

## Iowa's EFAME Response

10/28/10

This is the Iowa Division of Labor OSHA Enforcement response to the Enhanced Federal Annual Monitoring and Evaluation (FAME) Report and Baseline Special Evaluation originally received by our office on April 12, 2010. Copies of the draft report were printed and distributed to the Labor Commissioner, Iowa OSHA Administrator and four (4) management supervisors for Iowa OSHA Enforcement. All individuals identified have reviewed and provided comments back to the Iowa OSHA Administrator for incorporation into our response to the Des Moines Area Office for Federal OSHA. Our office was asked to provide comments on the final Enhanced FAME back to the Des Moines Area Office by close of business on October 28, 2010.

The Enhanced FAME report has established a history and description of our state-plan-program. It seems only appropriate for Iowa to share some of their personal observations of the Iowa OSHA enforcement and consultation program for Federal Fiscal Year 2009.

During that time period Iowa OSHA was in the first year of its current 5-year strategic plan cycle (which began in Federal Fiscal Year (FFY) 2009). Iowa OSHA enforcement saw a very visible change that year with the retirement of the program's original Administrator since the beginning of the State Plan Program and forty-one (41) years of service.

The Labor Commissioner appointed a new Iowa OSHA Administrator on January 9, 2009. The Deputy Labor Commissioner (also previously Project Manager for Consultation and Education) assumed the enforcement administrator responsibilities three months into the period for which this report covers (October 2008 – September 2009).

The Consultation Project Manager duties were assumed by the Lead Worker for this project who was a Senior Industrial Hygienist and Certified Safety Professional as a Public Service Executive 2. The Commissioner elected to not refill the vacated Lead Worker position.

The enforcement section maintained three (3) Public Service Executive 2 positions that were created and filled in January 2008.

In 2002 extensive state budget cuts saw all Iowa OSHA middle management eliminated. Two (2) Labor Safety Officers that oversaw, scheduled and reviewed all field staff work products were eliminated. This left field staff with no immediate access for technical assistance or review work product. This continued until August 2005 when the new Labor Commissioner appointed an Executive Officer to assist field staff. In 2008 the three person Public Service Executives were put into their current management positions to oversee eight field staff each for Enforcement.

Each manager oversaw both Safety and Health Consultants and Senior Industrial Hygienists. Their duties included daily work assignments for field staff inspections; accompanied visits for training and assisting new staff and assistance on more complicated inspections; evaluation of each inspector's work performance for annual performance ratings; evaluation of additional training needs and requirements; provide technical assistance and answer questions from the public and co-workers; conduct informal settlement conferences and documentation for violation abatement and cooperative means and assistance to the Deputy Labor Commissioner/Iowa OSHA Administrator and Labor Commissioner.

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The enforcement supervisors had taken on an active role in fostering outreach and encouraging Partnerships and Alliances. They routinely provide training sessions to our enforcement staff and public presentations when called upon by employer and interest groups.

During FFY2009 the Division of Labor's Contractor Registration section added two (2) new Field Investigators to their section's activities. Although not part of Iowa OSHA, these inspectors have made a lot of referrals to our OSHA inspectors with unsafe construction related activities. Similarly, the Iowa OSHA staff has informed contractors of the requirements to be registered in Iowa.

FFY2009 saw Iowa OSHA fill several inspector positions over the year for both Safety and Health Consultants and Senior Industrial Hygienists.

These vacancies were initiated when one staff member transferred from Consultation and Education back to Enforcement after a vacancy was created by a Safety and Health Consultant who transferred to Contractor Registration as an Investigator II (same pay grade – lateral transfer under contract).

FFY2009 saw Iowa OSHA lose two (2) Senior Industrial Hygienist creating vacancies by transferring to a Federal OSHA position in the Des Moines Area Office and an individual transferring to the Iowa Department of Natural Resources.

A third Senior Industrial Hygienist position was filled internally from one of our Enforcement Safety and Health Consultant staff. This position was vacated in late August and took over four (4) months to fill.

FFY2009's budget was outlined in the Area Office Enhanced FAME Report. Once again, the state showed an overmatch of state funds of \$1,078,648.84.

Simply put, the budget continued to challenge our program. It was announced that contract employees would be required to take five (5) mandatory unpaid days (MUD). All non-contract staff would be required to take seven (7) furlough days without pay before June 30, 2010. The Governor also called for an additional 10% across the board budget cut which the Division of Labor was able to effectuate without significant cuts due to overall Division programs.

Outreach activities to employers working with exposure to Hexavalent Chromium were carried out by our Consultation and Education staff. Iowa OSHA Enforcement initiated a Local Emphasis Program (LEP) to identify employers engaged in welding on stainless steel and potential for exposure to Hexavalent Chromium. Several Industrial Hygienists Enforcement Inspectors resulted in over-exposures to Hexavalent Chromium.

Additional LEPs for Amputation, Falls, Asbestos and Zip Codes for Construction and NEPs for Combustible Dust and Silica were utilized for inspection assignments.

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FFY2009 saw the Labor Commissioner and Iowa OSHA continue to foster an open solid working relationship with the Area and Regional OSHA Offices.

The Labor Commissioner, Deputy Labor Commissioner/Iowa OSHA Administrator, and the Enforcement and Consultation/Education Supervisors participated in all Monday morning Area VII conference calls. We also continued to meet quarterly with Area and Regional OSHA office staff to discuss Iowa OSHA's performance and goals.

The Labor Commissioner once again as President of NAGLO worked with their members; OSHSPA; our Area and Regional OSHA Offices and Iowa OSHA Leadership to evaluate and ensure we were meeting our long-term Iowa OSHA goals.

Iowa OSHA used the OSHA Site-Specific Targeting (SST) plan to schedule programmed inspections for general industry. As in previous years, the Iowa specific data collected through the OSHA Data Initiative (ODI) program for the previous year identified the facilities to be inspected. The University of Tennessee reports were used for Iowa OSHA programmed inspections. The selection process developed in FFY2000 continued to identify businesses that could have the most difficulty implementing or improving safety and health programs.

The previously identified LEPs for Construction by Zip Codes; Hexavalent Chromium; Amputations; Asbestos; and Falls as well as NEPs for Combustible Dust and Silica kept staff busy. Additionally, staff demands were seen in inspection activity generated with drive-by inspections in construction, referrals from Contractor Registration Field Investigators, and additional activities from Alliances and Partnerships.

FFY2009 continued to build on our relationship with Partnership members and an informal alliance with Master Builders of Iowa. Quarterly meeting contact with this trade association allowed us to build on our outreach with the construction trades. A joint participation in their Annual Trade Show/Expo with an emphasis in fall protection and general construction safety and health showed a keen interest and excellent attendance.

Additional formal alliances were with the Mexican Consulate of Omaha and the Renewable Energy industry of Iowa. FFY2009 identified five (5) OSHA enforcement staff with one year or less experience with Iowa OSHA. These individuals showed a great deal of enthusiasm and interest in their jobs but will require a learning/training skill period.

Iowa OSHA took the following action over FFY 2009 on Federal Program Changes:

- Training Program for OSHA Compliance Personnel (State adopted January 1, 2009)
- NEP Lead (e-mailed response June 1, 2009 – State will not adopt)
- Field Operations Manual (State adopted September 17, 2009)
- Site Specific Targeting 2009 (SST-09) (State adopted September 14, 2009)
- NEP – PSM Covered Chemical Facilities (State would not adopt – December 1, 2009)
- NEP – Petroleum Refineries (State would not adopt – November 23, 2009)
- NEP – Injury & Illness Recordkeeping (State would not adopt – November 23, 2009)

## **Iowa's EFAME Response**

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Our Field Operations Manual (FOM) was submitted to the Federal OSHA Area Office for review on September 17, 2009. Chapter 5, Section 10 was modified to include case file organization and was finalized before January 17, 2010.

Late in FFY2009, the State's Revenue Finance Estimating Committee released information indicating it did not feel any additional state budget cuts would be necessary before July 2010. However, the contract-covered employees with five (5) mandatory unpaid days (MUD) and non-contract staff with seven (7) furlough days would certainly have to be factored into the State's Performance Plan.