

Utah State Plan

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	The Case File Management checklist in the case file is not consistently used by management to ensure post citation actions are completed.	Ensure post citation actions are completed. Complete the Case File Management checklist in all case files.	UOSH Checklist was not mandatory. This UOSH idea was implemented in 2009 to proactively improve case file documentation. Finding is isolated case.	UOSH has already made the use of their case file checklist mandatory for all case files.		All case files will continue to contain a case file checklist appropriately filled out.	11/18/10	Subject to further Federal review and monitoring.
2	There are overall organization problems with safety case files and some of these are missing documentation.	Ensure that safety case files are organized and are completely documented.	This relates to the order of documents in a case file. See UOSH response #1 above.	A management meeting was held to remind and agree to continue on mandatory use of case file checklist. Staff meeting included a review of case file organization with CSHOs. 11/18/10 UOSH added a case file organization section to new hire training.		UOSH case files will continue to be organized and completely documented.	11/18/10	Subject to further Federal review and monitoring.
3	A follow-up inspection done at a later date was not attached to the original case file.	Include the follow-up inspection information with the original case.	This was not a federal requirement prior to the review. Follow up case files have been kept in a separate folder identified by a case number.	Follow-up inspection documentation is now part of the original case file. This was addressed during the November staff meeting.		Follow-up inspections will be part of the original inspection case file.	11/18/10	Subject to further Federal review and monitoring.
4	One referral was not responded to in a timely manner as required by the Complaint Directive adopted by Utah, which is now part of the federal FOM, Chapter 9, Section 1, B.	Ensure all referral inspections are opened in a timely manner.	This was a one time instance. UOSH overall SAMM response indicator is compliant.	UOSH will conduct refresher training to staff during next staff meeting. UOSH will continue to monitor the IMIS referral report to track timeliness.		Referrals will continue to be responded to in a timely manner.	12/07/10	Subject to further Federal review and monitoring.

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5	Three unprogrammed inspections were missing notifications to the complainant. This was due to the contact information not being documented in the case file. According to the Utah FOM, Chapter XI Section 11(d), "the complainant should be informed of the results" of the complaint after the completion of an inspection.	Ensure complainants are notified of the results of the inspection for all complaints not filed anonymously. Document contact information in the file for all non-anonymous complainants in order to provide the results of the inspection.	This finding is not supported by the case file review. UOSH review of case files indicated that in the cases identified one case was not a complaint, and the other two had a copy of the letter to the complaint in the file.	UOSH will conduct refresher training to staff concerning this issue during next staff meeting as a reminder of process already in place. UOSH will continue to monitor SAMM #3.		SAMM #3 will be 100%.	12/7/10	Subject to further Federal review and monitoring.
6	One local government agency inspection addressed hazards that were not cited.	Perform a follow-up inspection where violations were not addressed and may continue to exist. Contact the Regional Office for the identity of this facility.	Unknown or unidentified case file.	File was identified and will be discussed at the next manager meeting to determine the best course of action.		All violations identified in case files will be cited.	01/20/11	Subject to further Federal review and monitoring.
7	There was not consistent documentation in case files that the complainant was advised of the employer's response to the inquiry as stipulated in the Utah FOM, Chapter XI, Section A(5)(d) and or in the federal FOM, Chapter 9, Section I(l)(6).	Place documentation of complainant's notification of the employer's response in the case files of inquiries.	All complainants are notified by letter of UOSH findings, or a copy of the employer's response is included in phone/fax cases. This item was covered as a reminder to staff at the November 18, 2010 staff meeting and will again be addressed at the March 10, 2011 Staff Meeting.	Refresher training on this issue will be held for the staff as a reminder of process already in place.		All inquiry files will continue to contain documentation that the complainant was notified of the employer's results.	12/16/10	Subject to further Federal review and monitoring.

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8	Negotiated abatement times for employers to respond to inquiries were exceeded without documentation that the employer had requested more time and the conditions around that request.	Enforce the newly negotiated five day abatement period for phone and fax. Document the reasoning and extension period in the case file, as required by the federal FOM, Chapter 9, Section I(l)(5), when an inspection is not scheduled because of overdue abatement. Enter extensions for abatement of inquiries in the computer database as required.	Unknown or unidentified case file. Unknown reference to newly negotiated five day abatement period by phone/fax referenced in the recommendation.	UOSH will adopt and follow the five day abatement period for phone/fax inquiries stipulated in the Complaint Directive now part of the federal FOM and to be incorporated in the Utah FOM.		UOSH will follow CPL 02-00-140 Complaint Policies and Procedures Directive.	12/07/10	Subject to further Federal review and monitoring.
9	Inquiries, instead of inspections, were sometimes scheduled to address serious hazards and prompt abatement was not required.	Ensure that serious hazards are abated quickly. Follow the guidelines in the federal FOM, Chapter 9, Section I(l)(3)(b) for inquiries, which provide the latitude to decrease response times based on circumstances of the complaint.	This is only applicable to phone/fax. In all cases, abatement certification was obtained. Unknown or unidentified case file. Unknown reference to newly negotiated five day abatement period by phone/fax referenced in the recommendation.	Same as in #6		Same as in #6	12/07/10	Subject to further Federal review and monitoring.
10	Proof of abatement in cases with serious hazards was not sufficient.	Follow the guidelines in Chapter 9, Section I (l)(3)(c) for proof of abatement.	In all cases, certification is obtained. UOSH has implemented a new practice to obtain photographic evidence of the abatement from the employer whenever available.	UOSH now requires additional photographic documentation of abatement for all serious, willful and repeat violations which is more effective than federal OSHA. CSHOs were instructed on the changes.		Abatement photographic or other documentation, in addition to certification, for the most serious violations will be in the case file that contain these types of citations.	11/18/10	Subject to further Federal review and monitoring.

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11	Some complaint items were vague and non-specific, making it difficult for employers to properly abate the hazards.	Follow the procedures in the Utah FOM, Chapter XI, Section A(3)(a)(3) which stipulates "determine the exact nature of the alleged violation."	This is related to the description provided by the complainant which is included. Employers understand what is required at closing.	A method to improve the clarity and specificity of complaints will be resolved by the management team.		Complaint items will continue to be clear and specific.	12/16/10	Subject to further Federal review and monitoring.
12	An inquiry, instead of an inspection, was scheduled to address a past exposure that was alleged to cause a permanent illness.	Schedule inspections in accordance with Chapter XI, Section A(2)(f), when "The complaint alleges that physical harm, such as disabling injuries and illnesses has occurred as a result of the complained of hazards and that there is reason to believe that the hazard or related hazard still exists." This criteria is reiterated in the federal FOM, Chapter 9, Section I(C) (3).	This finding is not supported by the case file review. After employer abatement, there was no hazard to address. This is one case and an isolated incident. This will be stressed in the March 10, 2011 Training as a reminder to staff.	Training will be held for the staff to address the need to thoroughly investigate any past exposure incident in a complaint and to require abatement related to those exposures.		Alleged past employee exposures will be effectively investigated by UOSH.	01/20/11	Subject to further Federal review and monitoring.
13	UOSH is not consistently sending letters and copies of the citations to the victims' families as required in the federal FOM, Chapter 11, Part II, Section G, Families of Victims.	Follow the procedures in the Federal FOM concerning proper notification to families of victims."	This finding is not supported by case file review. UOSH established policy provides for a condolence letter to the next of kin, indicating the citation is available free of charge upon request at a later date, due to the time lapse to citation issuance.	UOSH will also send a copy of the citations to the next of kin for all fatalities without the need for a request after the citation is issued.		UOSH will follow CPL 02-00-137, the Fatality/ Catastrophe Investigative Procedure	12/07/10	Subject to further Federal review and monitoring.
14	The standard 60% Penalty Reduction Settlement Agreement (PRSA) was given on two of the fatalities. An average 50% penalty reduction was given for fatality inspections during the FY2009.	Follow the guidance in the federal FOM, Chapter 11, Part II, and Section L (1) (d) that states: "insure that settlement terms are appropriate, including violation reclassification, penalty reductions, and additional abatement language	This finding is not supported by the review, UOSH FOM or Utah statute. PRSAs do not provide for reclassification, only penalty adjustment. The abatement language is stipulated by the citation. The settlement terms and language is already pre-determined by the PRSA.	Settlement of fatality cases will reflect the seriousness of the situation.		Same outcome as in #13.	01/20/11	Subject to further discussion and Federal monitoring. Settlements in fatality cases should reflect the seriousness of the situation and should not result in maximum penalty reduction.

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15	A fatality that was not reported in one day was not cited during the inspection.	Cite any fatality that is not reported by the employer to OSHA in one day	This was an exceptional instance. UOSH learned of this incident through the media and responded on site before the eight hours passed.	This recommendation is being removed based on the explanation by the state.		Recommendation deleted.	12/07/10	No further action required.
16	Fatality cases were not appropriately documented and interviews were not thoroughly conducted. The cause of employer knowledge and employee exposure were not well documented.	Follow the procedures in the federal FOM, Chapter 11, Part II, Section C, Investigative Procedures and D, Interview Procedures.	This finding is not supported by the case file review. Review indicates interview list found in the protected section of the case file as well as in the supporting video of interviews. This finding is not supported by case file review. Employer knowledge is documented in the narrative of the report.	Same as in #14. Employer knowledge is satisfied in UOSH if the hazard is a recognized industry hazard. UOSH does not require detailed employer knowledge documentation for recognized hazards. UOSH has had no problems upholding these hazards during litigation. This part of the item is considered completed.		Same as in #13.	01/20/11	The Region will review settlements in future monitoring visits to ascertain if violations were deleted as a result of the lack of documentation of employer knowledge. Employer knowledge is a key principle of OSHA enforcement and should not be treated differently in Utah.
17	Utah has no coding instructions in ENF-006 to ensure coding is consistent when entering the activity into the federal database.	Add instructions to ENF-006 on how to code the various emphasis areas each year.	This has been a long standing work in progress due to NCR limitations for state plan to generate coding. UOSH codes reviewed by Region VIII on 08/24/10. Federal coding added and ENF-006 e-mailed to Region VIII on Thursday, March 3, 2011.	UOSH submitted existing codes to RO for approval with National codes. In August. UOSH sent copy of revised policy to the Regional Office for review on 12/01/10.	UOSH Policy ENF 006	Approved codes for all LEPs. Approved codes need to be solicited through the Regional Office.	1/31/11 (Pending Review)	Subject to further Federal review and monitoring.

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18	There are extensive problems with coding of programmed and un-programmed inspections. Utah has 166 programmed inspections out of 597 inspections. This calculates to about a 28% programmed rate which differs greatly from the 55% rate or 328 inspections designated as programmed in the enforcement report. While these numbers do not include inspections from the amputation and trenching NEP, it is doubtful those two hazards would account for over 250 inspections.	Accurately code inspections. At the end of the fiscal year, tally inspection numbers and reconcile those numbers with those from the Integrated Management System (IMIS). This will ensure inspections are being correctly coded.	This is a consequence of the obsolete OSHA data entry system currently in place. UOSH staff continues to encounter numerous data entry problems.	UOSH is conducting refresher training on data entry to the staff.		Accurate and complete data entry.	12/16/10	Subject to further Federal review and monitoring.
19	Utah had one sawmill inspection and four material handling inspections.	Reassess targeted areas for effectiveness. If the data supports continued targeting, resources should be redirected to these high hazard industries.	The one sawmill inspected was the only one operating. Other smaller mills were handled by consultation emphasis. The material handling emphasis started on 09/01/09.	Both programs were completed and are no longer in effect.		Emphasis programs will be addressed annually for effectiveness.	06/30/10	Subject to further Federal review and monitoring.

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20	The number of citations per construction inspection was considerably below the national average.	Place emphasis on hazard recognition skills, particularly in the area of construction, for the compliance staff.	Comparison with the national average is used for reference only. There have always been variations in each state, region, season and emphasis program. The assumption/conclusion/recommendation that this is a consequence of hazard recognition skills is unfounded.	This recommendation is being removed due to the explanation given by the state. The low number of construction inspections was due to Phase 2 of the Big 4 Construction Program which was a re-check of those sites inspected during phase 1. Most of the inspections conducted during phase 2 were in compliance.		Recommendation deleted.	12/07/10	Subject to further Federal monitoring.
21	The accident reporting utilizes significant resources and effectively gets UOSH into the right places.	Consider using the accident inspections, generated by legislation, as a formal emphasis program. Refine this program and track the number and types of violations cited during these inspections.	This is not generated by legislation, it is generated by a reporting requirement. UOSH already captures this activity data in the system. Emphasis initiatives are used to address other changing conditions in a proactive/preventative manner and not in an after-the-fact manner. Fatality and accident data is always looked at to identify some potential areas of emphasis.	UOSH has opted not to use this data to create a Local Emphasis Program, will continue to investigate reported accidents in the same manner.		All accidents reported to the state will continue to be investigated in Utah.	12/7/2010	Subject to further Federal review and monitoring.
22	Employee representatives were not consistently involved in both the opening and closing conferences of inspections.	For union involvement follow the guidance in the Utah FOM, Chapter IV, Sections B (2), B (10) (b) and D. If the union waives involvement, document the circumstances in the narrative of the case file.	This finding is not supported by case file review. This is part of the inspection opening and closing conference checklist a Compliance Officer uses to conduct inspections	Refresher training on this issue will be held for the staff. Union involvement is documented on the Inspection Checklist.	Inspection Checklist	Union representatives will be involved in the inspections as appropriate. This involvement or attempt to involve will be documented in the case file.	12/09/10	Subject to further Federal review and monitoring.

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23	A sufficient number of employees are not being interviewed during inspections including fatality inspections.	Follow the guidance in the Utah FOM, Chapter IV, Section C (1) (d) for conducting employee interviews. On fatality inspections follow federal FOM, Chapter 11, Part II Section D.	This finding is not supported by the file review. Compliance Officers interview all witnesses and management. This has been brought to the Region VIII's monitor both verbally and in writing.	Refresher training on this issue will be held for the staff. Interview sheets/disks should continue to be included in the case file and on the OSHA 1A.		Employee interviews will continue to be attempted on all inspections and documentation of those interviews will be in case files.	01/20/11	Subject to further Federal review and monitoring.
24	There were frequent discrepancies between the case file documentation and the outcome of the inspections which made it difficult to determine what happened. This practice undermines the work of UOSH.	Implement and utilize a management review process that ensures the documentation of the case file is reconciled with the outcome of the inspection.	During a previous region VIII visit, the case file check lists and management review forms were provided to them, upon their request. At that time, there was nothing mentioned of any discrepancies. There is disagreement on this issue as the response to the e-fame showed.	UOSH is providing various refresher training sessions to reiterate the use of available tools to be used for documentation purposes.		Adequate documentation will be found in all case files to support any citations	on-going to 01/20/11	Subject to further Federal review and monitoring.
25	A video taken by a CSHO showed trenching violations, but no citations were issued and the case file did not include a justification as to the reason.	Issue citations for a documented violation. If for some reason a supervisor decided not to issue, that reason should be noted in the case file. Review the instances noted above for appropriate follow up action if necessary.	Without specific inspection information, this isolated incident cannot be further addressed.	Case files will continue to be reviewed by management.		Same as #6.	12/07/10	Subject to further Federal review and monitoring.

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26	Hazard communication violations were addressed but not cited. The worksheets for citations (Forms 1B) were in case files but, citations were not issued. There was no documentation in this case file to explain this discrepancy. No justification was given for an in-compliance case related to an injury.	Review the case that involved an injury where no citation was issued for discrepancies.	Without specific inspection information, this isolated incident cannot be further addressed. The staff has been trained (11/2011) as reminder to continue citing everything mentioned in the narrative.	File was identified and will be discussed at manager meeting. Case files will continue to be reviewed by management.		Same as #6.	01/20/11	Subject to further Federal review and monitoring.
27	Utah experienced a high rate of in-compliance (IC) for fatality and accident inspections. This raises concerns about hazard recognition skills.	Prior to implementation, provide a written copy of any program used for on-site abatement, in lieu of "quick fix." Clearly define the parameters of that program and inform the Region when that type of program will be used.	UOSH does not use "Quick Fix" or on-site abatement. (There is on-site verification only.)	UOSH is looking into the possibility of training a "train-the-trainer" who will attend Investigative Procedures class and then train the UOSH CSHOs. This is more thoroughly discussed in Recommendation #50.		Continue to ensure all CSHOs have been trained on the use of investigative skills.	06/30/11	Subject to further Federal review and monitoring. UOSH will look for local training sources to conduct in-house training on April 28, 2011.
28		Utilize the "Most Frequency Cited Violation Report" as a tool to track hazard recognition. This report can be used to track individual hazard recognition problems and identify individual training needs.	UOSH will closely monitor the "Most Frequently Cited Violation Report" and use it as a management tool to identify individual discrepancies.	UOSH will use this report.		Group or individual hazard recognition skills will be monitored through the use of this tool.	12/07/10	Subject to further Federal review and monitoring.
29	The abatement certification form used by Utah is not clear as to the type of abatement certification required.	Revise the abatement certification form so the employer is clear as to the type of abatement verification required for each violation.	We are currently reviewing our abatement certification form and will make modification as we find appropriate. E-mailed second time to Region VIII March 9, 2011.	UOSH is looking at inserting an additional employer reminder for items that need documentation on their abatement certification form.	Updated abatement certification form.	An abatement certification form that clearly shows when documentation is required.	01/30/11	Subject to further Federal review and monitoring.

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30	The requirement for abatement documentation was not noted on repeat and high gravity serious violations.	Note verification in the form of documentation on all willful and repeat violations as required in Chapter 7, Section VI, C of the FOM. If documentation is not requested for high gravity serious violations, the reason for that decision needs to be noted in the case file.	UOSH requires "proof of abatement" (documentation) on all serious cited items. Refresher training was conducted to remind CSHOs November 18, 2010 and repeated on March 10, 2011.	Same as #29. Refresher training was conducted for the CSHOs on 11/18/10.		Abatement documentation will be in all case files with high gravity serious violations.	01/30/11	Subject to further Federal review and monitoring.
31	Abatement extensions were granted, after the expiration of the contest period, without being filed in writing. An amended citation was issued in order to extend abatement that was requested after the abatement date was passed.	Follow the procedures in Chapter 7, Part III for Petitions for Modification of Abatement in the federal FOM for granting abatement extensions following the contest period. This language should be inserted or referenced in the new state FOM when completed.	We require all extensions to be filed in writing.	All abatement extensions will continue to be filed in writing and will follow the criteria of the Utah FOM, including how to protect employees in the interim.		The Petition for Modification of Abatement (PRM) procedures will continue to be followed for abatement extensions.	12/07/10	Subject to further Federal review and monitoring.
32	There was not proof of abatement in two cases where the employer was not out of business.	Utah must implement an abatement tracking process that will ensure that all hazards are abated and that all the required information gets put into both the case file and the database.	UOSH requires "proof of abatement" (documentation) on all serious and /or other than serious with greater probability, cited items. These two cases appear to be isolated instances.	CSHOs, management and the support staff will continue checking the abatement for completeness. These two incidences were isolated.		All case files with violations will continue to contain the appropriate abatement.	12/07/10	Subject to further Federal review and monitoring.
33	Penalty reductions in Utah are excessive. One factor that contributes to this higher rate is the Penalty Reduction Settlement Agreement (PRSA) which offers an automatic 60% penalty reduction.	Adjust penalty reductions to come into compliance with OSHA's new penalty policy.	We disagree penalty reductions are excessive. Our PRSAs are only offered to small employers who have not been offered a previous PRSA within 3 years. The PRSA requirements were faxed to Region VIII on March 7, 2011.	The automatic 60% reduction for PRSAs will be lowered to 50% A meeting will be held to inform managers.	Written PRSA Program	PRSA instrument to offer a maximum of 50% reduction. Further discussion will be held with Utah.	01/20/11	Subject to further Federal review and monitoring.

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34	Penalty reductions at informal conferences averaged 70%.	[See recommendation #33.]	During the informal conferences, various employer situations are considered. Reductions are not offered without obtaining assurances of continued and improved employee safety. A complete explanation was given on this issue in the e-fame. Utah's current policies will remain in effect.	The State does not plan on any changes in this area. Discussion between OSHA and UOSH on this issue will continue.		State penalty reductions in line with the federal average. Further discussion will be held with Utah.	1/30/11	Subject to further Federal review and monitoring. Utah is asked to document its policy on penalty reduction at informal conferences and submit it for Regional review.
35	The Utah State Plan has a significant number of draft/incomplete records.	Utah OSHA must perform a review and cleanup of the IMIS database records to ensure that all draft forms are finalized and transmitted to the host computer as expeditiously as possible, except for OSHA-1Bs less than six-month old since they may still be modified before the citations are issued. A system must be developed to ensure that periodic review of draft and rejected IMIS forms are conducted to maintain a viable information system.	Utah will continue to use the unsatisfied activity, violation abatement and debt collection report to help maintain the integrity of our records. Copy of data entry report showing majority of old drafts and incomplete records corrected was emailed to Region VIII March 9, 2011.	The State is currently involved in an on-going process of file review and clean-up. This process will be complete with the roll-out of the OIS in February of 2011.		Use of available management tracking reports to effectively manage the data entry program.	02/28/11	Subject to further Federal review and monitoring.
36	A total of 127 records were listed on the [Unsatisfied Activity Report]... Many of these records, including all accident reports, were well past due.	Utah must ensure that all outliers on the unsatisfied activity report, violation abatement report and debt collection report are properly addressed.	Utah will continue to use the unsatisfied activity, violation abatement and debt collection report to help maintain the integrity of our records. Unsatisfied data entry error report e-mailed to Region VIII March 9, 2011.	UOSH is using the suggested reports to manage their program. The State is currently involved in an on-going process of data entry review and clean-up. This process will be complete with the roll-out of the OIS in February of 2011.		Use of available management tracking reports to effectively manage data entry program.	02/28/11	Subject to further Federal review and monitoring.

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37	In discussions with management, it became clear that they are not familiar with most of the management reports available in the system to effectively monitor and control the flow of agency operations.	Utah OSHA must establish a comprehensive system for the proper handling of the IMIS management reports system. An automated report setup program will assist the agency in securing that the most widely used reports are automatically generated, reviewed and acted-upon on a periodic basis, either weekly, bi-weekly or monthly), based on the importance of the specific report and its volume of cases to be reviewed and monitored.	We appreciate the Region's assistance in showing us the value of these reports. Now that we are aware of these reports, they are being utilized.	Same as #36.		Same as #36	02/28/11	Subject to further Federal review and monitoring.
38	[Problems were noted with individual tracking reports].	Utah OSHA must review the findings outlined in this segment and take corrective action to cleanup the deficiencies noted in the IMIS management reports noted herein.	Now that we are aware of these reports, they are being utilized and corrections made upon finding.	Same as #36.		Same as #36.	02/28/11	Subject to further Federal review and monitoring.
39	Total Case Rates (TCR) were higher than the national average for non-residential construction, lumber and wood products, and metal fabrication. Residential construction was only slightly lower. DART rates were higher for all emphasis areas except highway, street and bridge construction.	Based on the BLS data, Utah should continue focusing resources in all of their current the emphasis areas with the possible exception of highway, street, and bridge construction.	For fiscal year 2009, the TCR for all industries in Utah including state and local government is 3.9, the same as the federal TCR. Utah is aware of the rate.	Utah will continue to monitor the TCR for all industries and apply its resources where necessary. Utah will continue to monitor the DART for all industries and apply its resources where necessary.		The State will continue to make sure of the BLS rates to manage their program.	12/07/10	Subject to further Federal review and monitoring.

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40	<p>Two cases were untimely filed, but were docketed and investigated.</p> <p>Several files did not contain documented interviews and/or recordings were corrupted.</p> <p>Files did not adequately document inspection activity.</p> <p>One case file contained information that the complainant decided to withdraw his complaint, but did not document the reasons for the withdrawal. This raises a concern because complainant had presented a strong prima facie showing.</p>	<p>Track and rectify any outstanding items, identified in the concerns above, in the discrimination program for all Recommendation #40 items.</p>	<p>Pre-screening is being utilized for all whistleblower cases to determine if all elements are present to validate a prima facie complaint.</p> <p>The current whistleblower investigators carefully document all interviews and findings in the file.</p> <p>Investigators carefully document all interviews and findings in the file.</p> <p>In this isolated case, the complainant did not share his/her reason for withdrawal.</p>	<p>All the whistleblower items are the result of a special study conducted in FY 2009. The state has responded with their actions taken, but the on-site follow-up to the special study was not conducted. State actions are complete and will be verified by a special study that will be conducted during fiscal year 2011.</p>		<p>The State's discrimination program is "at least as effective as" federal OSHA.</p>	09/30/11	<p>Region VIII will conduct a follow-up to the Discrimination special study during FY 2011.</p>
	<p>#40 Continued:</p> <p>Several case files did not contain a Final Investigation Report.</p> <p>Several Final Investigation Reports contained inadequate information and/or the analysis was incorrect.</p> <p>Full Field investigations were rare.</p>	<p>Our investigation of past cases, that were investigated, had a final investigation report.</p> <p>See above.</p> <p>All UOSH cases are discussed with a team of investigators and management to ensure investigations are accomplished when all elements of a prima facie complaint is presented.</p>						

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41	Cooperative relationships in the Utah compliance program did not follow the guidelines of a formal program.	For existing cooperative relationships, document the guidelines being used and ensure that appropriate compliance protocol is being followed. Submit a copy to the Regional Office. The Regional Office should be apprised of any cooperative relationship that impacts compliance.	UOSH as a state agency, has maintained for many years active working relationships with numerous organizations and agencies. UOSH has not used in the past, this approach of a formal program, due to the voluntary nature of this type of approach. For more specific uses, UOSH has been working on a pilot program called ARCHES for site specific and long term large construction projects to amplify coverage and effectiveness of use of resources.	Document the pilot ARCHES program. This program was submitted on 12/01/10 and will be reviewed.	Pilot ARCHES Program	Document all formal programs being used including the criteria being followed. Submit copies to federal OSHA (Regional Office).	01/30/11	Subject to further Federal review and monitoring.
42	Full field investigations were rare.	The OSHA Voluntary Protection Program (VPP) website clearly instructs prospective sites to exclude trade secret and personal information; therefore, this requirement should be followed in the application process.	UOSH manages an effective state plan VPP program. We consider this item a valuable recommendation for further improvement and will review implementation to the program.	Recommendations #42 through #49 will be addressed in the following manner: The State will review and proceed with implementation of the improvements to the program.		A UOSH VPP that is "at least as effective as" the federal VPP Program.	06/30/11	Subject to further Federal review and monitoring.
43	The VPP Manager does not formally acknowledge receipt of the application within 15 days of receipt for applications that are dropped at the office.	Initiate a process to formally acknowledge receipt of an application no matter how it is delivered. This acknowledgment can be sent either by letter or electronic mail.	UOSH manages an effective state plan VPP program. We consider this item a valuable recommendation for further improvement and will review implementation to the program.					Subject to further Federal review and monitoring.

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44	UOSH Managers conduct a review of the applicant's enforcement history for the time period of three years prior to the application.	Use the standardized VPP report and worksheet template to ensure all application criteria is documented. If this recommendation is not taken, the State needs to include documentation of enforcement history in their current process. The standardized worksheet includes all the required criteria which includes a brief section on enforcement history.	UOSH manages an effective state plan VPP program. We consider this item a valuable recommendation for further improvement and will review implementation to the program.					Subject to further Federal review and monitoring.
45	VPP evaluations are scheduled within 6 months, but report preparation and approval are not done in a timely manner.	At a minimum, compile a draft report while doing the on-site audit so it can be left with the employer. This change in process will also serve to improve the timeliness of the report.	UOSH manages an effective state plan VPP program. We consider this item a valuable recommendation for further improvement and will review implementation to the program.					Subject to further Federal review and monitoring.
46	The template being used by UOSH for evaluation for VPP status in not current and therefore is missing newer criteria.	Adopt the federal template or update the current UOSH template to cover current criteria.	UOSH manages an effective state plan VPP program. We consider this item a valuable recommendation for further improvement and will review implementation to the program.					Subject to further Federal review and monitoring.
47	The State is experiencing increased applications and interest in VPP. Due to resource issues, the State is not marketing the program at this time.	Address the resource issue by making use of the Special Government Employee program in order to effectively serve Utah companies interested in VPP status.	UOSH manages an effective state plan VPP program. We consider this item a valuable recommendation for further improvement and will review implementation to the program.					Subject to further Federal review and monitoring.

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48	The State is not ensuring the annual report is submitted by February 15th of each year. The State is not reviewing the VPP reports or providing feedback to the sites for improvement.	Follow the required February 15th due date for submission of the annual reports from VPP companies. In addition, UOSH needs to devote resource to analysis of the reports and provide feedback to the sites. Sites that do not submit an annual report must be removed from the program.	UOSH manages an effective state plan VPP program. We consider this item a valuable recommendation for further improvement and will review implementation to the program.					Subject to further Federal review and monitoring.
49	PSM sites are not submitting the PSM Supplement B questionnaire with their annual report.	The State needs to require the use of the PSM Supplement B from PSM facilities annually.	UOSH concurs with this finding.					Subject to further Federal review and monitoring.
50	Based on the on-site review of files, extensive problems were noted with the investigative skills of CSHOs. Open-ended interview questions pertinent to the existing violations were not asked which prevented investigators from identifying the root cause of the violations so the appropriate regulation could be cited.	<p>Include training on investigation skills in the UOSH new hire training program. Since resources are limited at this time, one staff member could attend the OSHA Training Institute (OTI) course on investigations in a train the trainer mode and subsequently train the rest of the enforcement staff.</p> <p>Assess interview skills of the compliance staff and conduct training on how to effectively interview employers and employees to get to the root cause of the violation.</p>	This office has conducted a complete review of the federal FOM manual and there is not one mention of the term "Root Cause." Federal FOM page 11-7, Section C.1. "All fatalities and catastrophes will be thoroughly investigated in an attempt to determine the cause of the event, whether a violation of OSHA safety and health standards, regulations or the general duty clause occurred and any effect the violation had on the accident.	<p>UOSH will assess the possibility of sending a compliance person to OTI in the mode of "train-the-trainer." The State is perplexed over the reluctance of OTI to take this course into the field, as this would be a more cost effective way to train an entire staff at one time. The State has requested this training over the past five years. Utah is currently experiencing restrictions on out-of-state travel and will need approval before registering for this course.</p> <p>The State will contact the region with their assessment by 03/01/11.</p>		Ensure all CSHOs have been trained on investigative skills.	06/30/11	Subject to further Federal review and monitoring. Utah will continue to explore new ways to provide CSHO training.

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51	See Finding #50.	Assess interview skills of the compliance staff and conduct training on how to effectively interview employers and employees to get to the cause of the violation.	This office over the past years has requested the Accident Investigation Course be presented at our location. The OTI has not met this request. UOSH will request the assistance of Region VIII in bringing the "Accident Investigation" course to Utah.	Same action as Recommendation #50.		Same as #50	06/30/10	Subject to further Federal review and monitoring. Utah will continue to explore new ways to provide CSHO training.
52	The State has created a State Internal Evaluation Program (SIEP), but has not yet implemented it.	The State needs to implement the evaluation part of the SIEP, sharing the results with the federal regional office.	Completion of the written program was delayed awaiting the E-FAME evaluation for better use of resources. Majority of the program is already implemented in practice, just need to add to written final draft, with the exception of case review section, which was also delayed to see the results of Region VIII's own case review and use those results. A copy of the SIEP was submitted to the Regional Office.	The State will complete the SIEP and a final copy will be sent to Region VIII for review.	Written SIEP	The State will complete an evaluation of its program each year following the parameters in the SIEP for the purposes of continuous improvement and provide a copy of the results to the Regional Office.	03/1/11	
53	The State is in the process of adopting the federal FOM with minor non-substantive changes, and in updating their Policies and Procedures Manual.	Complete the updating of UOSH guidance documents this fiscal year.	UOSH has followed the Utah FOM since 1985 and will continue to follow this FOM considered more effective for Utah. UOSH continuously reviews and updates the applicability of its FOM by generating a series of policies and procedures captured in a separate set of state agency policies.	Utah will complete the review and updating of the Utah FOM, integrating all separate agency policies into one manual and provide a copy to Region VIII.	Copy of the final Utah manual.	A State manual which is "at least as effective as" the federal FOM.	09/30/11	Subject to further federal review and monitoring.