

OREGON

FY2009 Enhanced FAME Report - Corrective Action Plan Summary Sheet

Rec#	Findings	Recommendation	State Response / Corrective Action	Interim Steps with Due Dates	Documentation Required with Due Dates	Outcome Measure	Completion Date	Status (to be tracked and updated by Region)
1	For health inspections, OR-OSHA averaged 66 days from opening conference to citation issuance. This is nine days (16%) longer than the corresponding national average of 57 days, but also represents a two-day (3%) decrease in lapse time in comparison to the state's average health lapse time of 68 days in FY 2008. While OSHA commends OR-OSHA for reducing its health lapse time by three percent, additional reduction is needed.	Take remedial actions to reduce the average health lapse time. This is a repeat recommendation.	Oregon OSHA will correct this issue during the current federal fiscal year. We will do this by focused attention on eliminating unnecessary delays in health enforcement activities containing violations, which we expect to allow us to meet the current national average throughout FFY 2011.	Progress Reviewed at quarterly meetings.	SAMM report	lapse times at or below national state average.	9/30/2011	Incomplete. Pending further Federal monitoring.
2	OSHA's average gravity-based penalty [GBP] was about 3.4 times higher than Oregon OSHA's [\$2,323 vs. \$675]. Most of the disparity between OR-OSHA's penalties and those of OSHA can be attributed to the state's low gravity-based penalties for low-probability serious hazards. After penalty adjustment factors were applied, the gap between state and federal penalties narrowed though the disparity remained significant [\$1,046 vs. \$435, 2.4 times greater].	Increase gravity-based penalty amounts significantly in order to encourage employer voluntary compliance and to serve as a strong deterrent. Make policy adjustments to raise penalty averages for serious violations.	We are in the midst of developing a proposed change to our rules on penalty assessments and calculations. As part of that proposed rulemaking, we expect to propose increased penalties for larger employers (primarily by increasing the gravity-based penalty amounts), elimination of our sizable reductions for immediate abatement and for a one-year lower-than-average DART rate, and reductions for good faith and for an employer's overall history of compliance (as well as increases for poor faith and for a poor overall compliance history).	12/1/2010 - File formal proposal; early FY2011 - hold hearings	Copy of proposal	average penalty increase	7/31/2011	Incomplete. Pending further Federal review and monitoring. Federal penalty policy revisions and determination as to State Plan requirements will affect this recommendation.