

# **State Occupational Safety and Health Annual Report (SOAR) FY 2009**

(Performance results in bold lettering in each performance goal)

## **Strategic Goal 1:            Reduce Occupational Injuries, Illnesses and Fatalities Through Direct Intervention**

Outcome Goal		2009 Performance Goal
1.1	Reduce the rate of workplace injuries and illnesses	A. By 2011, decrease injuries and illnesses per 100 workers in the workplace. B. Annually initiate investigations of 100% of worker complaints within one working day or conduct an on-site inspection within five working days.
1.2	Reduce the rate of workplace fatalities	A. By 2011 decrease fatalities in the workplace per 100,000 workers by 5%. B. Annually initiate inspections of 100% of fatalities and catastrophes within one working day of notification.
1.3	Reduce the rate of workplace injuries and illness in worksites	A. Reduce the rate of workplace injuries and illnesses in work sites through participation in the VPP Programs.

## **Strategic Goal 2:            Promote a Safety and Health Workplace Culture**

Outcome Goal		2009 Performance Goal
2.1	Enhance worker involvement in all aspects of safety and health	One hundred percent (100%) of VOSH on-site activities (e.g., inspections, consultation visits) will include a worker involvement component annually, such as interviews, informal conferences, and walk-around inspections.
2.2	Consultation Activity, Lead, and Lag Times	Consultation will utilize a minimum of 65% of the available time in consultation activities, conduct visits within 45 days of the requested visit date, and issue completed reports within 20 days of the closing conference date.

## Performance Goal 1.1.A

VOSH Strategic Goal	Reduce occupational injuries, illnesses and fatalities through direct intervention
VOSH Outcome Goal	Reduce the rate of workplace injuries and illnesses
VOSH Performance Goal	FY 2011: 3.9-total recordable cases. By 2011, decrease injuries and illnesses per 100 workers in the workplace by 5%. FY 2010: 4.0 total recordable cases FY 2009: 4.1 total recordable cases FY 2008: 4.2 total recordable cases FY 2007: 4.3 total recordable cases
Strategy/Activities	<p>Promote Consultation services and give priority for service to targeted industries. <i>Consultation will conduct 79 activities in Amputation, Silica and Asbestos NAICS Codes as provided.</i></p> <p>Conduct initial, training and assistance, and visits and other non-visit related Consultation activities in targeted industries.</p> <p>Analyze data to better identify establishments for inspections. Research new sources for information to identify best targets. Inspect worksites in non-programmed areas through rapid response to complaints, referrals and utilizing multi-employer policy. Inspect 5% of total inspections at public-sector worksites. Analyze results and effectiveness of compliance inspections to determine their impact on fatalities, injury and illness rates. Identify and implement adjustments that will increase the impact of compliance inspections. Analyze the effectiveness of guidance and standards and identify needed changes.</p>
Indicator and Performance Results	<p>Reduced injury and illness rates.</p> <p><b>Consultation results may be found in 2009 CAPR</b> <b><u>VOSH met this goal.</u> Latest information from BLS shows that the injury and illness data for <u>2007 is 3.5 total recordable cases and for 2008 it is 3.1 total recordable cases.</u> Data for 2009 is not available yet.</b></p>
Data Source	Bureau of Labor Statistics Annual Survey of Occupational Injuries and Illnesses
Baseline	Most Current Total Recordable Injury and Illness Rate 2006/ 4.4

## Performance Goal 1.1.B

VOSH Strategic Goal	Reduce occupational injuries, illnesses and fatalities through direct intervention
VOSH Outcome Goal	Reduce the rate of workplace injuries and illnesses
VOSH Performance Goal	<p>FY 2011: Initiate investigation of 100% of worker complaints within one working day or conduct an on-site inspection within five working days.</p> <p>FY 2010: Initiate investigation of 100% of worker complaints within one working day or conduct an on-site inspection within five working days.</p> <p>FY 2009: Initiate investigation of 100% of worker complaints within one working day or conduct an on-site inspection within five working days.</p> <p>FY 2008: Initiate investigation of 100% of worker complaints within one working day or conduct an on-site inspection within five working days.</p> <p>FY 2007: Initiate investigation of 100% of worker complaints within one working day or conduct an on-site inspection within five working days.</p>
Strategy/Activities	Promptly and accurately investigate workplace complaints
Indicator and Performance Results	<p>Percent of worker complaints that have an investigation initiated within one working day or an on-site inspection initiated within five working days in an effort to reduce injury and illnesses.</p> <p><b>372 of 373 complaint investigations were conducted in one day or less a 99.73% rate. 381 of 381 inspections were conducted in five days or less, a 100% rate. The National average for complaint investigations in 1 day is 96.5% and complaint inspections is 91.8</b></p>
Data Source	VOSH Integrated Management Information System (IMIS)
Baseline	99 % in 2007
Comment	VOSH offers workers the choice between two approaches to handle their complaints: either VOSH will conduct an investigation by contacting the employer via phone/fax to inform them of the complaint, with a response required back from the employer within five work days; or, VOSH will conduct an on-site inspection.

## Performance Goal 1.2.A

VOSH Strategic Goal	Reduce occupational injuries, illnesses and fatalities through direct intervention
VOSH Outcome Goal	Reduce the rate of workplace fatalities
VOSH Performance Goal	<p>FY 2011: 4.00-fatalities. By 2011, decrease fatalities in the workplace per 100,000 workers 5%</p> <p>FY 2010: 4.05-fatalities</p> <p>FY 2009: 4.1-fatalities</p> <p>FY 2008: 4.15-fatalities</p> <p>FY 2007: 4.2-fatalities</p>
Strategy/Activities	<p>Conduct initial, training and assistance and follow-up visits and other non-visit related Consultation activities in other non-targeted industries.</p> <p>Conduct initial, training and assistance, and visits and other non-visit related Consultation activities in targeted industries.</p> <p><i>Consultation will conduct 391 activities in Food Processing, Metal Fabrication, Wood Processing, and Construction/ Fall Protection NAICS Codes as provided.</i></p> <p><i>Consultation will also conduct 151 other activities in High Hazard NAICS Codes as provided.</i></p> <p><i>Consultation will provide 80 Formal Training sessions in Safety and Health related instruction to private sector Employers and Employees</i></p> <p>Analyze data to better identify establishments for inspections.</p> <p>Research new sources for information to identify best targets.</p> <p>Inspect worksites in non-programmed areas.</p> <p>Inspect identified public-sector worksites.</p> <p>Analyze results and effectiveness of compliance inspections to determine their impact on fatalities, injury and illness rates.</p> <p>Identify and implement adjustments that will increase the impact of compliance inspections.</p> <p>Analyze the effectiveness of guidance and standards and identify needed changes.</p>

<p>Indicator and Performance Results</p>	<p>Workplace fatality rate in Virginia per 100,000 workers  <b>Consultation results may be found in 2009 CAPR</b></p> <p><b>We have taken steps to improve the quality of data received by scrubbing employer addresses and omitting ones with incorrect addresses to reduce the number of no inspections.</b></p> <p><b>We performed 931 unprogrammed inspections last year.</b></p> <p><b>We conducted 222 public sector inspections last year. This was 6.6% of our total inspections.</b></p> <p><b>The impact of compliance inspections was increased by support and strengthening relationships with public and private organizations that represent safety and health best practices. Numerous talks were given throughout the year by the Commissioner, Asst. Commissioner, VOSH Director and Region Directors with many organizations putting the word out about workplace safety.</b></p> <p><b>Analysis showed that there were fatalities that occurred from vehicles with obstructed rear views backing over employees. We have created a <u>Reverse Signal regulation</u> that requires both a back-up alarm AND a spotter. This regulation went into effect 9/19/09.</b></p> <p><b>Analysis also showed that there were problems with the tree trimming industry. A new regulation that applies the logging standard to tree trimmers who fell trees was proposed and approved by the VA Safety and Health Codes Board.</b></p> <p><b>This regulation is in the Governor’s office for signature.</b></p> <p><b>Analysis showed that the First Aid standard was not adequate for the safety and health of workers. A new regulation with stricter requirements was proposed and approved by the VA Safety and Health Codes Board.</b></p> <p><b>This regulation is in the Governor’s office for signature.</b></p> <p><b>The performance data for this measure has <u>not been released by BLS</u> yet. However, workplace fatalities have <u>decreased in Virginia</u> for the last 5 calendar years.</b></p> <p><b>2005-64</b></p> <p><b>2006-55</b></p> <p><b>2007-44</b></p> <p><b>2008-39</b></p> <p><b>2009-33</b></p>
<p>Data Source</p>	<p>Bureau of Labor Statistics Annual Survey of Occupational Injuries and Illnesses</p>
<p>Baseline</p>	<p>Most current rate of 4.2 fatalities per 100,000 workers in 2007. This data released for 2005 was received in 2007.</p>
<p>Comment</p>	

### Performance Goal 1.2.B

VOSH Strategic Goal	Reduce occupational injuries, illnesses and fatalities through direct intervention
VOSH Outcome Goal	Reduce the rate of workplace fatalities
VOSH Performance Goal	<p>FY 2011: Initiate inspections of 100% of fatalities and catastrophes within one working day of notification annually.</p> <p>FY 2010: Initiate inspections of 100% of fatalities and catastrophes within one working day of notification annually.</p> <p>FY 2009: Initiate inspections of 100% of fatalities and catastrophes within one working day of notification annually.</p> <p>FY 2008: Initiate inspections of 100% of fatalities and catastrophes within one working day of notification annually.</p> <p>FY 2007: Initiate inspections of 100% of fatalities and catastrophes within one working day of notification annually.</p>
Strategy/Activities	Promptly initiate fatality and catastrophe investigations.
Indicator and Performance Results	<p>Percent of inspections of fatalities and catastrophes initiated within one working day of notification in an effort to reduce injuries and illnesses.</p> <p><b>100% of fatality inspections were initiated within one working day of notification.</b></p>
Data Source	VOSH Integrated Management Information Systems (IMIS)
Baseline	N/A
Comment	

### Performance Goal 1.3.A

VOSH Strategic Goal	Reduce occupational injuries, illnesses and fatalities through direct intervention
VOSH Outcome Goal	Reduce the rate of workplace injuries and illnesses in worksites.
VOSH Performance Goal	Reduce the rate of workplace injuries and illnesses in work sites through participation in the VPP Programs.
Strategy/Activities	Increase the number of employers participating in the VPP.
Indicator and Performance Results	Reduce the rate of workplace injuries and illnesses in work sites through participation in the VPP Programs. National averages show that VPP sites are routinely 50% below normal workplace injuries and illnesses for their respective industry sectors.  <b>We have added 4 new sites for a total of 41 VPP sites with 3 others pending approval and we have recertified 12 facilities.</b>
Baseline	39 employer participants in 2007
Data Source	Local database

### Performance Goal 2.1

VOSH Strategic Goal	Enhance worker involvement in all aspects of safety and health
VOSH Outcome Goal	One hundred percent (100%) of VOSH on-site activities (e.g., inspections, consultation visits) will include a worker involvement component annually, such as interviews, informal conferences, and walk-around inspections.
VOSH Performance Goal	Ensure 100% of VOSH onsite activities include a worker involvement component annually.
Strategy/Activities	Ongoing monitoring of inspection data. Consultants/CSHOs will include worker involvement during all visits/inspections to increase safety and health awareness.
Indicator and Performance Results	Increased worker involvement.  <b>Consultation data contained in 2009 CAPR.</b>  <b>Worker involvement through interviews, informal conferences and walk-around inspections as reviewed by region Compliance Managers at 100%</b>
Baseline	Percent of visits where consultant conferred with employees, 100%, reviewed by Consultation Manager.  Compliance Manager reviews case files for worker involvement for CSHOs.
Data Source	NCR/ACE/CAM

**Performance Goal 2.2**

VOSH Strategic Goal	Promote a safety and health workplace culture
VOSH Outcome Goal	Consultation Activity, Lead, and Lag Times
VOSH Performance Goal	Increase consultant time during consultation activities/reduce request lag time/reduce the issuance of employer’s report
Strategy/Activities	Ongoing monitoring of inspection data. Consultation will utilize a minimum of 65% of the available time in consultation activities, conduct visits within 45 days of the requested visit date, and issue completed reports within 20 days of the closing conference date.
Indicator and Performance Results	Increased consultant time/reduced request lag time/reduce employer report issuance. <b>Consultation results may be found in 2009 CAPR</b>
Baseline	65% of the available time in consultation activities, conduct visits within 45 days of the requested visit date, and issue completed reports within 20 days of the closing conference date.
Data Source	NCR/CAM/ACE

**Internal Audit**

**SAMM Report Analysis**

Item #1, average days to initiate complaint inspections was at 2.16 days. In fact complaint inspections were initiated in less than five days 100% of the time. Monthly reports were generated by region and sent out to the field for corrections. **VOSH met this measure.**

Item #2- average days to initiate complaint investigations was at 0.24 days. Only one of 374 investigations was handled in over one day, with that one taking 2 days because of an officer oversight. **VOSH met this measure.**

Item #3- percent of complaints where complainants were notified on time was 95.72%. This deals with the letter that is sent to complainants after their complaints are handled. While this does not meet the goal of 100% 358 of 374 complainants were notified by letter within 20 workdays of citation issuance or 30 work days of closing conference without citations. SAMM reports with appropriate exception listings were reviewed each quarter with each Region being notified of any discrepancies. Various administrative problems kept this mandate from being at 100%. Of these 16 discrepancies, 8 occurred in the Manassas region with several Health cases. This region has been without a Compliance Manager for the entire year and has an all apprentice inspection team. VOSH will continue to monitor this item to correct any discrepancies and ultimately reach the goal of 100%.

Item #4 and Item #5 VOSH met these measures but they were non-eventful.

Item #6-Percent of S/W/R violations verified with a goal of 100% was at 86.48%. This involves abatement verification within 30 days. **VOSH did not meet this measure.** All abatement is verified but sometimes leeway is granted to employers who promise abatement verification outside the 30 day goal. We are in the process of rewriting our abatement directive. VOSH has made significant strides in improving our performance in documenting verified abatement activities. VOSH saw a 25% increase in this proficiency during the past year.

Item #7-Average days for citation issuance-Great strides were made in this category with Safety violations issued in 38.85 days (National average 43.8). This average was at 60% or greater before weekly lapse time reports were sent out to the field listing each region performance for the week. Health violations were issued in 44.23 days (National average 57.4). **VOSH met this measure.**

Item #8-Programmed inspections with S/W/R violations-Safety -56% (National average 58.7)  
Health cases were at 46.72 (National average 51.2). **VOSH met this measure.**

Item #9-Violations per inspection-S/W/R-2.00 (National average 2.1);Other-0.86 (National average 1.2)  
**VOSH met this measure.**

Item #10-Initial Penalty per Serious violation-\$928 (National average -\$1334). VOSH attributes this discrepancy to the larger number of small employers in its jurisdiction.

Item #11-Percent of total inspections in the public sector-6.71(Data for Virginia 6.0).  
**VOSH met this measure.**

Item #12-Receipt of contest to first level decision-102.55 (National average-247) **VOSH met this measure.**

Item #13-Percent of 11c investigations completed within 90 days-96%, the goal is 100%. The two cases were issued in 91 days in December 2008 because a successful settlement attempt was negotiated. No other cases have gone over 90 days since. **VOSH feels that it met this goal.**

### **SIR Report Analysis**

1. Eighty percent (80%) of VOSH's total inspections were programmed in Safety and 49% in Health. The measure requires that we be within 7.5% of the Federal average which was 66.8% in Safety and 51.7% in Health. **VOSH met this measure.**
2. VOSH's programmed inspections with violations was at 52.2% for Safety and 48.9% for Health. The National average is 65.8% and 51.7% respectively. There can be no

more than a 10 percentage point leeway. **VOSH did not meet this measure in Safety, but did meet the Health measure.** The Agency takes this discrepancy very seriously and will monitor this closely. CSHO audit reports were run on all CSHOs to see if there might be a concern in any area or individual.

3. The percent of serious violations that were written is at 65.1% for Safety and 46.6% for Health. The National average was 80% and 69.7% respectively. We are within 25% of the National average as is required in Safety but we are below in Health. **VOSH met this measure in Safety, but not in Health.**

4. The percent of serious violations which have abatement periods greater than 30 days for Safety and 60 days for Health were 22.2% and 8.6%. The National averages were 17.6% and 10% respectively. VOSH was within 5 percentage points of these averages. **VOSH met this measure.**

5. The average VOSH serious penalty amount was \$889 for Safety and \$691.50 for Health. This was within 25% of the National average of \$1030 and \$855 respectively. **VOSH met this measure.**

**Note:** The SIR report should list both Serious and Other than Serious penalty amounts for both Safety and Health. The report only lists Other than Serious amounts. However, the totals listed in the Other than Serious columns are much too high to be OTS penalty amounts, so these must be the averages for Serious violations. This discrepancy has been this way for several years.

6. VOSH performed 8.7 inspections per 100 hours in Safety and 4.6 inspections per 100 hours in Health. This was well above the National average of 5.5 and 1.6 respectively. **VOSH met this measure.**

7. The VOSH percent of violations vacated for non-contested cases was 5.3%. This was within 15% of the National average of 5.1%. **VOSH met this measure.**

8. The VOSH percent of reclassified violations for non-contested cases was 4.9%. This was within 15% of the National average of 4.8%. **VOSH met this measure.**

9. The VOSH penalty retention for non-contested cases was 64.8%. This was within 15% of the National average of 63.2%. **VOSH met this measure.**

10. The percent of programmed inspections in the public sector was 80.9% in Safety and 28.3% in Health. This was within 7.5 percentage points of the private sector rate of 80.5 but below 7.5 percentage points of the private sector rate in Health of 51.8. **VOSH met this measure in Safety but did not meet this measure in Health.** VOSH believes that due to the very limited number of available programmed public health inspections, this discrepancy is understandable.

11. The percent of public sector violations cited as Serious is 71.9% in Safety and 65.3% in Health. The private sector rate is 65.1% and 46.6%. This is within 25% of the private sector rate in both categories. **VOSH met this measure.**

12. The VOSH percent of violations vacated after a contest is 30.5%. The National average for this measure is 23.4%. VOSH is not within the requirement of 5 percentage points. **VOSH did not meet this measure.** VOSH believes this measure is very close and due to the complexity and circumstances of thousands of cases this small variance of **1.9%** outside the parameter is acceptable.

13. The VOSH percent of violations reclassified after a contest is 18.5%. The National average for this measure is 15.1%. VOSH is within the requirement of 5 percentage points. **VOSH met this measure.**

14. The VOSH percent of penalty retained after a contest is 54.3%. The National average for this measure is 58.5%. VOSH is within the requirement of 5 percentage points. **VOSH met this measure.**

### **Case File Audit Reports**

Region Directors perform mandatory random case file audits annually. Below are reports from each Region:

#### **Central Region**

Reviewed-246 files

Problems Noted--insufficient comment in narrative, unclear AVD, unclear establishment of exposure in Form 1B, inadequate documentation, errors in AVD, error in standard cited, redundant cited items, inconsistencies in supporting documentation, i.e., time sequences of events establishing existence of a hazard and exposure, evidence indicating a violation with no item cited on citation, other administrative errors in case file format or content relative to defined standards in the FOM.

Corrective Action Taken--relative to the case file being reviewed, every issue noted was directly discussed with the officer's supervisor to specify corrective action necessary which included but was not limited to revision of Form 1Bs to include administrative error correction adding photos or other documentation or comment, development and preparation of additional documentation, preparation of sworn affidavits for inclusion in the file, revisions to the narrative, revision of abatement due dates, pen and ink changes to file components, additional investigative work, counseling of the officer, and other actions as indicated. In some cases I personally interfaced with the officer maintaining liaison with the compliance manager on all contacts.

#### **Southwest Region**

Reviewed approximately 500 safety case files last FY.

Problems noted:

Grammatical errors--spelling, grammar.

Lack of employer knowledge and duration/frequency of exposure info on 1B's.

Classification of violation and 1B "injury/illness" don't jive-i.e., OTS with electrocution.

Pictures of hazards need better explanation.

CSHO should group for violations of similar hazards.

These problems are hap-hazard and are returned to originator for correction as needed.

### **Tidewater Region**

As one would expect with the relatively inexperienced staff in Norfolk, most of the discrepancies involve inadequate documentation/interviews. There have been some instances of double citing, generally where the same violation is cited only slightly differently under two standards, and some items cited where the GBP has been figured either too high or too low.

The Compliance Manager scrutinizes the cases very closely and there are very few discrepancies.

The Region Director directly reviewed approximately 210 case files last year.

The Compliance Manager and Region Director confer as necessary. If we decide that a change is necessary, the Compliance Manager makes the changes and communicates them to the CSHO.

### **Northern Region**

161 case files reviewed

In the Manassas Office, all case files are reviewed by either the Sr Engineer/Acting Compliance Manager or Compliance Manager for Training before citations are issued. In some cases, case files are reviewed by both of those people. If they identify more than a few very minor problems or if it involves a CSHO that the R.D. has concerns about, he will then review the case as well. Reviews are not therefore chosen randomly, rather there is some predisposing factor that causes R.D. review. In the previous fiscal year, the best estimate that I can provide would be that at a minimum, three case files were reviewed by the R.D. weekly in addition to any significant or fatality cases for about  $\{(150 + 11 \text{ fatcats}) / 683 = \}$  23%. Problems with case files are documented in writing and the case file is reviewed with the CSHO for corrections to be made. Additionally, at accountability meetings that we try to hold at least every two weeks, problems are reviewed with the entire group to provide a learning opportunity.

In the Verona office where the staff is more experienced, all files are reviewed by the Sr. Engineer and if there are areas of concern, the case file is forwarded to the R.D. for

additional review. The R.D. then contacts or meets the CSHO as necessary to discuss areas of concern.

Any case file where the R.D. holds an informal conference receives further review. All fatality/significant cases are reviewed at multiple levels in the Region to insure thorough and quality work.

Problems noted with case files range from the use of non-standard forms; improper labeling of case files such as the naming conventions for VDOT, VA DOT, etc; violations noted in photographs not addressed by appropriate citation or explanation of decision not to cite; inadequate documentation on 1B forms; incomplete field notes; inconsistent penalty calculation; potential information/leads not followed up on; awkward or poor writing.

### **Other Items of Interest**

1. VOSH established an Apprentice Program for Safety Compliance Officers in April, 2005. The first graduate was on 8/25/06. There are currently 10 Apprentices now in this program with 13 graduating. This formal training program includes extensive on-the-job aspects as well as excellent classroom training, prepares our compliance officers in aspects of hazard recognition and abatement verification that helps to improve the overall safety and health of Virginia's workforce and reduces bottom line business costs by helping to reduce injuries to persons, equipment and property.

VOSH has also established an Apprentice Program for Industrial Hygienists in September 2005. The first graduate was on 1/25/07. There are currently 5 Apprentices now in this program with 7 graduates.

Furthermore, VOSH has gained approval through the United States Department of Veteran's Affairs and the Virginia Department of Veteran's Services for our Apprentice Program to be an authorizing agency for benefits under the Montgomery and Webb GI Bills. This approval was granted in April, 2006. Seven of our apprentices have enjoyed these benefits.

2. VOSH has reduced the Compliance contested case rate to 4.3% from 12.0% in the previous 4-year span. Contested cases are inspections that employers have legally challenged. This reduction was due to prompt scheduling of informal conferences and Region Directors initial contact of all employers contesting.

3. The VOSH Discrimination case backlog was at 112 cases in September 2003. These cases are mandated by Federal OSHA to be completed in 90 days or less. Currently there are no cases over 90 days old. Through direct management and monitoring these cases were caught up and settled or adjudicated. All new cases are properly handled in less than 90 days.

4. VOSH compliance officers investigated 384 employee complaints and 188 referrals in

the past year. Complaints are often filed by employees, their immediate family or authorized representatives. Referrals are accepted from other safety or safety related professionals such as firefighters, police officers, fire marshalls, etc. Furthermore, 372 of 373 complaint investigations (without onsite inspections) mandated by Federal OSHA to be conducted in one day or less was at a 99.73% rate. 384 of 384 onsite inspections were conducted in five days or less, at a 100% rate. The National average for complaint investigations in 1 day is 96.5% and complaint inspections is 91.8. Only 4 Federal regional offices had 100% on any one of these measures. No office had 100% compliance on both of these measures. VOSH had the highest combined percentage of both onsite inspections and investigations performance compared to any Federal regional office.