

# **FY 2017 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report**

## **State of Alaska**

**Department of Labor and Workforce Development  
Labor Standards and Safety Division –  
Alaska Occupational Safety and Health (AKOSH)**



**Evaluation Period: October 1, 2016 – September 30, 2017**

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## **I. Executive Summary**

The purpose of this report is to assess Alaska Occupational Safety and Health's (AKOSH) performance during Fiscal Year (FY) 2017 with regard to activities mandated by the Occupational Safety and Health Administration (OSHA), and to gauge the State Plan's progress toward resolving recommendations from the FY 2016 Federal Annual Monitoring and Evaluation (FAME) Report.

Over the past two years, AKOSH has made impressive strides towards solidifying its program. In the FY 2015 Comprehensive FAME Report, there were seventeen findings and six observations. In the FY 2017 Comprehensive FAME Report, there were four findings and six observations. All of the findings and two of the observations were related to deficiencies in AKOSH's retaliation program. The other four observations were related to deficiencies in AKOSH inspection processes and/or case file documentation.

AKOSH made progress to address the six findings from the FY 2016 Follow-up FAME Report. Specifically, AKOSH management conducted periodic reviews and developed a guide for compliance officers to ensure that severity and probability were assessed appropriately. Furthermore, the State Plan made significant progress towards adopting required OSHA standards and Federal Program Changes (FPCs), and resolved all late notices of intent. AKOSH continues to struggle with maintaining full staffing levels in both enforcement and consultation, which directly led to its difficulty in meeting its goal for number of inspections per year. However, AKOSH has made key management and supervisory hires that should set the foundation for continued improvement through FY 2018.

Appendix A describes the new and continued findings and recommendations. Appendix B describes observations subject to continued monitoring and the related federal monitoring plan. Appendix C describes the status of previous findings with associated completed corrective actions.

## **II. State Plan Background**

### **A. Background**

The State of Alaska, under agreement with OSHA, operates an occupational safety and health program through its Department of Labor and Workforce Development, Labor Standards and Safety Division, Occupational Safety and Health. The program operates in accordance with Section 18 of the Occupational Safety and Health Act of 1970 (OSH Act). The Alaska State Plan was approved August 10, 1973, and its developmental period under Section 18(e) of the OSH Act ended October 1, 1976. On September 13, 1977, OSHA certified that the State Plan had completed all developmental steps as specified in its plan, and granted AKOSH final approval on September 28, 1984.

The Commissioner of Alaska's Department of Labor and Workforce Development is Ms. Heidi Drygas, who serves as the State Plan designee. The Director of the Labor Standards and Safety, Ms. Deborah Kelly, manages the Occupational Safety and Health Division. The Chief of

Occupational Safety and Health for AKOSH, Krystyna Markiewicz, manages two separate divisions, Enforcement and Consultation, which in turn are supervised separately by Assistant Chiefs.

AKOSH exercises jurisdiction over all private sector employers with the exception of the following - Denali National Park; Metlakatla Indian Reservation; maritime industries; federal government-owned, contractor-operated (GOCO) Native Health Care Facilities; and select military installations. AKOSH has regulatory authority in state and local government workplaces. OSHA has jurisdiction over employers that are not covered by AKOSH, as noted above, as well as federal agencies.

There are some differences between AKOSH's standards and those of OSHA. AKOSH has its own regulations for oil and gas operations. Moreover, AKOSH has adopted additional standards for several hazardous operations in general industry and construction including logging, telecommunications, and electric power generation, transmission and distribution.

The State Plan allocated funds for twelve compliance officers (six safety, six health) and eleven consultants (eight safety, three health) in the FY 2017 23(g) grant application. The consultant positions were partially funded by the 23(g) grant, and partially funded by the 21(d) grant. Under that structure, the compliance officer positions include the Safety Analyst supervisory position. In May of 2017, AKOSH submitted a State Plan-initiated change to update its organizational structure. The Safety Analyst supervisory position was abolished, the Program Manager position was revised to be the Assistant Chief, and the position of Chief, Occupational Safety and Health was reestablished. During FY 2017, AKOSH assigned one health compliance officer to conduct retaliation inspections full time. The program covers approximately 316,609 workers employed in 22,032 establishments statewide<sup>1</sup>. AKOSH's federally-approved state OSHA program was funded at \$2,986,300 of which \$1,383,800 were federal funds.

Alaska administers a combined on-site consultation program under 21(d) and 23(g) funding. AKOSH's eleven consultant positions are a combination of 21(d), 23(g), and 100% state-funded. These consultants provide services to both state and local government and private sector employers.

## **B. Major New Issues**

None.

# **III. Assessment of State Plan Progress and Performance**

## **A. Data and Methodology**

OSHA established a two-year cycle for the FAME process. FY 2017 is a comprehensive year and, as such, OSHA was required to conduct an on-site evaluation and case file review. A five-person OSHA team, which included the acting area director, State Plan monitoring manager, and

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<sup>1</sup> Data provided in FY2018 23(g) grant application, extracted June 2017 and reported by the Alaska Department of Labor, Research and Analysis section

three safety compliance officers was assembled to conduct a full on-site enforcement case file review. The case file reviews were conducted at the AKOSH State Plan office in Anchorage during the week of July 31st to August 4th, 2017. The case file review was conducted before the end of FY 2017 due to resource issues. A total of fifty-six (56) safety and health inspection case files were reviewed. The safety and health inspection files were randomly selected from inspections conducted during the evaluation period October 1, 2016 to June 15, 2017. In addition, during the week of September 25, 2017, two OSHA whistleblower investigators conducted a retaliation case file review of all closed whistleblower case files entered into the Web Integrated Management Information System (WebIMIS) database in FY 2017.

The selected population included:

- Three (3) fatality case files
- Twenty-eight (28) complaint case files
- Twenty-five (25) programmed and un-programmed case files
- Five (5) administratively closed whistleblower case files
- Nine (9) closed whistleblower investigation case files

The analyses and conclusions described in this report are based on information obtained from a variety of monitoring sources, including the:

- Analysis and monitoring of the FY 2016 AKOSH Corrective Action Plan which provides AKOSH's status and response to the FY 2016 FAME Report (Appendix C)
- State Activity Mandated Measures (SAMM) Report (Appendix D)
- State Information Report (SIR)
- Mandated Activities Report for Consultation (MARC)
- FY 2017 State OSHA Annual Report (SOAR) (Appendix E)
- State Plan Annual Performance Plan
- State Plan Grant Application
- Quarterly monitoring meetings between OSHA and the State Plan
- Interviews with the Chief of Enforcement and compliance staff

Each State Activity Mandated Measures (SAMM) Report has an agreed-upon Further Review Level (FRL) which can be either a single number, or a range of numbers above and below the national average. State Plan SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan's FY 2017 State Activity Mandated Measures Report and includes the FRL for each measure.

## **B. Review of State Plan Performance**

### **1. PROGRAM ADMINISTRATION**

Although AKOSH has had difficult budget restrictions, particularly with travel to the continental United States, they were able to provide an impressive amount of formal and

non-formal training. During FY 2017, various AKOSH enforcement and consultation personnel completed 13 OSHA Training Institute (OTI) courses, two webinars, three University of Washington courses and four courses provided in-house. At the time of the FY 2018 23(g) grant application, AKOSH had on board four safety and three health compliance officers, five safety and three health consultants, and a training specialist. AKOSH had seven vacancies combined in the enforcement and consultation positions, which is 30% below full staffing levels.

AKOSH developed its FY 2017 Combined Report for its program's performance. OSHA reviewed this report and found it to be accurate. No deficiencies were noted related to the staff or management use of OSHA Information System (OIS).

## 2. ENFORCEMENT

### a) Complaints

According to OIS Reports, AKOSH received 112 valid complaints in FY 2017. They inspected 83 and investigated 29; all of which were timely. The average number of work days to initiate complaint inspections was 4.08 days, well below the State Plan's negotiated goal of initiating compliant inspections within seven days. The average number of work days to initiate complaint investigations was 0.45 days, better than the negotiated goal of one day. The State Plan received notification of 28 imminent danger situations and, per SAMM10, it responded to 27 of those within 24 hours. The one outlier on SAMM 10 was due to a data entry error.

OSHA's case file review found that in 39% (11/28) of complaint cases, a copy of the response letter to the complainant was not maintained in the case file. In addition, OSHA conducted a CASPA investigation in FY 2017 related to this deficiency and found that it was valid. AKOSH did provide documentation to show that response letters were sent to complainants for all the files in question. OSHA is confident that AKOSH has worked to correct this deficiency; however, the case file review covered the entire fiscal year and included files from earlier in the year before any corrections were made. Therefore, OSHA will continue monitoring complaint inspection files as an observation.

**Observation FY 2017 OB-01:** In 39% (11 of 28) complaint inspection files reviewed, a record of the inspection results letter that was sent to the complainant was not maintained in the official case file. This was also discovered during a valid CASPA investigation.

**Federal Monitoring Plan:** OSHA will review closed complaint inspection case files at the end of FY 2018 to ensure that complaint response letters to the complainant are maintained in the case file.

b) Fatalities

AKOSH was notified of three fatalities and all three were responded to within 24 hours. However, due to an OIS data entry error, one of the fatalities is listed as having a delayed response on the Appendix D SAMM 10. Of the three case files, two contained appropriate communication with next of kin, such as condolence letters and inspection results. In the third case, AKOSH discovered after responding to the fatality notification that the fatality was due to natural causes. The associated case file did not contain documentation to show that a letter was provided to next of kin.

**Observation FY 2017-OB-02:** In FY 2017, in one of three (33%) of fatality case files reviewed, no letter was sent to next-of-kin.

**Federal Monitoring Plan:** OSHA will review fatality case files at the end of FY 2018 to ensure proper next-of-kin notifications.

Bureau of Labor Statistics (BLS) Rates

An overview of AKOSH private industry TCIR<sup>2</sup> and DART<sup>3</sup> rates for calendar years 2010 through 2016, as well as for select industries, is provided in Table 1. At the close of this monitoring period, 2016 was the most recent calendar year for which data were available. (Data source: [www.bls.gov](http://www.bls.gov))

**Table 1**

	CY 2010	CY 2011	CY 2012	CY 2013	CY 2014	CY 2015	CY 2016	% Change, 2010- 2014	% Change, 2012- 2014	% Change, 2014- 2016
	<b>Private Industry</b>									
TCIR	4.5	4.5	4.6	4.3	3.9	3.9	3.6	-13%	-15%	-8%
DART	2.2	2.2	2.1	2.0	2.1	2.1	1.8	-5%	0%	-14%

<sup>2</sup> TCIR is the total case incident rate, which represents the number of recordable injuries and illnesses per 100 full-time workers, calculated as: (N/EH) x 200,000 where N = number of injuries and illnesses; EH = total hours worked by all workers during the calendar year; and 200,000 = base for 100 equivalent full-time workers (working 40 hours per week, 50 weeks per year).

<sup>3</sup> DART is the days away from work, job transfer, or restriction rate, which represents the number of such cases per 100 full-time workers. Calculation of the DART rate is similar to that of TCIR.

		<b>Construction, NAICS<sup>4</sup> 23</b>								
TCIR	5.0	5.6	5.2	4.5	5.3	4.1	3.9	+6%	+2%	-26%
DART	2.2	2.8	2.7	2.4	3.5	2.2	2.1	+59%	+30%	-40%
		<b>Transportation/Warehousing, NAICS 48-49</b>								
TCIR	5.7	5.5	3.7	5.3	4.9	4.6	4.7	-14%	+32%	-4%
DART	3.9	3.5	3.0	3.0	3.1	2.9	2.8	-21%	+3%	-10%
		<b>State and local government</b>								
TCIR	4.5	4.2	4.2	4.1	4.1	4.5	5.3	-9%	-2%	+29%
DART	2.2	2.1	1.8	1.8	2.0	1.9	2.6	-25%	-18%	+30%

c) Targeting and Programmed Inspection

AKOSH submits an annual grant application that includes an annual performance plan, and every five years, a strategic plan. One component of these plans establishes goals for enforcement inspections. In FY 2017, AKOSH conducted 66 construction inspections, 16 transportation and warehousing inspections, and 17 seafood processing inspections. According to SAMM 7, AKOSH conducted a total 134 out of 275 projected safety inspections, which was below the FRL of conducting 261 to 289 safety inspections. AKOSH conducted 98 out of 100 projected health inspections, which was within the FRL of conducting 95 to 105 health inspections. The State Plan's total of 232 inspections for the year, was 38% below its target of 375 inspections. The inspection goal was not met due to staffing challenges, which were discussed during quarterly meetings in FY 2017. AKOSH adjusted their inspection goal for FY 2018.

During FY 2017, the State Plan's in-compliance rate was 35% for safety inspections and 30% for health inspections. Both of these rates were within the FRL. The number of serious/willful/repeat violations per inspection was 2.14, which was within the range of the FRL of 1.46 to 2.20. The number of other than serious violations per inspection was 0.92, with was within the FRL of 0.79 to 1.19.

d) Citations and Penalties

OSHA reviewed 35 case files with violations for the FY 2017 FAME Report. AKOSH made progress since FY 2016 and resolved a finding related to proper classification of violations. However, 17% (6/35) of the files lacked adequate information to support the violations. Deficiencies included lack of photographic documentation, lack of air monitoring to support severity, lack of appropriate justification for high gravity violations, and lack of employee exposure information.

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<sup>4</sup> NAICS is the North American Industry Classification System.



**Observation FY 2017-OB-03:** In 17% (6/35) of case files with violations reviewed, inadequate information was provided to support the violations.

**Federal Monitoring Plan:** OSHA will review a representative number of case files with violations at the end of FY 2018 to ensure adequate violation documentation.

In general, the case files had citations for all apparent violations with appropriate classification, grouping, and penalties. According to SAMM 5, AKOSH's average number of serious/willful/repeat violations per inspection was 2.14 as discussed above.

The average current penalty per serious violation for all employers was \$1,288.77 which was 32% below the FRL. The average current penalty per serious violation for employers with 26-100 workers was \$1,190, which was 45% below the further review level. The average current penalty was \$2,138, which was 44% below the further review level for employers with more than 250 workers. Penalties are at the core of effective enforcement, and penalty levels that are lower than the FRL are cause for concern. The State Plan's penalties were below the FRL in all five employer size categories listed in SAMM 8. However, the average current penalty in all size categories has been trending up over the last two years. OSHA will continue to monitor penalty levels, but for FY 2017 the State Plan's average penalties do not rise to the level of an observation.

e) Abatement

OSHA reviewed 35 case files with violations for the FY 2017 FAME Report. In general, abatement periods were appropriate and interim abatements were offered where appropriate. However, in two case files, there was not adequate verification or evidence of abatement. For example, in one case file there was no abatement verification or evidence that an attempt had been made to collect it. In another case file, there was no abatement documentation for a high gravity violation. In the FY 2016 FAME Report, OSHA addressed concerns regarding abatement verification with Finding FY 2016-02. While AKOSH has improved its performance related to abatement verification significantly and OSHA finds that concerns do not rise to the level of a finding this year, OSHA will continue monitoring abatement verification as an observation.

**Observation FY 2017-OB-04 (FY 2016-02):** In 6% (2/35) of case files reviewed with violations, there was not adequate verification or evidence of abatement.

**Federal Monitoring Plan:** OSHA will review a representative number of case files with violations to ensure abatement documentation and verification is included in the files.

f) Worker and Union Involvement

OSHA's review of 56 case files found that AKOSH performed an adequate number of employee interviews and documented them appropriately. Moreover, union or worker representatives were contacted during inspections. According to the SAMM Report, in 99% of initial inspections, a worker representative participated in the walk around inspection and/or the compliance officer conducted and documented worker interviews.

**3. REVIEW PROCEDURES**

The OSHA case file review found that penalty reductions, deletions, and reclassifications were all done according to AKOSH policy. In addition, settlements were appropriately documented. The State Plan retained 62% of its initial penalties, which was within the FRL

**4. STANDARDS AND FEDERAL PROGRAM CHANGE (FPC) ADOPTION**

a) Standards Adoption

Federal standards are adopted by AKOSH following different procedures, depending both on whether or not the new federal standard code is one that has already been adopted by AKOSH, and whether or not the State Plan chooses to adopt the standard identically.

Certain sections of the Code of Federal Regulations (CFRs) have been adopted and are found in the Alaska Administrative Code under 8 AAC 61.1010, as amended, to be the safety and health codes in Alaska. The regulatory language "as amended" provides that once a federal amendment to a CFR adopted by reference in Alaska receives public notice in the Federal Register, the effective date in Alaska is the same as that published in the Federal Register.

For new OSHA standards with code numbers that do not fall under the previously adopted 8 AAC 61.1010 code, Alaska must go through a regulations adoption process. This requires a period of public notice and comment.

Some federal standards adoptions require state legislative changes, such as the change to the maximum penalty structure. The Alaska state legislature meets for not more than 90 days in regular session, unless extended. Regular sessions are January to April. Legislatures are two years long (odd year to even year) and bills stay alive during that period. The process for submitting proposed legislation can be found on the Alaska state website.

OSHA issued seven standards that required adoption during FY2016 and FY2017. AKOSH has adopted five standards identically. The two standards that have not yet been adopted are related to maximum penalty changes and require a legislative

change. The change was submitted as Alaska House Bill 121 during the 2017 legislative session, where it passed the House of Representatives. The bill will continue through the legislative process during the 2018 session.

The following table lists the standards issued by OSHA that required a response during FY 2016 and FY 2017 and Alaska's response.

**Table 2**  
**Status of 2016 and 2017 Federal Standards Adopted**  
**(Includes Standards due for adoption in 2016)**

<b>Standard:</b>	<b>State Plan Response Date:</b>	<b>Intent to Adopt:</b>	<b>Adopt Identical:</b>	<b>Adoption Due Date:</b>	<b>State Plan Adoption Date:</b>
Final Rule on the Implementation of the 2017 Annual Adjustment to Civil Penalties for Inflation (1/18/2017) Adoption Required	9/1/2016	Y	N	7/18/2017	Pending
Final Rule on Occupational Exposure to Beryllium (1/9/2017) Adoption Required	8/11/2017	Y	*Y	7/9/2017	Part 1926 effective 3/10/2017; Part 1910 Pending *Part 1915 not adopted; no jurisdiction
Final Rule on Walking Working Surfaces and Personal Protective Equipment (11/18/2016) Adoption Required	8/10/2017	Y	Y	5/18/2016	Effective date of 1/17/2017
Interim Final Rule on Maximum Penalty Increase (7/1/2016) Adoption Required	9/1/2016	Y	N	1/1/2017	Pending
Final Rule to Improve Tracking of Workplace Injuries and Illnesses (5/12/2016) Adoption Required	7/12/2016	Y	Y	11/14/2016	Effective 1/1/2017
Occupational Exposure to Respirable Crystalline Silica (3/25/2016) Adoption Required	3/24/2017	Y	Y	9/26/2016	Part 1910 effective 6/23/2016; Part 1926 effective 11/29/2017
Confined Spaces in Construction (5/4/2015) Adoption Required	7/29/2015	Y	Y	2/4/2016	Filed 10/30/2017, Effective date of 11/29/2017

**Maximum Penalty Increase**

With the passage of the Bipartisan Budget Bill on November 2, 2015, OSHA raised its maximum penalties effective August of 2016. As required by law, OSHA then increased maximum penalties annually, on January 1, 2017 and January 1, 2018, according to the Consumer Price Index (CPI). State Plans are required to adopt both initial increase and subsequent annual increases. As of April 18, 2018, Alaska House Bill 121, which would raise maximum occupational health and safety civil penalties, had passed in both the Alaska House of Representatives and the Senate and was awaiting signature from the Governor. Once the State Plan has completed the legislative changes to increase maximum penalties, OSHA will continue to work with AKOSH to ensure that they promulgate a rule to implement the increase.

**Beryllium Standard**

On January 9, 2017, OSHA adopted new standards addressing occupational beryllium exposure in general industry, construction, and shipyards. State Plans were required to adopt an “at least as effective as” rule within six months of promulgation, by July 9, 2017. AKOSH does not enforce the shipyard standard and, therefore, did not adopt that portion of the rule. The beryllium standard for construction was adopted by OSHA as an amendment to an existing section of the CFR, which had already been adopted by AKOSH as Alaska Administrative Code under 8 AAC 61.1010. Therefore, for construction, AKOSH was able to follow their adoption procedures and essentially adopt OSHA’s changes to the standard by reference. However, since OSHA adopted the general industry standard under a new CFR section, Alaska had to go through a regulations adoption process. This required a period of public notice and comment, which had not yet concluded at the time of this report.

The following table lists federal standards issued prior to FY2016 that had a response pending or updates during this FAME period.

**Table 3  
Standards Issued by OSHA Prior to FY2016  
Rulemaking Clarifications**

<b>Standard:</b>	<b>State Plan Response Date:</b>	<b>Intent to Adopt:</b>	<b>Adopt Identical:</b>	<b>Adoption Due Date:</b>	<b>State Plan Adoption Date:</b>
Cranes and Derricks in Construction - Operator Certification Final Rule (9/26/2014)	N/A	N/A	N/A	3/26/2015	As of 8/10/2017 AKOSH did not adopt the federal extension, and the federal extension has now expired.

Occupational Injury and Illness Recording and Reporting Requirements NAICS Update and Reporting Revisions (9/18/2014) Adoption Required	4/27/2015	Y	N	3/19/2015	SB 148 was signed into law by the Governor of Alaska on 5/17/2016
Final Rule for Electric Power Generation, Transmission and Distribution; Electrical Protective Equipment. (7/11/2014) Adoption Required	4/11/2014	Y	Y	1/11/2015	Clarification submitted 10/11/2017, AKOSH adopted identical, effective July 10, 2014
Final Rule - Cranes and Derricks in Construction; Underground Construction and Demolition (4/23/2013) Adoption Required	8/10/2017	Y	Y	10/23/2013	Clarification submitted 10/11/2017, AKOSH adopted identical, effective May 23, 2013
Hazard Communication - Globally Harmonized System of Classification (3/26/2012) Adoption Required	4/3/2013 Updated 12/12/2017	Y	Y	9/26/2012	8 AAC 61.1110 was amended to update hazard communication terms to reflect industry standards effective 12/12/2017
Cranes and Derricks in Construction - Final Rule (8/9/2010)	Updated 1/2/2018	Y	Y	2/9/2011	8 AAC 61.1010 was amended to add references to federal safety and health standards effective 11/29/2017

b) Federal Program Change (FPC) Adoption

A total of 14 federal program changes (FPCs) required adoption in FY 2016 and FY 2017. AKOSH's notification of its intent regarding adoption of FPCs was timely in 43% (6 in 14 cases) during this period. In FY 2016, failure to provide timely notice of intent was cited as Finding FY 2016-03. However, this item was not continued as a finding in FY 2017 because during this time period, AKOSH provided intent for all pending FPCs. In addition, they provided final submissions for nine of the FPCs that were issued by OSHA in FY 2016 and FY 2017, plus four of the FPCs that had been pending from FY 2014 and 2015.

**Table 4**  
**Status of Federal Program Changes (FPCs) Adoption**

FPC Directive/Subject:	State Response Date:	Intent to Adopt:	Adopt Identical:	Adoption Due Date:	State Submission
					Date:
CPL 02-01-058: Enforcement Procedures and scheduling for exposure Workplace violence (1/10/2017) Adoption not required	12/11/2017	Y	Y	7/10/2017	12/12/2017
CPL 02-00-160: Field Operations Manual (8/2/2016) Adoption not required	10/3/2016	Y	N	2/2/2017	Pending
CPL 03-00-020: OSHA's National Emphasis Program on Shipbreaking (3/7/2016)	4/15/2016	N	N	9/7/2016	4/15/2016
CPL 02-03-007: Whistleblower Investigations Manual (1/28/2016)	3/24/2016	Y	N	9/11/2016	Pending
CSP 02-00-003: Consultation Policies and Procedures Manual (11/19/2015)	3/24/2017	Y	N	5/19/2016	Pending
TED 01-00-020: Mandatory Training Program for OSHA Whistleblower Investigators (10/8/2015)	3/24/2017	Y	N	4/8/2016	Pending
CPL 02-00-159: Field Operations Manual (FOM) (10/1/2015)	12/1/2015	Y	N	4/1/2016	Pending
CPL 02-03-006: Alternative Dispute Resolution (ADR) Processes for Whistleblower Protection Program (8/18/2015)	3/25/2016	N	N	2/18/2015	3/25/2016
CPL 03-00-019: National Emphasis Program on Amputation (8/13/2015)	10/30/2015	Y	N	2/13/2016	3/25/2016

CSP 03-01-004: Special Government Employees (SGE) Program Policies & Procedures Manual for the Occupational Safety and Health Administration's Voluntary Protection Program (7/30/2015)	9/30/2015	N	N	1/30/2016	9/30/2015
CSP 04-01-002: OSHA Alliance Program (7/29/2015)	9/29/2015	N	N	1/29/2016	3/18/2016
CPL 02-02-079: Inspection Procedures for the Hazard Communication Standard (7/9/2015)	9/9/2015	Y	Y	1/9/2016	12/19/2017
CPL 02-02-078: Enforcement Procedures and Scheduling for Occupational Exposure to Tuberculosis (6/30/2015)	8/10/2015	Y	Y	12/30/2015	3/17/2016
CPL 02-03-005: Whistleblower Investigations Manual (4/21/2015)	3/24/2016	Y	N	10/21/2015	Pending

AKOSH had one State Plan-initiated change during this time period related to changes in its organizational structure.

## 5. VARIANCES

AKOSH did not receive or grant any variance requests during FY 2016 or FY 2017.

## 6. STATE AND LOCAL GOVERNMENT WORKER PROGRAM

AKOSH's monetary penalty structure applies to state and local government employers as well as to private sector employers. Per the SAMM Appendix D, AKOSH conducted 12% of its total inspections in state and local government workplaces. This was 23% below the further review level, which was set at plus or minus 5% of the projected state and local government inspections in the FY 2017 grant application. The grant application had projected that 16% of total inspections would be conducted in state and local government workplaces. Although this falls below the further review level, AKOSH conducted a reasonable number of public sector inspections; therefore, this did not rise to the level of an observation.

## 7. WHISTLEBLOWER PROGRAM

Title 8, Part 4, Chapter 61, Article 7 of the Alaska Administrative Code provides for

whistleblower protection equivalent to that provided by OSHA. OSHA conducted a retaliation case file review of all closed whistleblower case files entered into the Web Integrated Management Information System (Web IMIS) database in FY 2017. At the time of the review, AKOSH had administratively closed (screened out with no investigation) five complaints. AKOSH had also completed a total of nine investigations in FY 2017. The purpose of the review was to evaluate the State Plan’s progress and to evaluate the current administration of the State Plan’s retaliation program.

During FY 2017, the State Plan assigned an employee to be a full-time whistleblower investigator. The State Plan improved when compared to its FY 2016 performance. Specifically, AKOSH increased its timely completion rate from 0% to 33%, and completed nine investigations, seven more investigations than in FY 2016. However, performance indicators remain below the national average.

AKOSH’s annual goal was to complete 75% of whistleblower cases within 90 calendar days, which it has not done since FY 2013. According to the FY 2017 SAMM16, the average number of days to complete an investigation dropped from 521 in FY 2016 to 334 days in FY 2017. However, according to the Web IMIS end of year Whistleblower State Plan Data Reports, the average days pending increased from 326 in FY 2016 to 611 in FY 2017. Ninety-three percent of AKOSH’s open retaliation cases (26 of 28) were over age. AKOSH’s average days pending was 611 in FY 2017, 364 days more than the national average of 247 cited in the Web IMIS end of year Whistleblower National Activity Report. As AKOSH works through its backlog, its days to complete whistleblower investigations will necessarily increase. This is to be expected as AKOSH closes out its oldest cases and will be taken into consideration in FY 2018’s Follow-up FAME Report.

AKOSH’s merit rate of 22% was within the range of the further review level of 20% to 30%. In FY 2017, the State Plan dismissed 22% (two of nine) cases. The dismissal rate for all State Plans listed in the Web IMIS end of year Whistleblower State Plan Data Report was 62% of cases. These measures will continue to be monitored to ensure that cases are being classified and handled appropriately. The following table is a summary of whistleblower investigations – related SAMM data during FY 2015- FY 2017.

**Table 5**

	<b>FY 2015</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2017 National Average<sub>s</sub></b>
Completed Within 90 Days (SAMM 14)	29%	0%	33%	39%
Merit Cases (SAMM 15)	N/A	50% <sub>5</sub>	22%	25%
Average Number of Calendar Days to Complete Investigation (SAMM 16)	173	521	334	247

<sup>5</sup> AKOSH closed two investigations in FY 2016, one of which was settled.



Merit, settlement, and litigation rates, listed below in Table 6, were appropriate in light of the cases completed in FY 2017. However, AKOSH’s withdrawal and dismissal rates were concerning. Over half of AKOSH’s case completions in FY 2017 took place based on actions taken by the complainant, rather than work completed by the State Plan. Had complainants not opted to withdraw, AKOSH’s case completion would be just four, one of which was a settlement entered into independently by the parties and not negotiated by the State Plan. AKOSH’s dismissal rate will likely increase as it works through its backlog.

**Table 6**

	<b>Merit</b>	<b>Settlement</b>	<b>Litigation</b>	<b>Dismissal</b>	<b>Withdrawal</b>
AKOSH	22% <sub>6</sub>	22% <sub>7</sub>	0% <sub>7</sub>	22% <sub>7</sub>	56% <sub>7</sub>
National Average	21% <sub>8</sub>	90% <sub>7</sub>	5% <sub>7</sub>	61% <sub>7</sub>	18% <sub>7</sub>

**Finding FY 2017-01 (Finding FY 2016-04):** In 44% (4 of 9) of whistleblower protection case files reviewed, there was no evidence in the file that the investigator interviewed the complainant. AKOSH is not conducting timely interviews of whistleblower complainants and appears instead to be relying on a questionnaire.

**Recommendation FY 2017-01:** AKOSH should ensure that complainants are interviewed in a timely manner and are not required to write a rebuttal statement to the respondent’s position statement. If a complainant voluntarily submits a written rebuttal statement, this should not be a substitute for an interview.

**Finding FY 2017-02 (Finding FY 2016-05):** In 44% (4 of 9) of whistleblower case files reviewed, AKOSH closed the case without fully investigating the retaliatory action or interviewing witnesses to determine the facts of the case and whether it meets prima facie element requirements.

**Recommendation FY 2017-02:** AKOSH should ensure that investigators interview whistleblower complainants and their witnesses, if necessary, to determine the validity of their case before closing the case and are following guidance in the AKOSH Whistleblower Policy and Procedures Manual.

**Finding FY 2017-03 (Finding FY 2016-06):** AKOSH is not resolving retaliation investigations in a timely manner, with an average of 334 open days per case in FY 2017. As a result, AKOSH’s backlog increased, from 13 open retaliation investigations in FY 2015 to 28 in FY 2017. The average days pending increased from 169 days in FY 2015 to

6 From Appendix D SAMM FY 2017

7 From the IMIS end of year Whistleblower State Plan Data Report FY 2017

8 From the IMIS end of year Whistleblower National Activity Report FY 2017

611 in FY 2017.

**Recommendation FY 2017-03:** AKOSH should ensure that personnel responsible for investigating retaliation cases complete them in a timely manner.

The merit rate includes both settlements and litigated cases. While AKOSH has settled cases, they have not had a merit litigation case since, at least, FY 2013. This is concerning in light of Finding FY 2017-03, where OSHA found that AKOSH closed cases without fully investigating the retaliatory action or interviewing witnesses.

**Finding FY 2017-04 (Observation FY 2016-OB-01):** From FY 2013 thru FY 2017 AKOSH completed a total of 42 11(c) investigations and determined that 0% were merit/litigation.

**Recommendation FY 2017-04:** AKOSH should ensure adequate training for the whistleblower protection program. Provide management oversight and review of retaliation case files.

**Observation FY-2017-OB-05:** In 22% (2/9) retaliation cases that either settled or referenced a settlement agreement that led to a withdrawal request, a copy of the settlement agreement was not included in the file.

**Federal Monitoring Plan:** OSHA will review all completed retaliation cases at the end of FY 2018 to ensure that copies of settlement agreements are maintained when required.

**Observation FY-2017-OB-06:** In 44% of administratively closed retaliation cases (four of nine), cases were closed in WebIMIS an average of 210 days after the date they were filed. Investigators should close cases that meet the criteria for administrative closure on or about the same day the complaint is filed.

**Federal Monitoring Plan:** OSHA will review all completed retaliation cases at the end of FY 2018 to determine whether they are administratively closed in a timely manner.

## **8. COMPLAINT ABOUT STATE PROGRAM ADMINISTRATION (CASPA)**

OSHA investigated one valid CASPA against the State Plan during the period of FY 2016 and FY 2017. The CASPA was related to AKOSH's response to a series of complaints and its communication with the complainants dating back to 2012. OSHA found that allegations related to a 2014 inspection were substantiated: AKOSH did not send a complaint response letter following the inspection, though a signed, formal complaint was submitted. Furthermore, AKOSH did not properly maintain documents from the inspection, including the records of all signed complaints. OSHA did not substantiate the final allegation that AKOSH had not provided an employer response letter from the employer to the complainant for a complaint filed in 2017. Instead, OSHA found that AKOSH had shown improvement in its application of complaint procedures. Observation FY 2017-OB-01 was related to this CASPA in addition to the enforcement

case file review. AKOSH was timely and appropriate in its response to the CASPA.

## **9. VOLUNTARY COMPLIANCE PROGRAM**

The Voluntary Protection Program (VPP) in AKOSH is administered under its 23(g) grant program. AKOSH had nine VPP sites at the end of FY 2017. There were no additions or withdrawals from the program during the fiscal year. AKOSH has a five-year strategic plan goal to maintain at least 11 VPP sites. OSHA conducted an evaluation of the AKOSH VPP program in August of 2017, and found that overall the program is managed effectively. In addition, the State Plan's inspection exemptions were appropriate.

The State Plan currently has one construction partnership agreement, called the Alaska Construction Health and Safety Excellence Program (CHASE). There were a total of 13 participants in CHASE at the end of FY2017.

AKOSH has a private sector SHARP program that is managed using 21(d) grant funds. AKOSH's 21(d) on-site consultation program will be evaluated under a separate report called the Regional Annual Consultation Evaluation (RACER) Report, which is issued separately from the FAME Report.

## **10. STATE AND LOCAL GOVERNMENT 23(g) ON-SITE CONSULTATION PROGRAM**

The funding stream for each consultant includes money from both 21(d) and 23(g) grants. The consultation work done in state and local government agencies and VPP sites is funded by the 23(g) grant. Performance related to 21(d) funded work is reported in the separate RACER Report.

AKOSH exceeded its goal for the total number of state and local government workplaces consultation visits. Per data from the AKOSH SOAR Report, the State Plan conducted a total of 120 consultation visits in state and local government workplaces compared to its goal of 90. The state and local government MARC Report for FY 2017 showed that 89% of consultation visits were conducted in high hazard industries, compared to a goal of 90%. For FY 2017, 97% (180 of 185) of all hazards identified in state and local government visits were verified corrected in a timely manner, compared to a goal of 100%. Lastly, AKOSH's state and local government SHARP program is managed effectively.

## **11. PRIVATE SECTOR 23(g) ON-SITE CONSULTATION PROGRAM**

Not applicable.

## Appendix A – New and Continued Findings and Recommendations

### FY 2017 AKOSH Comprehensive FAME Report

FY 2017-#	Finding	Recommendation	FY 2016-# or FY 2016-OB-#
FY 2017-01	In 44% (4 of 9) of whistleblower protection case files reviewed, there was no evidence in the file that the investigator interviewed the complainant. AKOSH is not conducting timely interviews of whistleblower complainants and appears instead to be relying on a questionnaire.	AKOSH should ensure that complainants are interviewed in a timely manner and are not required to write a rebuttal statement to the respondent's position statement. If a complainant voluntarily submits a written rebuttal statement, this should not be a substitute for an interview.	FY 2016-04
FY 2017-02	In 44% (4 of 9) of whistleblower case files reviewed, the investigator closed the case without fully investigating the retaliatory action or interviewing witnesses to determine the facts of the case and whether it meets prima facie element requirements.	AKOSH should ensure that investigators interview whistleblower complainants and their witnesses, if necessary, to determine the validity of their case before closing the case and are following guidance in the AKOSH Whistleblower Policy and Procedures Manual.	FY 2016-05
FY 2017-03	AKOSH is not resolving retaliation investigations in a timely manner, averaging 334 open days per case.	AKOSA should ensure that the AKOSH personnel responsible for investigating retaliation cases complete them in a timely manner.	FY 2016-06
FY 2017-04	AKOSH completed a total of 42 11(c) investigations and determined that 0% were merit litigation cases.	AKOSH should ensure adequate training for the whistleblower protection program. Provide management oversight and review of retaliation case files.	FY 2016-OB-01

## Appendix B – Observations Subject to New and Continued Monitoring

### FY 2017 AKOSH Comprehensive FAME Report

Observation # FY 2017-OB-#	Observation# FY 2016-OB-# or FY 2016-#	Observation	Federal Monitoring Plan	Current Status
FY 2017-OB-01		In 39% (11 of 28) complaint inspection files reviewed, a record of the inspection results letter that was sent to the complainant was not maintained in the official case file. This was also discovered during a valid CASPA investigation.	OSHA will review closed complaint inspection case files at the end of FY 2018 to ensure that complaint response letters to the complainant are maintained in the case file.	New
	FY 2016-OB-01	In FY 2015, AKOSH determined that 0% of its 11(c) cases were merit cases. An insufficient number of cases were closed in FY 2016 to monitor status of this item.		Converted to Finding FY 2017-04
FY 2017-OB-02		In FY 2017, 33% (1/3) fatality case files reviewed did not have documentation to show that next-of-kin was contacted.	OSHA will review fatality case files at the end of FY 2018 to ensure proper next-of-kin notifications.	New
FY 2017-OB-03		In 17% (6/35) of case files with violations reviewed, inadequate information was provided to support the violations.	OSHA will review a representative number of case files with violations at the end of FY 2018 to ensure adequate violation documentation.	New
FY 2017-OB-04	FY 2016-02	In FY 2017, 6% (2 of 35) of the case files reviewed did not have adequate documentation or evidence of abatement.	OSHA will review a representative number of case files with violations to ensure abatement documentation and verification is included in the files.	New (previously a finding)
FY 2017-OB-05		In 22% (2/9) retaliation cases that either settled or referenced a settlement agreement that led to a withdrawal request, a copy of the settlement agreement was not included in the file.	OSHA will review all completed retaliation cases at the end of FY 2018 to ensure that copies of settlement agreements are maintained when required.	New

## Appendix B – Observations Subject to New and Continued Monitoring

FY 2017 AKOSH Comprehensive FAME Report

Observation # FY 2017-OB-#	Observation# FY 2016-OB-# or FY 2016-#	Observation	Federal Monitoring Plan	Current Status
FY 2017-OB-06		In 44% (4/9) administratively closed retaliation cases that OSHA reviewed, cases were closed in IMIS an average of 210 days after the date they were filed.	OSHA will review all completed retaliation cases at the end of FY 2018 to determine whether they are administratively closed in a timely manner.	New

## Appendix C - Status of FY 2016 Findings and Recommendations

### FY 2017 AKOSH Comprehensive FAME Report

FY 2016-#	Finding	Recommendation	State Plan Corrective Action	Completion Date (if Applicable)	Current Status (and Date if Item is Not Completed)
FY 2016-01	In 38% (13 of 34) of all cases reviewed, severity and probability were either not documented, or were incorrectly applied to the cited hazard.	Ensure case files are administratively reviewed to correct deficiencies in severity and / or probability in accordance with the AKOSH FOM prior to issuance.	The Assistant Chief of Enforcement began to review all case files on July 6 for correct hazard severity and probability. The OSH Chief began to conduct periodic reviews in June 2017. A severity and probability guide was developed in July and is used to verify correct application of severity/probability hazards.	July 15, 2017	Completed
FY 2016-02	In 15% (5 of 34) of all case files reviewed, abatement verification was not documented.	Ensure that abatement verification is received, reviewed, and documented in all case files prior to closure in accordance with the AKOSH FOM.	The Assistant Chief of Enforcement began to review all case files for abatement documentation on July 6th. The OSH Chief began to conduct periodic reviews in June 2017. A checklist was developed in July and ensures that verification is not overlooked before the case file closure.	Not Applicable	Converted to observation FY2017-OB-05 (8/1/2017)
FY 2016-03	AKOSH's timely response rate for notification of intent regarding adoption of Federal Program Changes and Standards are 100% and 66% respectively.	Ensure responses to OSHA regarding intent of adoption of Federal Program Changes and Standards are submitted within the time frame indicated on the Automated Tracking System (ATS) Notice.	On December 11, 2017, all intent notifications were resolved and all standard intent notifications were resolved. Multiple management personnel now monitor FPC and standard changes to ensure timeliness.	December 11, 2017	Completed

## Appendix C - Status of FY 2016 Findings and Recommendations

### FY 2017 AKOSH Comprehensive FAME Report

FY 2016-#	Finding	Recommendation	State Plan Corrective Action	Completion Date (if Applicable)	Current Status (and Date if Item is Not Completed)
FY 2016-04	<p>In 38% (3 of 8) of whistleblower case files reviewed, the investigator closed the case without interviewing the complainant. AKOSH is not conducting timely interviews of whistleblower complainants and is requiring the complainant to write a rebuttal statement in lieu of an actual interview.</p>	<p>Ensure that complainants are interviewed in a timely manner and are not required to write a rebuttal statement to the respondent's position statement. If a complainant voluntarily submits a written rebuttal statement, this should not be a substitute for an interview.</p>	<p>AKOSH provided the investigator with training in June 2017 and provides ongoing assistance to address the backlog and increase timeliness.</p>	<p>Not applicable</p>	<p>Open Finding FY 2017-01 (8/1/2018)</p>
FY 2016-05	<p>In 38% (3 of 8) of whistleblower case files reviewed, the investigator closed the case without fully investigating the retaliatory action or interviewing witnesses to determine the facts of the case and whether it meets prima facie element requirements.</p>	<p>Ensure that AKOSH investigators interview whistleblower complainants and their witnesses, if necessary, to determine the validity of their case before closing the case and are following guidance in the AKOSH Whistleblower Policy and Procedures Manual.</p>	<p>AKOSH provided the investigator with training in June 2017 and provides ongoing assistance to address the backlog and increase timeliness. Starting in June 2017, the supervisor now reviews case files to ensure that they are not closed without a full investigation.</p>	<p>Not applicable</p>	<p>Open Finding FY 2017-02 (8/1/2018)</p>



## Appendix C - Status of FY 2016 Findings and Recommendations

### FY 2017 AKOSH Comprehensive FAME Report

FY 2016-#	Finding	Recommendation	State Plan Corrective Action	Completion Date (if Applicable)	Current Status (and Date if Item is Not Completed)
FY 2016-06	AKOSH is not resolving investigations in a timely manner, averaging 521 open days per case and zero cases resolved in FY 2016.	Ensure that the compliance officers responsible for investigating retaliation cases complete them in a timely manner.	AKOSH provided the investigator with training in June and with outside assistance from a former investigator and from OSHA Region 10 to address the backlog and increase timeliness.	Not applicable	Open Finding FY 2017-03 (8/1/2018)

## Appendix D - FY 2017 State Activity Mandated Measures (SAMM) Report

FY 2017 AKOSH Comprehensive FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Alaska - AKOSH			FY 2017	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
<b>1a</b>	Average number of work days to initiate complaint inspections (state formula)	4.08	7	The further review level is negotiated by OSHA and the State Plan.
<b>1b</b>	Average number of work days to initiate complaint inspections (federal formula)	1.65	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>2a</b>	Average number of work days to initiate complaint investigations (state formula)	0.45	1	The further review level is negotiated by OSHA and the State Plan.
<b>2b</b>	Average number of work days to initiate complaint investigations (federal formula)	0.24	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>3</b>	Percent of complaints and referrals responded to within one workday (imminent danger)	96.43%	100%	The further review level is fixed for all State Plans.
<b>4</b>	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
<b>5</b>	Average number of violations per inspection	SWRU: 2.14	+/- 20% of SWRU: 1.83	The further review level is based on a two-year national average. The range of acceptable data not requiring further

## Appendix D - FY 2017 State Activity Mandated Measures (SAMM) Report

### FY 2017 AKOSH Comprehensive FAME Report

	with violations by violation type	Other: 0.92	+/- 20% of Other: 0.99	review is from 1.46 to 2.20 for SWRU and from 0.79 to 1.19 for OTS.
<b>6</b>	Percent of total inspections in state and local government workplaces	11.64%	+/- 5% of 16.00%	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 15.20% to 16.80%.
<b>7</b>	Planned v. actual inspections – safety/health	S: 134	+/- 5% of S: 275	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 261.25 to 288.75 for safety and from 95 to 105 for health.
		H: 98	+/- 5% of H: 100	
<b>8</b>	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,288.77	+/- 25% of \$2,516.80	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from \$1,887.60 to \$3,146.00.
	a. Average current serious penalty in private sector (1-25 workers)	\$938.23	+/- 25% of \$1,706.10	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from \$1,279.58 to \$2,132.63.
	b. Average current serious penalty in private sector (26-100 workers)	\$1,190.05	+/- 25% of \$2,867.94	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from \$2,150.96 to \$3,584.93.
	c. Average current serious penalty in private sector (101-250 workers)	\$2,056.74	+/- 25% of \$3,952.26	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from \$2,964.20 to \$4,940.33.
	d. Average current serious penalty in private sector (greater than 250 workers)	\$2,138.00	+/- 25% of \$5,063.48	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from \$3,797.61 to \$6,329.35.
<b>9</b>	Percent in compliance	S: 35.00%	+/- 20% of S: 29.53%	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 23.62% to 35.44% for safety and from 28.62% to 42.94% for health.
		H: 30.00%	+/- 20% of H: 35.78%	

## Appendix D - FY 2017 State Activity Mandated Measures (SAMM) Report

### FY 2017 AKOSH Comprehensive FAME Report

<b>10</b>	Percent of work-related fatalities responded to in one workday	66.67%	100%	The further review level is fixed for all State Plans.
<b>11</b>	Average lapse time	S: 79.04	+/- 20% of S: 45.29	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 36.23 to 54.35 for safety and from 44.82 to 67.24 for health.
		H: 55.68	+/- 20% of H: 56.03	
<b>12</b>	Percent penalty retained	62.05%	+/- 15% of 67.44%	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 57.32% to 77.56%.
<b>13</b>	Percent of initial inspections with worker walk around representation or worker interview	99.14%	100%	The further review level is fixed for all State Plans.
<b>14</b>	Percent of 11(c) investigations completed within 90 days	33%	100%	The further review level is fixed for all State Plans.
<b>15</b>	Percent of 11(c) complaints that are meritorious	22%	+/- 20% of 25%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 20% to 30%.
<b>16</b>	Average number of calendar days to complete an 11(c) investigation	334	90	The further review level is fixed for all State Plans.
<b>17</b>	Percent of enforcement presence	1.34%	+/- 25% of 1.26%	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 0.95% to 1.58%.

NOTE: Fiscal Year 2017 is the second year since the transition from the NCR (OSHA's legacy data system) began that all State Plan enforcement data has been captured in OSHA's Information System (OIS). As such, the further review levels for SAMMs typically referencing a three-year rolling average will instead rely on a two-year average this year. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report in OIS and the State Plan WebIMIS report run on November 13, 2017, as part of OSHA's official end-of-year data runs.

**State of Alaska  
Department of Labor and Workforce Development  
Labor Standards and Safety Division  
Occupational Safety and Health**

**AKOSH  
Evaluation Report for FY2017**

**Combined Report Period  
October 1, 2016 through September 30, 2017**

**Period covered by this report:  
1<sup>st</sup> through 4<sup>th</sup> Quarters: 10.01.2016 – 9.30.2017**

**Plan Approval: July 24, 1973  
Certification: September 9, 1977  
Final Approval: September 14, 1984**

**Heidi Drygas  
Commissioner  
Department of Labor and  
Workforce Development**

**Deborah Kelly  
Director  
Labor Standards  
and Safety**

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## Appendix E - FY 2017 State OSHA Annual Report (SOAR)

### I. Introduction

#### History

Alaska's original state plan for industrial safety and health was submitted to the U.S. Secretary of Labor for approval on December 8, 1972. The Alaska Legislature enacted legislation in 1973 to bring the safety division, statutes, and regulations into conformity with the OSHA Act of 1970. The Alaska Occupational Safety and Health Statutes, AS 18.60.010 – 105, became effective on July 24, 1973. Alaska completed the development steps required under Section 18(b) of the Act on or before October 1, 1976 and received 18(e) certification on September 14, 1977. The State Plan received 18(e) final approval by the U.S. Department of Labor September 26, 1984.

This combined Report (FFY17) outlines our progress towards accomplishing the goals of the FY17 Annual Performance Plan agreed to by AKOSH and OSHA and its impact on the progress toward accomplishing the goals set down in the Five-Year Strategic Plan as well as a summary of the results of the FY14 – FY18 Strategic Plan. These plans are intended to be comprehensive in scope, replacing the federal/AKOSH comparison method formally used by OSHA to measure our effectiveness.

AKOSH will develop an annual performance plan with Federal OSHA for each year of the Five-Year Strategic Plan. The performance measures outlined in these plans are results-oriented. However, statistical analysis of the identified specific performance measures will also be used to determine if the activities included in the plans had a positive impact on the performance goal of reducing the number of injuries and illnesses in the workplace.

#### Mission

The primary mission of the AKOSH program is to work in partnership with Alaskan workers and employers toward eliminating workplace injuries, illnesses, and workplace fatalities. However, the location, geography, and demography of the state results in work sites and practices that are unique to Alaska. As a result, the State of Alaska administers its own occupational safety and health program because we are more able to respond quickly to the unique needs and circumstances of our state.

#### Organization

The Alaska Occupational Safety and Health Program is located in the Alaska Department of Labor and Workforce Development, Division of Labor Standards and Safety. Commissioner, Heidi Drygas, heads the Department. Director, Deborah Kelly, heads the Labor Standards and Safety Division. Chief of Occupational Safety and Health Krystyna Markiewicz heads AKOSH, which is divided into two sections: Enforcement and Consultation and Training. The Enforcement section has one Assistant Chief of Enforcement who supervises five Industrial Hygienist (IH) positions and six Safety & Compliance officer positions. The Consultation and Training section has one Assistant Chief of Consultation and Training who supervises three (3) Industrial Hygienist (IH) positions, eight Safety & Compliance consultant positions and one Training Specialist II.

## Appendix E - FY 2017 State OSHA Annual Report (SOAR)

### AKOSH Personnel Chart

#### *Anchorage*

<u>Enforcement</u>		<u>Consultation &amp; Training</u>		<u>Administration</u>	
Gregory Matthieu - Assistant Chief		Krista Childers - Assistant Chief		Deborah Kelly - Director	
				Krystyna Markiewicz - Chief	
<u>Enforcement Officers</u>		<u>Consultants</u>		<u>Administration</u>	
Brandon Field*	-S	Ian Anderson	- S	Yana Rekoun	- Project Assistant
James Pinder	-S	Christian Hendrickson	- S		
L. Chad Fullmer	-S	<b>Vacant**</b>	- S	<b>Vacant</b>	- <b>Micro/Network Technician (IT)</b>
<b>Vacant**</b>	-S	<b>Vacant**</b>	- S	<b>Vacant**</b>	- <b>Office Assistant IV</b>
Heather Coffman*	-H	<b>Vacant**</b>	- S	Paul Flaks	- Office Assistant II
Caroline Roy	-H	<b>Vacant**</b>	- S	Ashley Gonzalez	- Office Assistant II
W. Dale Williamson	-H	Kim Arlington	- H	<b>Vacant**</b>	- <b>Office Assistant II</b>
<b>Vacant**</b>	-H	James Mainolfi	- H		
<b>Vacant**</b>	-H	<b>Vacant**</b>	- H		
		<u>Training Specialist II</u>			
		Elaine Banda			

#### *Juneau*

<u>Enforcement Officers</u>		<u>Consultants</u>		<u>Administration</u>	
<b>Vacant**</b>	- S	D. Shane Strubhart	- S	Staci Climie	- Admin Officer
				Shannon Devon	- Regulation Specialist
				Tina St. Clair	- Secretary

#### *Fairbanks*

<u>Enforcement Officers</u>		<u>Consultants</u>	
Gerald Fillingim	- S	Seth Wilson	- S

**Note:** \* This position splits the duties of the Discrimination officer  
 \*\* AKOSH is currently in the process of recruiting for these positions.



## Appendix E - FY 2017 State OSHA Annual Report (SOAR)

### AKOSH Personnel Changes breakdown by quarter

*1<sup>st</sup> Quarter – 10/1/16 through 12/31/16*

#### **Enforcement**

Seth Hansen – resigned  
John Stallone – resigned

#### **Consultation**

Kim Arlington – hired as Industrial Hygienist

*2<sup>nd</sup> Quarter – 1/1/17 through 3/31/17*

#### **Enforcement**

J. Ron Anderson – resigned

#### **Administration**

Ashley Gonzalez – hired as Office Assistant II

#### **Consultation**

Michael Bowles – transferred out of DOL Labor Standards and Safety to another state department  
Tom Tunnell – resigned

*3<sup>rd</sup> Quarter – 4/1/17 through 6/30/17*

Krystyna Markiewicz - promoted to Chief of AKOSH

#### **Enforcement**

Allen Hulse – promoted to Assistant Chief of Enforcement  
L. Chad Fullmer – hired as Safety Enforcement Officer

#### **Consultation**

Phillip Jensen – hired as Safety Consultant  
J. Rob Wright – resigned

#### **Administration**

Patty Gall – retired  
Ierusa Mavaega – retired

*4<sup>th</sup> Quarter – 7/1/17 through 9/30/17*

#### **Enforcement**

Gregory Matthieu – promoted to Assistant Chief of Enforcement  
Allen Hulse – resigned  
Jillian Vlahovich – resigned  
John Mason - resigned  
James Pinder – hired as Safety Enforcement officer  
Matthew Vos – hired as Safety Enforcement officer

#### **Consultation**

Krista Childers – promoted to Assistant Chief of Consultation and Training  
Phillip Jensen – resigned  
Michael Bowles – resigned  
Paul Moyer – resigned

#### **Administration**

Nathanael Hall – transferred out of DOL Labor Standards and Safety to another state department

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### II. Summary of Results Related to Annual Performance Plan for Both 21(d) and 23(g) Grants.

#### AKOSH Five Year Strategic Goal 1:

Improve workplace safety and health in both the public and private sectors as evidenced by a reduction in the rate of injuries, illnesses and fatalities

<b>Annual Performance Goal # 1.1</b>	By the end of FY2018, reduce the rate of workplace fatalities caused by circumstances that are under AKOSH jurisdiction by 10%.
<b>Strategy</b>	Concentrate on the primary causes of fatalities and the industries where fatalities take place.
<b>Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)</b>	<ul style="list-style-type: none"> <li>• 10% reduction in the rate of workplace fatalities over the five-year strategic plan;</li> <li>• Number, causes, and industries where fatalities are investigated by AKOSH.</li> </ul>
<b>Data Source(s)</b>	OIS
<b>Baseline</b>	1.8 fatalities per 100,000 employees
<b>Comment</b>	The fatality rate in Alaska for fatalities caused by circumstances under the control of AKOSH is very low. The plan does not require year-by-year reductions. The overall goal is a 10% reduction in the rate of workplace fatalities over the 5 year baseline. AKOSH monitors the number of fatalities each year by industry and targets resources to the industrial categories where fatalities are occurring.

#### 23(g) & 21(d) PROGRAM RESULTS

Quarter	# of Fatalities	Cause of Death	NAICS Industry
1 <sup>st</sup>	1	Crush by	114111
2 <sup>nd</sup>	0*		
3 <sup>rd</sup>	2	Bear attack/Struck by	541690/561730
4 <sup>th</sup>	0		
FY17 Total	3		

**Note:** 1<sup>st</sup> quarter: fatality inspection is #1188782 *E.C. Phillips & Son, Inc.* (event date 11/01/2016).  
 3<sup>rd</sup> quarter: fatality inspection is #1241029 *A B R Inc.* (event date 6/18/2017),  
 fatality inspection is 1240373 *Triplette Construction Company, Inc.* (event date 6/16/2017).

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**Comment:** \*In 2<sup>nd</sup> quarter, AKOSH responded to fatality notification to find later that the fatality was non-work related due to natural causes. For more information, please see inspection #1190176, Bradshaw & Associates Inc.

**Strategic Plan Period (FY14-18) Running Total # of Fatalities = 13**

**Strategic Plan Period (FY14-18) Target Rate = 1.53 / 100,000 Employees**

FY14 Rate = 1.19

FY15 Rate = 0.30

FY16 Rate = 1.18

FY17 Rate = 0.91

FY18 Rate = (not due until the end of FY18).

**Strategic Plan Period (FY14-18) Actual Rate** = (not due until end of 5-year period).

<b>Annual Performance Goal #1.2</b>	Reduce the lost time injuries and illnesses rate in construction as determined by the number of injuries illnesses per hundred employees by 2%.
<b>Strategy</b>	<ul style="list-style-type: none"> <li>• Conduct scheduled inspections in the construction industry paying particular attention to worksites where “struck by” and “falling” incidents are most likely to happen.</li> <li>• Conduct seminars, workshops, on-site consultation, and special programs in public sector, target training and consultation towards those activities most likely to experience “struck by” or “falling” incidents.</li> </ul>
<b>Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)</b>	<ul style="list-style-type: none"> <li>• Number of completed enforcement inspections in construction industry,</li> <li>• Number of seminars, workshops, on-site consultations, and special programs completed in construction industry,</li> <li>• Percentage change in injuries and illnesses compared to number of workers in construction.</li> </ul>
<b>Data Source(s)</b>	OIS, Injury/Illnesses data: Alaska State Workers Compensation lost time claims, and Employment data: Alaska State Department of Labor and Workforce Development.
<b>Baseline</b>	<ul style="list-style-type: none"> <li>• FY2009-2013 average construction industry loss time injury illness rate was 1.53 per 100 employees.</li> <li>• FY2017 target goal is 1.41 per 100 employees, a decrease of 0.12 from base per 100 employees.</li> </ul>
<b>Comment</b>	The target goal incorporates the 2% reduction required for each year of the FY14-18 AKOSH Strategic Plan resulting in a cumulative decrease of 0.15 per 100 employees for the 5-year period of the strategic plan.

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### Performance Strategy Outcomes:

Enforcement:		Consultation:			
23(g)	Quarter	# Inspections	# Visits	# Compliance Assistance	Total
	1 <sup>st</sup>	15	0	0	0
	2 <sup>nd</sup>	17	0	0	0
	3 <sup>rd</sup>	22	0	0	0
	4 <sup>th</sup>	12	7	4	11
	<b>FY17 Total</b>	<b>66</b>	<b>7</b>	<b>4</b>	<b>11</b>

#### Consultation:

21(d)	Quarter	# Visits	# Compliance Assistance	Total
	1 <sup>st</sup>	38	2	40
	2 <sup>nd</sup>	19	0	19
	3 <sup>rd</sup>	18	0	18
	4 <sup>th</sup>	7	3	10
	<b>FY17 Total</b>	<b>82</b>	<b>5</b>	<b>87</b>

**Note:** Compliance assistance includes conferences & seminars, formal training, interpretations and outreach assistance

*FY17 Annual Goal Target = 1.41/100 employees*

*FY17 Actual Outcome = 1.18*

**Comments:** AKOSH achieved the target goal for less than 1.41.

<b>Annual Performance Goal # 1.3</b>	Reduce the lost time injuries and illnesses rate in transportation and warehousing industry sector as determined by the number of injuries illnesses per hundred employees by 2%.
<b>Strategy</b>	<ul style="list-style-type: none"> <li>• Conduct scheduled inspections in the transportation and warehousing industry paying particular attention to worksites where “struck by”, “falling” and “caught in or between” incidents are most likely to happen,</li> <li>• Conduct seminars, workshops, on-site consultation, and special programs in public sector, target training and consultation towards those activities most likely to experience “struck by”, “falling” and “caught in or between incidents.</li> </ul>

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<b>Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)</b>	<ul style="list-style-type: none"> <li>• Number of completed enforcement inspections in transportation and warehousing industry,</li> <li>• Number of seminars, workshops, on-site consultations, and special programs completed in transportation and warehousing industry,</li> <li>• Percentage change in injuries and illnesses compared to number of workers in transportation and warehousing industry.</li> </ul>
<b>Data Source(s)</b>	OIS, Injury/Illnesses data: Alaska State Workers Compensation lost time claims, and Employment data: Alaska State Department of Labor and Workforce Development
<b>Baseline</b>	<ul style="list-style-type: none"> <li>• FY2009-2013 average transportation industry loss time injury illness rate was 1.32 per 100 employees.</li> <li>• FY2017 target goal is 1.21 per 100 employees, a decrease of 0.11 from base per 100 employees.</li> </ul>
<b>Comment</b>	The target goal incorporates the 2% reduction required for each year of the FY14-18 AKOSH Strategic Plan resulting in a cumulative decrease of 0.13 per 100 employees for the 5-year period of the strategic plan.

*Performance Strategy Outcomes:*

<b>23(g)</b>	Enforcement:		Consultation:		
	Quarter	# Inspections	# Visits	# Compliance Assistance	Total
	1 <sup>st</sup>	6	1	2	3
	2 <sup>nd</sup>	0	2	0	2
	3 <sup>rd</sup>	7	9	0	9
	4 <sup>th</sup>	3	8	0	8
	FY17 Total	16	20	2	22

<b>21(d)</b>	Consultation:			
	Quarter	# Visits	# Compliance Assistance	Total
	1 <sup>st</sup>	0	0	0
	2 <sup>nd</sup>	0	0	0
	3 <sup>rd</sup>	55	0	55
	4 <sup>th</sup>	8	0	8
	FY17 Total	63	0	63

**Note:** Compliance Assistance includes conferences & seminars, formal training, interpretations and outreach assistance

*FY17 Annual Goal Target = 1.21 /100 employees*

*FY17 Actual Outcome = 1.10*

**Comments:** AKOSH achieved the goal for less than 1.21.

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<b>Annual Performance Goal # 1.4</b>	Reduce the lost time injuries and illnesses rate in seafood processing industry sector as determined by the number of injuries illnesses per hundred employees by 2%.
<b>Strategy</b>	<ul style="list-style-type: none"> <li>• Conduct scheduled inspections in seafood processing industry paying particular attention to worksites where “falling”, “caught in or between” and “pinch-point” (amputation) incidents are most likely to happen.</li> <li>• Focus consultation and outreach efforts on the causes of “falling”, “caught in or between”, and “pinch-point” (or amputation) incidents.</li> </ul>
<b>Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)</b>	<ul style="list-style-type: none"> <li>• Number of completed enforcement inspections in seafood processing industry sector,</li> <li>• Percentage change in injuries and illnesses compared to number of workers in seafood processing industry sector,</li> <li>• Conduct at least 20 seafood inspections in seafood processing in FY17.</li> </ul>
<b>Data Source(s)</b>	OIS, Injury/Illnesses data: Alaska State Workers Compensation lost time claims, and Employment data: Alaska State Department of Labor and Workforce Development
<b>Baseline</b>	<ul style="list-style-type: none"> <li>• FY2009-2013 average seafood industry loss time injury illness rate was 4.93 per 100 employees.</li> <li>• FY2017 target goal is 4.58 per 100 employees, a decrease of 0.4 from base per 100 employees.</li> </ul>
<b>Comment</b>	The target goal incorporates the 2% reduction required for each year of the FY14-18 AKOSH Strategic Plan resulting in a cumulative decrease of 0.5 per 100 employees for the 5-year period of the strategic plan.

### Performance Strategy Outcomes:

<b>23(g)</b>	Enforcement:	
	Quarter	# Inspections
	1 <sup>st</sup>	1
	2 <sup>nd</sup>	1
	3 <sup>rd</sup>	10
	4 <sup>th</sup>	5
	FY17 Total	17

Year	Running Total % of Seafood Inspections
<b>FY14</b>	1.8% (end-of-the-year)
<b>FY15</b>	4.0% (end-of-the-year)
<b>FY16</b>	3.5% (end-of-the-year)
<b>FY17</b>	7.1% (end-of-the-year)
<b>FY18</b>	<i>not due until FY18</i>
<b>Strategic Plan Period FY14-18</b>	<i>not due until the end of 5-year period</i>

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Consultation:

21(d)	Quarter	# Visits	# Compliance Assistance	Total
	1 <sup>st</sup>	4	0	4
	2 <sup>nd</sup>	3	0	3
	3 <sup>rd</sup>	7	0	7
	4 <sup>th</sup>	0	2	2
	<b>FY17 Total</b>	<b>14</b>	<b>2</b>	<b>16</b>

**Note:** Compliance assistance includes conferences & seminars, formal training, interpretations and outreach assistance

*FY17 Annual Goal Target = 4.58 /100 employees*

*FY17 Actual Outcome = 4.88*

**Comments:** AKOSH has not reached the target goal.

<b>Annual Performance Goal # 1.5a</b>	Initiate inspections of fatalities and catastrophes within one (1) working day and other reportable incidents of two or less hospitalizations within seven (7) working days for 90% occurrences.
<b>Strategy</b>	Initiate inspections of fatalities and incidents where three or more workers are hospitalized within one (1) working day and where one or two workers are hospitalized within seven (7) working days.
<b>Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)</b>	90% of cases that meet the requirements.
<b>Data Source(s)</b>	OIS
<b>Baseline</b>	90% within time limits
<b>Comment</b>	<ul style="list-style-type: none"> <li>• The threshold of three or more hospitalizations meets the federal standards for a catastrophe and the threshold of one to two hospitalizations meets state requirements.</li> <li>• Investigations delayed due to limitations that exist in Alaska such as weather, lack of roads, and travel restrictions, will not be counted against the percentage. However, an investigation will be initiated as soon as conditions permit.</li> <li>• Hospitalizations equates to an in-patient overnight stay of at least one night.</li> </ul>

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### Performance Strategy Outcomes:

Quarter	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	FY17 Totals	% Within Time Limits
<i>Fatalities:</i>						
Total # Fatalities:	1	0	2	0	3	
# Within 1 Day:	1	0	2	0	3	
% Within 1 Day:	100%	0%	100%	0%	100%	
<i>Hospitalizations:</i>						
3 or more Total:	1	0	0	0	1	<b>100%</b>
# Within 1 Day:	1	0	0	0	1	
% Within 1 Day:	100%	0%	0%	0%	100%	
2 or less Total:	4	4	2	0	10	
# Within 7 Days*:	4	4	2	0	10	
% Within 7 Days*:	100%	100%	100%	0%	100%	

\*(Working days) – or meets requirement for delay.

**Comments:** None

<b>Annual Performance Goal # 1.5b</b>	Initiate inspections within seven working days or investigation within one working day of worker complaints for 90% of the cases.
<b>Strategy</b>	Initiate inspections within seven working days or investigation within one working day of worker complaints for 90% of the cases.
<b>Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)</b>	90% of cases where inspections are initiated within seven (7) working days and investigations initiated within one (1) working day.
<b>Data Source(s)</b>	OIS
<b>Baseline</b>	90% within time limits
<b>Comment</b>	Investigations delayed due to limitations that exist in Alaska such as weather, lack of roads, and travel restrictions, will not be counted against the percentage. However, an investigation will be initiated as soon as conditions permit.



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*Performance Strategy Outcomes:*

Quarter	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>	FY17 Totals	% Within Time Limits
<b>Complaint Investigations: (Phone – Fax)</b>						
# Investigations:	4	7	7	14	32	<b>100%</b>
# Within 1 Day:	4	7	7	14	32	
% Within 1 Day:	100%	100%	100%	100%	100%	
<b>Complaint Inspections: (On-site)</b>						
# Inspections:	20	15	28	20	83	<b>100%</b>
# Within 7 Days*:	20	15	28	20	83	
% Within 7 Days*:	100%	100%	100%	100%	100%	

\*(Working days) – or meets requirement for delay.

**Comments:** None

<b>Annual Performance Goal # 1.5c</b>	Resolve 75% of all discrimination cases within 90 days.
<b>Strategy</b>	Resolve 75% of all discrimination cases within 90 days.
<b>Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)</b>	75% of cases that meet the requirements.
<b>Data Source(s)</b>	IMIS, OIS and report from 11c officer(s)
<b>Baseline</b>	75% within time limits
<b>Comment</b>	Per 29 CFR 1977.16 extensions to the 90-day requirement can be made in rare cases. However, any case extended past the 90-day limit will not be exempted from the 75% requirement.

*Performance Strategy Outcomes:*

Quarter	Received	Dismissed	Completed	Over Age*	% in 90 days
1 <sup>st</sup>	2	0	0	41	0
2 <sup>nd</sup>	4	0	2	-1	0
3 <sup>rd</sup>	6	10	2	-7	0
4 <sup>th</sup>	6	5	5	-7	3
<b>Totals</b>	<b>18</b>	<b>15</b>	<b>9</b>	<b>26</b>	<b>33%</b>

**Note:** \* - Over Age includes pending cases from previous fiscal year.

**Comments:** None.

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<b>Annual Performance Goal # 1.5d</b>	Conduct at least 5% of overall enforcement inspections in public sector.
<b>Strategy</b>	Conduct scheduled inspections in public sector.
<b>Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)</b>	Number of completed enforcement inspections in public sector.
<b>Data Source(s)</b>	OIS
<b>Baseline</b>	5% of total number of enforcement inspections conducted in public sector each year and over the entire strategic plan.
<b>Comment</b>	None

*Performance Strategy Outcomes:*

Year	Running Total % of public sector inspections
<b>FY14</b>	14%
<b>FY15</b>	11%
<b>FY16</b>	16%
<b>FY17</b>	11%
<b>FY18</b>	<i>not due until FY18</i>
<b>Strategic Plan Period FY14-18</b>	<i>not due until the end of 5-year period</i>

**Comments:** None

### AKOSH Five Year Strategic Goal 2:

Promote safety and health culture in the Alaskan workplace (both public and private sectors) through compliance assistance, cooperative programs, and consultation assistance.

<b>Annual Performance Goal # 2.1a</b>	Develop and deliver training to workers and employers in the construction industry that target the most likely causes of injuries, illnesses, and fatalities.
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<b>Strategy</b>	<ul style="list-style-type: none"> <li>• Develop and deliver training to workers and employers in the construction industry,</li> <li>• Target outreach training and consultations towards those activities most likely to cause “struck by” or “falling” injuries or fatalities.</li> </ul>
<b>Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)</b>	Number of formal and informal training events conducted in construction and number of employees trained.
<b>Data Source(s)</b>	OIS and Report from the Assistant Chief of Consultation and Training
<b>Baseline</b>	1500 workers (all industrial categories) trained (1200 – 21d + 300 – 23g) = 1500
<b>Comment</b>	None

<b>Annual Performance Goal # 2.1b</b>	Develop and deliver training to workers and employers in the transportation and warehousing industry that target the most likely causes of injuries, illnesses, and fatalities.
<b>Strategy</b>	<ul style="list-style-type: none"> <li>• Develop and deliver training to workers and employers in the transportation and warehousing industry,</li> <li>• Target outreach training and consultations towards those activities most likely to cause “struck by”, “falling” or “caught in or between” injuries or fatalities.</li> </ul>
<b>Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)</b>	Number of formal and informal training events conducted in transportation and warehousing industry sector and number of employees trained.
<b>Data Source(s)</b>	OIS and Report from the Assistant Chief of Consultation and Training
<b>Baseline</b>	1500 workers (all industrial categories) trained (1000 – 21d + 300 – 23g) = 1500
<b>Comment</b>	None
<b>Annual Performance Goal # 2.1c</b>	Develop and deliver training to workers and employers in the transportation and warehousing industry that target the most likely causes of injuries, illnesses, and fatalities.

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<b>Strategy</b>	<ul style="list-style-type: none"> <li>• Develop and deliver training to workers and employers in the seafood industry,</li> <li>• Target outreach training and consultations towards those activities most likely to cause “falling”, “caught in or between” and “pinch point” (or amputation) incidents.</li> </ul>
<b>Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)</b>	Number of formal and informal training events conducted in seafood industry sector and number of employees trained.
<b>Data Source(s)</b>	OIS and Report from the Assistant Chief of Consultation and Training.
<b>Baseline</b>	1500 workers (all industrial categories) trained (1200 – 21d + 300 – 23g) = 1500
<b>Comment</b>	None
<hr/>	
<b>Annual Performance Goal # 2.1d</b>	Develop and deliver training to workers and employers in public sector that targets the most likely causes of injuries, illnesses, and fatalities.
<b>Strategy</b>	<ul style="list-style-type: none"> <li>• Develop and deliver training to workers and employers in public sector,</li> <li>• Target outreach training and consultations toward public sector.</li> </ul>
<b>Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)</b>	Number of formal and informal training events conducted in public sector and number of employees trained.
<b>Data Source(s)</b>	OIS and Report from the Assistant Chief of Consultation and Training.
<b>Baseline</b>	1500 workers (all industrial categories) trained (1200 – 21d + 300 – 23g) = 1500
<b>Comment</b>	None

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*Performance Strategy Outcomes:*

### **# Training Events\*:**

Qtr	# Formal/Informal Training Events in Construction	# Formal/Informal Training Events in Transportation*	# Formal/Informal Training Events in Seafood Processing
1 <sup>st</sup>	38	1	4
2 <sup>nd</sup>	24	0	3
3 <sup>rd</sup>	18	64	7
4 <sup>th</sup>	9	0	0
<b>Totals</b>	<b>89</b>	<b>65</b>	<b>14</b>

### **# Employees Trained\*:**

Qtr	# Employees (all industries) Trained	# in Construction	# in Transportation*	# in Seafood Processing
1 <sup>st</sup>	585	115	14	14
2 <sup>nd</sup>	465	170	0	3
3 <sup>rd</sup>	559	100	354	39
4 <sup>th</sup>	660	100	20	0
<b>Totals</b>	<b>2269</b>	<b>485</b>	<b>388</b>	<b>56</b>

**Note:** \*Numbers of formal/informal training events and employees trained in transportation includes numbers for warehousing as well.

<b>Annual Performance Goal # 2.2a</b>	Promote cooperative/partnership agreements and recognition programs as a means of lowering accident/fatality rates: maintain at least 11 VPP sites (both in public and private sector) over the course of the strategic plan
<b>Strategy</b>	<ul style="list-style-type: none"> <li>• Promote the benefits of the program during enforcement inspections or consultation visits,</li> <li>• Conduct promotional activities at industry trade fairs and conferences,</li> <li>• Target promotional activity towards those businesses most likely to participate.</li> </ul>
<b>Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)</b>	11 VPP sites and number and type of promotional activities accomplished.

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<b>Data Source(s)</b>	OIS, AKOSH annual report and a report from the Assistant Chief of Consultation and Training
<b>Baseline</b>	11 VPP sites (5-year strategic plan baseline, no annual baseline)
<b>Comment</b>	Maintain at least 11 VPP sites over the 5-year plan period.

*Performance Strategy Outcomes:*

Qtr	# of New Sites		
1 <sup>st</sup>	0	Number of VPP participants at beginning of FY17:	9
2 <sup>nd</sup>	0		
3 <sup>rd</sup>	0	Number of VPP participants at end of this report period:	9
4 <sup>th</sup>	0		
<b>Total</b>	<b>0</b>		

### List of VPP Sites

- |          |   |
|----------|---|
| <b>1</b> | Alaska Clean Seas – North Slope   |
| <b>2</b> | Arctic Slope Regional Corporation (ASRC) Energy Services Grind and Inject Plant & Oily Water Injection Facility – North Slope |
| <b>3</b> | BP Exploration (Alaska) – Central Power Station – North Slope   |
| <b>4</b> | BP Exploration (Alaska) Gas Plants – Central Compression Plant & Gas Facility – North Slope                                   |
| <b>5</b> | ConocoPhillips Alaska, Inc. – Alpine Field – Alpine Operations  |
| <b>6</b> | ConocoPhillips Alaska, Inc. – Kuparuk Area - Kuparuk  |
| <b>7</b> | Fairbanks Memorial Hospital - Fairbanks   |
| <b>8</b> | Insulfoam, Inc (Premier Industries) - Anchorage   |
| <b>9</b> | UniSea, Inc – Dutch Harbor  |

**Note:** To help improve our cooperative/partnership agreements and recognition programs we have created a Special Programs Coordinator position.

<b>Annual Performance Goal # 2.2b</b>	Establish or maintain at least one partnership agreement in construction, transportation and warehousing, seafood processing or the public sector over the course of the strategic plan.
<b>Strategy</b>	<ul style="list-style-type: none"> <li>• Promote the benefits of the program during enforcement inspections or consultation visits,</li> <li>• Conduct promotional activities at industry trade fairs and conferences,</li> <li>• Target promotional activity towards those businesses most likely to participate.</li> </ul>

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<b>Performance Indicator(s)</b> (including activity, intermediate outcome, and primary outcome measures)	<ul style="list-style-type: none"> <li>• Number of partnership agreements,</li> <li>• Number and type of promotional activities accomplished.</li> </ul>
<b>Data Source(s)</b>	OIS, AKOSH annual report and a report from the Assistant Chief of Consultation and Training
<b>Baseline</b>	One (1) partnership agreement in construction, transportation and warehousing, seafood processing or in the public sector
<b>Comment</b>	The goal is to maintain at least one (1) partnership agreement in any of the targeted categories during each year over the 5-year strategic plan period.

*Performance Strategy Outcomes:*

*Current number of partnership agreements in FY17:*

1 – Construction Partnership Agreement: AK CHASE (Construction Health and Safety Excellence program)

<b>List of Participants in Alaska CHASE Program</b>	
Gold level	
1	Watterson Construction
Blue level	
2	Alaska Sheet Metal
3	Big Horn Enterprises
4	Black & Veatch Construction, Inc.
5	Cornerstone General Contractors, Inc.
6	Davis Constructors and Engineers
7	Dawson Construction, Inc.
8	Granite Construction Company
9	Kiewit Building Group Inc.
10	Lend Lease Alaska
11	Nanuq / Alaska Frontier Construction (AFC)
12	Osborne Construction
13	West Construction Company

### **AKOSH Five Year Strategic Goal 3:**

Secure public confidence through excellence in the development and delivery of AKOSH programs and services.

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<b>Annual Performance Goal # 3.1a</b>	Work with OSHA Training Institute and Region X to address the issue of establishing regional training to assure that compliance and consultation staff receives basic and specialized training necessary to effectively carry out AKOSH strategic plan.
<b>Strategy</b>	AKOSH will report quarterly on staff training activities, accomplishments, and anticipated problems in accomplishing the goal.
<b>Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)</b>	<ul style="list-style-type: none"> <li>• Identification of required training courses for compliance and consultation staff in accordance with OSHA Instruction TED 01-00-018 as amended by AKOSH PD 09-02 and the AKOSH Training Plan,</li> <li>• Timely completion of required courses by compliance and consultation staff,</li> <li>• Staff attendance at professional development courses, seminars</li> </ul>
<b>Data Source(s)</b>	AKOSH annual report and reports from the Assistant Chief of Consultation and Training, training coordinator and the Assistant Chief of Enforcement.
<b>Baseline</b>	None
<b>Comment</b>	AKOSH Training Officer report

Performance Strategy Outcomes:

### OTI Courses for FY17

<u>OSHA 1000 - Initial Compliance</u> 2 – Enforcement	Completed – 10/18-28/2016 &
<u>OSHA 1000 – Webinar - Initial Compliance</u> 2 – Enforcement	Completed – 9/18/2017
<u>OSHA 1230 – Accident Investigation</u> 13 – Enforcement 10 - Consultants	Completed – 11/2-4/2016 & 6/5-9/2017
<u>OSHA 1250 – Introduction to Health Standards for IH</u> 12/9/2016 1 – Enforcement	Completed – 11/29-



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<u>OSHA 1310 – Interview Techniques</u> 12 – Enforcement 10 – Consultants	Completed – 11/7-8/2016
<u>OSHA 3300 – Safety and Health in Chemical Processing Industries</u> & 3 – Enforcement 2 – Consultants	Completed – 10/18-28/2016  5/9-19/2017
<u>OSHA 3400 – Hazard Analysis in the Chemical Processing Industries</u> 12/2/2016 3 – Enforcement	Completed – 11/29-
<u>OSHA 3090 – Electrical Standards</u> 2 – Enforcement	Completed – 1/24-2/7/2017
<u>OSHA 2210 – Introduction to On-site Consultation</u> 1 - Consultant	Completed – 1/31-2/8/2017
<u>OSHA 2210 – Principles of Industrial Ventilation</u> 1 – Consultant	Completed – 2/14-17/2017
<u>OSHA 3430 - Advanced PSM</u> 1 – Enforcement	Completed – 4/18-28/2017
<u>OSHA 1420 – Whistleblower Investigation</u> 1 – Enforcement	Completed – 6/6-13/2017
<u>OSHA 1510 – Webinar – Analytical Laboratory Orientation for State Consultants</u> 1 – Consultant	Completed – 9/11/2017
<u>OSHA 3158 – Webinar – Tower Safety</u> 1 – Enforcement	Completed – 9/25/2017

### Webinar Courses

<u>Web 00117 Walking-Working</u> 10 – Consultant	Completed – 12/15/2016
<u>Web 0123 – Lockout/Tag-out</u> 1 - Enforcement	Completed – 6/26/2017

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### Courses through University of Washington

OSHA 2015 – Hazardous Materials Completed – 11/14-17/2016  
4 - Consultants

OSHA 501 – OSH Standards for General Industry Completed – 11/28-  
12/1/2016  
4 - Consultants

OSHA 510 – OSH Standards for Construction Industry Completed – 1/23-26/2017  
1 - Consultant

### Other (including In-house)

Hazardous Paint Certification Refresher Completed – 10/30/2016  
2 – Enforcement

Asbestos Abatement renewal Completed – 12/21/2016 &  
1/20/2017  
2 – Enforcement

HAZWOPER refresher Completed – 12/19/2016,  
1/19/2017 & 2/3/2017  
4 – Enforcement

EPA/AHERA – Asbestos Abatement Certification Completed – 12/14/2016  
1- Consultant

HAZWOPER Completed – 1/30-2/3/2017  
1 – Enforcement

24-hour Hazmat training sponsored by Department of Defense Completed – 11/9/2017  
1 – Consultant

Interpersonal Skills sponsored by State of Alaska Completed 8/25/2017  
Assistant Chief of Consultation and Training

Academy for Supervisors sponsored by State of Alaska Completed 9/11-15/2017  
Assistant Chief of Consultation and Training

**Comments:** AKOSH maintains one of the most comprehensive continuing education programs for State of Alaska employees, ensuring that enforcement officers and consultants are current in their knowledge and abilities.

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<b>Annual Performance Goal # 3.1b</b>	Conduct quarterly self-audits of enforcement and consultation files to evaluate the effectiveness and consistency of services.
<b>Strategy</b>	AKOSH will strive to maintain adequate and accurate inspection/investigation case files. Problems with files will be corrected and staff will be trained to avoid future issues.
<b>Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)</b>	Annual reviews conducted by federal OSHA are acceptable and problems are addressed in a reasonable time and manner.
<b>Data Source(s)</b>	AKOSH quarterly report and reports from the Assistant Chief of Consultation and Training, training coordinator and the Assistant Chief of Enforcement.
<b>Baseline</b>	Files organized and maintained in accordance with the appropriate directives and regulations.
<b>Comment</b>	AKOSH quarterly and annual reports.

### III. Enforcement Program Activities – Projected vs. Actual

Data Table III

	<u>FY 2017 PLANNED</u>		<u>FY 2017 ACTUAL</u>		<u>% of Annual Goal</u>	
	Projected* Safety	Health	# Inspections Safety	Health	Safety	Health
<b>Private Sector Inspections</b>	245	70	123	83	50	119
<b>Overall Totals</b>	<b>315</b>		<b>206</b>		<b>65%</b>	

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### FY 2017 PLANNED

### FY 2017 ACTUAL

	Projected*		# Inspections		% of Annual Goal	
	Safety	Health	Safety	Health	Safety	Health
<b>Public Sector Inspections</b>	30	30	15	12	50	40
<b>Overall Totals</b>	<b>60</b>		<b>27</b>		<b>45%</b>	

## IV. Consultation Program Activities - Projected vs. Actual

### Data Table IV

#### Consultation Program Activities 21(d) - Projected vs. Actual

### FY 2017 PLANNED

### FY 2017 ACTUAL

	Projected*		# Visits		% of Annual Goal	
	Safety	Health	Safety	Health	Safety	Health
<b>Private Visits</b>						
Construction	90	30	75	14	83	47
Transportation	10	8	33	22	330	275
Seafood	6	6	5	9	83	150
Other than Above	159	26	70	47	44	181
<b>Total</b>	<b>265</b>	<b>70</b>	<b>183</b>	<b>92</b>	<b>69</b>	<b>131</b>
<b>Overall Totals</b>	<b>335</b>		<b>275</b>		<b>82%</b>	

#### Consultation Program Activities 23(g) - Projected vs. Actual

### FY 2017 PLANNED

### FY 2017 ACTUAL

	Projected*		# Visits		% of Annual Goal	
	Safety	Health	Safety	Health	Safety	Health
<b>Public Sector Visits</b>	70	20	77	43	110	215
<b>Overall Totals</b>	<b>90</b>		<b>120</b>		<b>133%</b>	

**Note:** \* - These projections are annual.

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### V. Consultation Emphasis Program Activities for 21(d) – Projected vs. Actual

**Data Table V**

Activities and Areas of Emphasis		FY 2017 PLANNED*			FY 2017 ACTUAL		
		Safety Projected	Health Projected	Total Projected	Safety Actual	Health Actual	Total Actual
Activities related to Agency Measures	Struck by, falls (Construction)	50	0	50	61	10	71
	Struck by, falls, caught in or between (Transportation/Warehousing)	10	0	10	41	14	55
	Falls, caught in or between, pinch point, amputation (Seafood)	8	0	8	10	4	14
Emphasis Safety & Health Hazards	Isocyanates	n/a	2	2	n/a	2	2
	Crystalline Silica	n/a	6	6	n/a	9	9
	Ergonomics in Nursing Homes	n/a	2	2	n/a	2	2
	Avalanche Safety Operations	1	1	2	0	0	0
	PSM	n/a	1	1	n/a	2**	2**

**Note:** \* - These projections are annual.

**Comments:** After close review of the CHEMNEP codes, the health actuals and total actuals under PSM for FFY17 have been changed from 7 (seven) to 2 (two).

### VI. Consultation Interventions for 21(d) – Projected vs. Actual

**Data Table VI**

	FY 2017 PLANNED*	All QUARTERS ACTUAL
<b>Total # of Interventions</b>	70	39

**Note:** \* - These projections are annual.

**Comments:** None

### VII. Significant Activities/Achievements

#### *Alaska Occupational Safety and Health:*

In December of 2016 Industrial Hygienist Dale Williamson passed the Certified Safety Professional Exam and received his CSP credentials. In June of 2017, Gregory Matthieu passed the Safety Management Specialist exam and received his SMS credentials.

In last quarter of FY17, AKOSH held its first unified on-boarding New Hire Orientation with three (3) new hires as attendees. It also held its first joint staff meeting with Enforcement, Consultation and Training, Administration and management. Chief of AKOSH has established monthly joint staff meetings to take place every first Monday of the month.

In the same quarter AKOSH supervisors and management attended full-day *Defining Core Values of OSH Team* workshop sponsored by State of Alaska, Department of Administration. Day later whole AKOSH staff actively participated in the same workshop.

#### Enforcement:

On October 5<sup>th</sup> through 7<sup>th</sup>, 2016, OSH Review Board held a hearing of Hartman Construction & Equipment, Inc. occupational fatality case. As a result, Review Board issued citation favorable to AKOSH.

One AKOSH safety enforcement officer is a current member of State of Alaska Misclassification of Employees committee, participation in which had greatly helped AKOSH with inspections involving employers prone to misclassification of employees. Example of such case is North Country Services fatality inspection: press release made by AKOSH emphasized the impact of misclassification on the employees.

AKOSH has the following significant cases:

1. North Country Services – in first quarter AKOSH issued 4 willful citations totaling \$280,000.
2. AK Railroad – in first quarter AKOSH completed 20 inspections with total amount of fines of \$122,850.
3. ML&P Power Plant site – in second quarter AKOSH issued 24 willful citations issued totaling \$882,000.

In FY17 AKOSH enforcement inspected two workplace accidents in the airlines industry: one with FedEx and one with Ace Air Cargo. Both times, the employee fell out of the cargo hold and was injured due to no fall protection.

#### Consultation and Training:

Currently in private sector AKOSH consultation and training 21d program maintains 11 SHARP sites and 8 Pre-SHARP participants.

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*Youth Activities* include:

- 1<sup>st</sup> quarter includes visiting one (1) high school, conducting 2 classroom presentations and speaking to 22 students.
- 2<sup>nd</sup> quarter includes visiting one (1) high school, conducting 5 classroom presentations and speaking to 123 students. In January she conducted two (2) *Workplace Safety and Health* presentations with 127 attended students at AK Job Corp. In February, she attended Youth Job Fair for McLaughlin Youth Center, and, additionally, she was a guest speaker on *Worker's Right and Employer Responsibilities* at Convent House for at-risk youth.
- In 3<sup>rd</sup> quarter, Youth Coordinator was the guest speaker at the Cook Inlet Tribal Youth Convention.
- In 4<sup>th</sup> quarter, Youth coordinator had a safety booth and passed out safety information at the Alaska Military Youth Academy Opportunity Fair. Over 125 students participated in the fair. She additionally attended and represented AKOSH at the Alaska Military Youth Academy graduation ceremony.

AKOSH sponsored the following trainings:

1<sup>st</sup> quarter:

- *Workplace Violence* training for Volunteers of America with 51 participants and two (2) for State of Alaska Workers' Comp and Employment Security Division with 75 total participants.
- *Bully Prevention* for public with 10 participants.

2<sup>nd</sup> quarter:

- *OSHA 10-hour in General Industry* training for Process Technology Students at University of Alaska Anchorage.

3<sup>rd</sup> quarter:

- *OSHA 10-hour in Construction Industry* training that was opened to public.
- In May, AKOSH participated in *National Stand Down to Prevent Falls in Construction*. AKOSH conducted 4 training sessions on fall protection in Anchorage and Juneau; total attendees count reached to 77.
- Excavation training class held on June 21, 2017

4<sup>th</sup> quarter:

- On September 7, 2017, AKOSH Consultation and Training collaborated with local gas company ENSTAR and Alaska Department of Transportation to host and conduct Excavation Awareness training. Over 60 participants attended the training that held at Northern Industrial Training facility.
- On August 7, 2017, AKOSH Consultation and Training collaborated with Davis Constructors and Associated General Contractors to sponsor Silica Awareness Training. Over 50 Anchorage contractors in the construction industry attended the training held at Associated General Contractors training facility.

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AKOSH had the following *outreach efforts*:

During FY17 Assistant Chief of Consultation and Training and three (3) AKOSH consultant became members and active participants of Joint Safety Steering Committee (JSSC) where safety professionals from different organizations around the state collaborate to discuss safety issues within their industry and develop ways to abate these issues in their workplace. Committee meets on the second Wednesday every month.

The followings are updates by quarters:

In 1<sup>st</sup> quarter:

- *Channel 2 News* interviewed Elaine Banda to discuss purpose of Consultation and Training and upcoming training opportunities for the public.

In 2<sup>nd</sup> quarter:

- In January AKOSH Training Coordinator collaborated with State of Alaska Community Care Licensing to give 1-hour presentation on Workplace Violence in Assistant Living Homes as well as provided information on Consultation and Training free services. Community licensing requires all individuals interested in opening an Assistant Living Home business to attend this mandatory training. Over 50 potential home care providers attended.
- In March Workplace Violence Awareness training was conducted for employees at Volunteers of America. In the same month Training Coordinator was a guest speaker at the Public Entity Risk Management seminar.
- AKOSH C&T webpage was developed to reflect site-specific and upcoming training for Consultation and Training.
- A training link is now available on AK DOL webpage to allow the public to subscribe training events sponsored by Consultation and Training.
- *Channel 2 News* interviewed AKOSH safety consultant regarding Excavation Standards following the press release.

In 3<sup>rd</sup> quarter:

- In April 4-5, Consultation and Training staff attended and participated in the annual Governor's Safety and Health Conference held at the Egan Center.
- In April Training Coordinator presented on *Workplace Violence* in healthcare for Department of Licensing Assistant Living Home orientation and to employees of the State of Alaska, Regulatory Commission.
- In the same month, Training Coordinator conducted a *Worker's Rights* presentation for the members of the Local 302 Operating Engineers.
- On May Training coordinator attended *Lunch and Learn* event sponsored by AGC (Associated General Contractors) and CHASE partners.
- In June AKOSH sponsored Lunch and Learn training sessions in recognition of Safety Month. Training topics included Respiratory Protection, Confined Space, Electrical Hazards, and Hazard Recognition Awareness. Following these events, local Channel 2 News had interviewed



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AKOSH safety consultant and training coordinator regarding *Lunch and Learn* training sessions, and that interview had been televised.

- Safety Consultant in Juneau promoted training services using a free Community Calendar, a Public Service Announcements broadcasted through Raven Radio KCAW, and an article in the Sitka Sentinel newspaper for an Excavation training class held on June 21, 2017.
- Training coordinator joined AGC and CHASE safety committee to strengthen partnership with CHASE members.

In 4<sup>th</sup> quarter:

- In July Training Coordinator presented on Workplace Violence topic in healthcare for Department of Licensing Assistant Living home orientation.
- In the same month, Training Coordinator and AKOSH administration participated in Associated General Contractors Safety Fair.
- In August AKOSH Consultation and Training consultant conducted outreach at the Alaska State Fair. The consultant spoke with several vendors to help identify and abate potential hazards.

### VIII. Attachment 1

#### TRAINING PLAN TO SATISFY GOALS 2.1a , 2.1b and 2.1c

The goal is to promote safety and health programs as they relate to preventing injuries, illnesses and fatalities in the construction, transportation and seafood processing industries.

1. AKOSH set into place several strategies to address the training needs of workers involved in the construction and transportation industry to prevent “struck by”, “falling”, “caught in or between” and “pinch point (amputation)” injuries:
  - A. AKOSH will present 10-hour training sessions to assist in preventing “struck by”, “falling” and “caught in or between” injuries and fatalities in construction and the transportation industry.
  - B. AKOSH will have radio stations in the State of Alaska run public service announcements (PSA) to promote the reduction of injuries and fatalities in construction, the transportation industry and seafood processing.
  - C. The training coordinator will be responsible to notify employers, employees and the general public when AKOSH training will be held.
  - D. The training coordinator will be responsible to ensure all consultants and trainers receive proper training on prevention strategies involved with preventing “struck by”, “falling”, “caught in or between” and “pinch point (amputation)” injuries and fatalities in construction, transportation and the seafood processing industry.
  - E. AKOSH will work with associations, employers and other groups in promoting AKOSH Consultation and Training services.
  - F. The Training Coordinator will provide the Assistant Chief of Consultation and Training with a monthly report on number of formal training events conducted and number of attendees.
  - G. The Training Coordinator will interface with Federal OSHA Region 10 and OSHA Training Institute, other States and entities in obtaining training materials and programs to promote the reduction of injuries and fatalities in the construction, transportation and seafood processing industry.
  - H. The Assistant Chief of Consultation and Training will assign consultants and trainers as needed to fulfill the requirements of the training plan.