

Appendix A
FY 2009 Minnesota State Plan (MNOSHA) Enhanced FAME Report prepared by Region V
Summary of Findings and Recommendations

[] = words added

Findings		Recommendations
Complaints (p. 17)		
1	[18% of] non-formal complaint responses [from employers] were classified as ‘accurate’ without sufficient information provided by the employer to show that abatement of the alleged hazard has occurred or that no hazard existed.	Ensure that an adequate response to a non-formal complaint is received by MNOSHA in which the employer provides sufficient information to show abatement of the alleged hazard has occurred or the lack of any hazard.
Fatalities (p. 18)		
2	For fatality investigations, the form OSHA-170 (Accident Investigation Summary) was not filled out in adequate detail.	Ensure that the OSHA-170 narrative contains enough detail to provide a third party reader of the narrative with a mental picture of the fatal incident and the factual circumstances surrounding the event.
Targeting and Inspection (p. 20)		
3	Data Initiative inspections were conducted without information contained in the file to explain the compliance officer’s discussions on site as they pertained to the injury and illness information reviewed during the inspections, including information showing the compliance officer’s evaluation of the company’s OSHA 300 logs.	Ensure that compliance officers discuss and document the company’s LWDIR [lost workday injury rate] to determine if there are specific work areas to be included in the inspection and document the evaluation as it relates to the on-site activity.
4	Non-serious (other-than-serious) violations are classified as situations where an accident or exposure, resulting from a violation of a standard, would normally cause only minor injury or illness requiring one-time-only first aid treatment and subsequent observation. Recordable injury or illness is not a criterion in determining if a violation is classified as serious or not.	Ensure the determinations for violation classification as “other-than-serious” are independent of OSHA recordability requirements.
Citations and Penalties (p. 23)		
5	In 41% of the cases reviewed, penalty reduction recommendations for good faith credit were applied at levels higher than warranted.	Ensure good faith credit is applied and documented appropriately in the case files.
Abatement (p. 24)		
6	Of the [57] cases reviewed, abatement documentation for corrective action following inspections was not requested by MNOSHA in any circumstance.	Ensure, when required, that documented proof of abatement is received.
7	In 31% of [the 13] fatality inspection files and in 21% of [the 25] files reviewed where serious hazards [violations] were identified and the abatement was classified as “Corrected During Inspection (CDI), No Abatement Documentation Required,” the specific information outlining the corrective action observed by the compliance officer was not documented appropriately in the case file.	Ensure[that] “Corrected During Inspection (CDI), No Abatement Documentation Required”, is being applied appropriately, and the specific information outlining the corrective action observed by the compliance officer is documented in the case file.
8	Petition for Modification of Abatement (PMA) requests are granted without employers providing all the required information in the requests.	Ensure [that] PMA requests contain all the required information before accepting the requests and extending the [abatement] dates.
Voluntary Compliance Programs (p. 42)		
9	Minnesota On-Site Consultation conducts consultation visits and VPP evaluation visits concurrently with MNSTAR [VPP] staff funded with the 23(g) grant.	Ensure Consultation functions are conducted by 21(d) funded employees, and VPP evaluations are conducted separately with 23(g) employees.
10	For corporate VPP applications, one application is being submitted for both the corporate and other locations.	Ensure each worksite applying for MNSTAR participation submits an application applicable to each work site.
11	An employer working as a contractor at a work site covered by the Process Safety Management standard did not submit an application with the appropriate VPP Process Safety Management (PSM) Application Supplement. The MNSTAR evaluation team did not have a PSM level one auditor participate in the on-site review.	Ensure all applications of contractors working at work sites covered by 29 CFR 1910.119 contain the PSM Application Supplement. Ensure the MNSTAR evaluation team consists of at least one PSM level one auditor.