industry.

Response: See our response to OSHA's Recommendation 35 above.

OSHA Recommendation 37: Develop a plan to reduce safety citation lapse time.

Response: A plan has been developed, which includes a monthly review of each individual compliance officer's citation lapse time, and greater supervisor oversight of those officers with higher lapse times. Additionally, as noted above, the Industrial Commission recently changed its criteria regarding the ADOSH files that come before it for review. This change will further assist us in lowering overall citation lapse times.

ADOSH runs an effective safety and health program. This is objectively demonstrated in many different ways, including Arizona's continually declining injury and illness rates, declining fatality rate, declining workers' compensation rates and claims across all industry sectors, and improvement in the safety of workplaces. Information recently provided by the National Council on Compensation Insurance (NCCI) document these trends as well, including a graph depicting Arizona's private sector BLS incident and illness rate (attached as Appendix A to this document). This graph shows that following the final approval of Arizona's state plan in 1985, Arizona's private sector BLS incident and illness rate has been below the average for all U.S. States. Since 1995, this rate has trended downward and remains below the national average.

The effectiveness of our program is also demonstrated through ADOSH's positive impact on individual employers. Our Voluntary Protection Program efforts are an example of this.

Through those efforts, over 30 employers in Arizona have benefited from significantly lowered injury and illness rates.

In addition to the VPP efforts, ADOSH has worked closely with other employers to assist them in developing safety and health management systems that follow successful models and as a result, those employers have significantly reduced their injury rates and realized significant cost savings. For example, an employer in Phoenix, Arizona reduced their lost-time injuries from 24 to four and realized a workers' compensation cost savings of over \$79,000 per year. This is a real measurement of the success of the ADOSH program.

The effectiveness of our program is also subjectively demonstrated through our excellent working relationships with employers, employees, associations, unions and other individuals and organizations. Furthermore, OSHA's own data reflect the effectiveness of ADOSH's program. For example, during FY 2009, ADOSH averaged 2.92 days to initiate inspections in response to complaints, and responded to 98% of complainants in a timely manner. Abatement verification was obtained within appropriate timeframes for 94% of the serious, willful and repeat citations issued as a result of private sector inspections and 100% issued following inspections in the public sector.

While ADOSH may average fewer serious citations than OSHA, we issued an average of 3.57 total violations per inspection with violations in 2009, compared to 3.3 total violations per inspection at the federal level. Furthermore, our average lapse time from receipt of an employer's notice of contest to the first level decision is fully half that of OSHA's (127 days vs 246 days).

With respect to case file and citation resolution at the informal conference level, OSHA's own data indicate that ADOSH's performance exceeds that of OSHA's. At the informal level, ADOSH deletes only 2.2% of violations compared to OSHA's 5.1%, and we reclassify only 0.6% of violations (OSHA – 4.8%).

Finally, in terms of inspections, ADOSH compliance officers conduct more inspections per 100 hours than do their counterparts in federal OSHA. This is particularly true for health inspections.

Conclusion:

What ostensibly began as an opportunity to identify critical areas needing improvement, as well as areas of exceptional performance and to provide meaningful feedback to state-plan programs, instead resulted in the identification of largely trivial matters that do not appreciably affect the effectiveness of our program. While we agree that there is room for improvement – and we are committed to making certain changes and improvements – we disagree with many of the findings and recommendations within OSHA's EFAME report.

To the extent that we have agreed with certain findings and recommendations noted above, ADOSH will implement, or has already implemented the necessary changes and corrections. We will work with Region IX representatives as necessary in this process.

We also appreciate the working relationship we have had with Region IX over the years and look forward to continuing that relationship, including working with Ms. Gonzalez, OSHA's new Area Director in Phoenix.

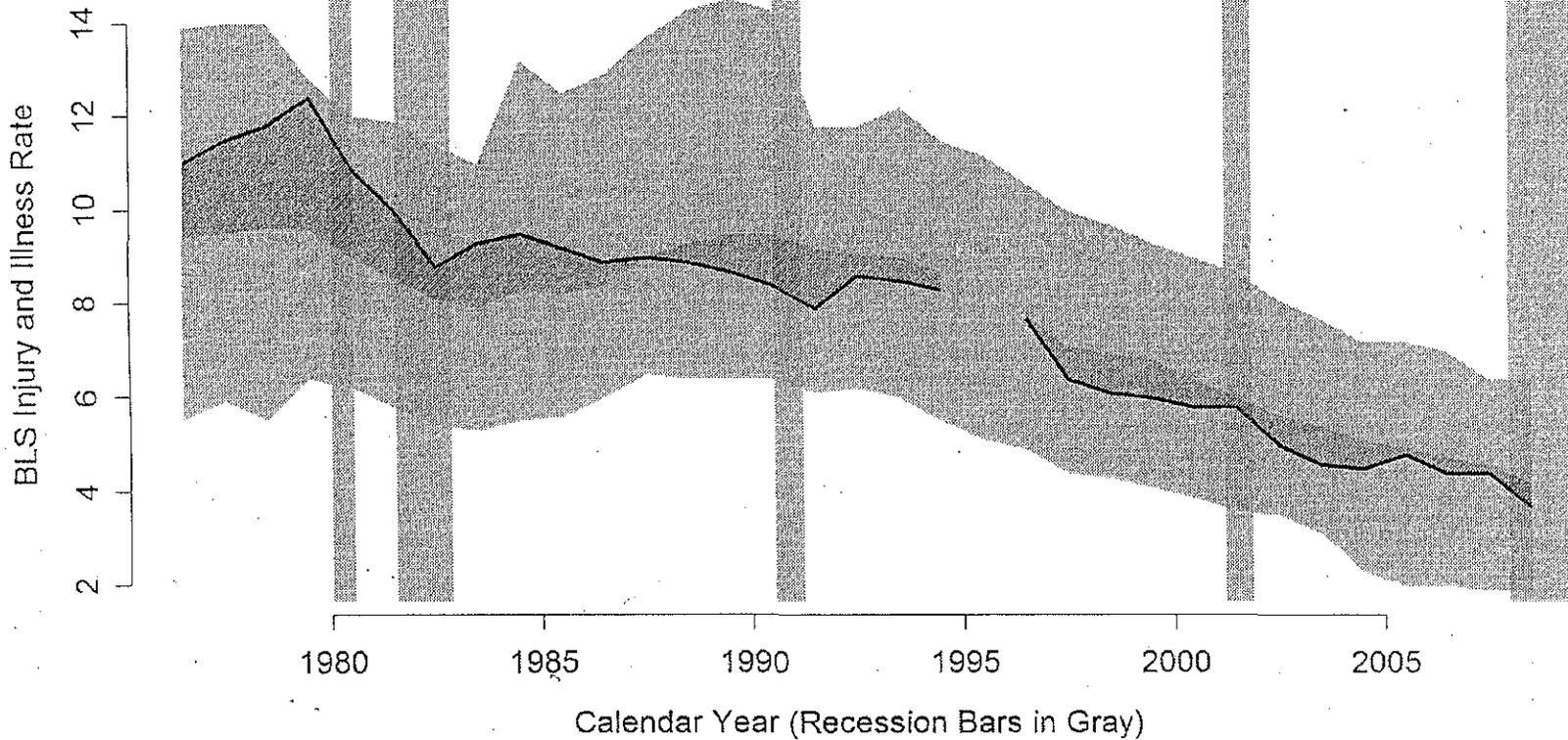
Sincerely,

/Signed/

Darin Perkins,
ADOSH Director

Arizona

The Private Sector BLS Incidence and Illness Rate Is Slightly Below Average



— Arizona ■ Gap to Median of U.S. States ■ Range of U.S. States

Injury and Illnesses Cases per 100 Full-Time-Equivalent Workers, Total Recordable Cases, Total Private Sector.

Frequency of observation: annual; latest available data point: 2008.

Source: US Bureau of Labor Statistics (BLS), <http://www.bls.gov/iif>

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