

FY 2018
Follow-up Federal Annual Monitoring Evaluation (FAME) Report

State of Indiana
Occupational Safety and Health Administration (IOSHA)



INDIANA
DEPARTMENT OF LABOR

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I. Executive Summary

The primary purpose of this report is to assess the Indiana Occupational Safety and Health Administration's (IOSHA) progress in Fiscal Year (FY) 2018 in resolving outstanding findings from the previous FY 2017 Comprehensive Federal Annual Monitoring Evaluation (FAME) report. The State Plan made progress in addressing the previous 14 findings from the FY 2017 FAME report. Three of these findings were completed and the one observation from FY 2017 is closed. Another finding was converted into an observation. No new findings were identified in the FY 2018 Follow-up FAME.

IOSHA focused on training new compliance officers in FY 2018 so that they could become productive as soon as possible. Their effort showed results, as they conducted 260 more inspections in FY 2018 than they had completed in FY 2017. Training continues to be a priority. The number of days for issuance of safety and health citations was reduced to 37% and 52%, respectively. Much of this success was due to a shift to electronic files, which significantly reduced time previously spent moving paper files across the state. The average number of serious, willful and repeat violations cited by IOSHA inspectors per inspection in FY 2018 was 2.84, greater than the national average of 1.82. IOSHA's Voluntary Protection Program (VPP) has grown to almost 100 sites. In addition to VPP staff certifying work sites in the program, IOSHA staff works with safety and health professionals in current VPP sites to train and coordinate numerous Special Government Employees (SGEs) on best practices and pertinent industry topics so that they can assist the IOSHA staff during VPP evaluations.

IOSHA continues to struggle with initiating complaint investigations in a timely manner. The time to initiate these investigations increased from an average of approximately seven days in FY 2017 to more than 23 days in FY 2018. IOSHA uses OSHA Express and their data is interfaced with OSHA's Information System (OIS). Data in OIS indicates there were a number of complaints received in early FY 2018 where either data was not entered into the system properly or IOSHA failed to respond timely.

In FY 2018, IOSHA began a new five-year Strategic Management Plan that covers FY 2018 to 2022. The new plan established three goals: 1) Help assure improved workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities; 2) Strengthen and improve IOSHA and INSafe's infrastructure; and 3) Promote and support the agency's cooperative programs.

The FY 2018 State OSHA Annual Report (SOAR) provides information that outlines the progress made as it relates to IOSHA's five-year Strategic Management Plan. The information was reviewed and analyzed to assess their progress in meeting performance plan goals. IOSHA's SOAR is attached to this report as Appendix E.

II. State Plan Background

The Indiana Department of Labor, under an agreement with OSHA, administers the Indiana occupational safety and health program in accordance with Section 18 of the Occupational Safety and Health Act of 1970 (OSH Act). IOSHA's plan was initially approved on February 25, 1974

and certified on October 16, 1981. On September 26, 1986, IOSHA received final approval. IOSHA typically adopts all safety and health standards and federal program changes. Indiana state law, IC 22-8-1.1-17.5, does not allow IOSHA's regulations to be more stringent than those of OSHA. IOSHA's INSafe division administers the private sector on-site consultation program funded under a 21(d) grant.

Rick Ruble continues to serve as Commissioner for the Indiana Department of Labor. During FY 2018, the time covered by this report, Tim Maley served as the Deputy Commissioner of Labor and was responsible for managing IOSHA's general industry and construction enforcement divisions. Julie Alexander is Director of General Industry and Jerry Lander is Director of Construction. In addition, IOSHA's allocated staff in FY 2018 included six supervisors, 24 safety compliance officers, 15 health compliance officers and two whistleblower investigators. The full-time equivalent (FTE) for allocated staffing was 59.47 in FY 2018.

The FY 2018 grant included funding totaling \$5,054,308. This was an overall increase of \$527,508 from FY 2017. The federal share was \$2,263,400. The State matched \$2,263,400 plus added an additional \$527,508 in state funding. Indiana did not deobligate any funds.

Of Indiana's 18 major industries, 13 experienced decreases in their nonfatal workplace injury and illness rate. Of their 15 annual performance goals, IOSHA met or exceeded 12 in FY 2018. IOSHA increased the number of inspections conducted in FY 2018 by 260, for a total of 1,172. In addition, IOSHA reduced their lapse time for issuing safety citations from an average of 67 days in FY 2017 to 42 days in FY 2018, while reducing their lapse time for health citations from an average of 106 days in FY 2017 to 51 days in FY 2018. This is a significant improvement and one that the State Plan attributes in large part to the move from paper to electronic files.

Quarterly monitoring meetings were held during FY 2018, at which time the State Activity Mandated Measures (SAMM) report and the State Indicators Report (SIR) were reviewed and discussed with IOSHA management staff. IOSHA did not receive any Complaints About State Program Administration (CASPA) during FY 2018.

New Issues

In accordance with the Bipartisan Budget Bill passed on November 2, 2015, OSHA published a rule on July 1, 2016 raising its maximum penalties. As required by law, OSHA then increased maximum penalties annually, on January 1, 2017, January 1, 2018, and January 23, 2019, according to the Consumer Price Index (CPI). State Plans are required to adopt both the initial increase and subsequent annual increases within the corresponding six-month timeframe set by regulation.

December 2018 marked two full years since the first deadline passed for adoption and the Indiana State Plan has not yet completed the legislative changes to increase maximum penalties. Although in April of 2019 Indiana increased the monetary penalties for "willful" violations that lead to a fatality, penalties for other types of citations remained the same. These are well below the penalties required by Federal OSHA. Therefore, if the State Plan does not take significant steps to adopt during FY 2019, this issue may be a finding in the FY 2019 Comprehensive FAME Report.

III. Assessment of State Plan Progress and Performance

A. Data and Methodology

OSHA has established a two-year cycle for the FAME process. This is a follow-up year, and as such, OSHA did not perform the level of case file review associated with a Comprehensive FAME. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent Comprehensive FAME.

IOSHA's performance was compared to their FY 2017 Performance Plan and Five-Year Strategic Management Plan through a detailed analysis of the FY 2018 State OSHA Annual Report (SOAR) and SAMM report. The State Plan's progress addressing findings identified in the FY 2017 FAME was tracked and monitored through ongoing discussions and updates from IOSHA throughout the year. The analyses and conclusions described in this report are based on information obtained from a variety of monitoring sources, including:

- State Activity Mandated Measures Report (Appendix D)
- State Information Report
- Mandated Activities Report for Consultation
- State OSHA Annual Report (Appendix E)
- State Plan Annual Performance Plan
- State Plan Grant Application
- Quarterly monitoring meetings between OSHA and the State Plan

B. Findings and Observations

Findings (Status of Previous Items)

The State Plan made progress in addressing the previous 14 findings from the FY 2017 Comprehensive FAME Report. This follow-up FAME report contains ten findings, all continued. Three findings from FY 2017 were completed and one was converted to an observation. Appendix A describes the new and continued findings and recommendations. Appendix C describes the status of each FY 2017 finding and recommendation in detail.

Completed Findings:

Finding FY 2017-01: In FY 2017, IOSHA conducted only 912 inspections (780 safety, 132 health), 75% of the planned number of 1,212 inspections.

Status: In FY 2018, IOSHA conducted 1,172 inspections (1,020 safety, 152 health). This is a significant increase of 260 inspections over the number conducted in FY 2017, when 912 inspections were conducted. Appendix D indicates the Further Review Level (FRL) for safety inspections is +/-5% of 1,033, which equals an acceptable range of 981 to 1,084 safety inspections. The FRL for health inspections is +/-5% of 208, which equals an acceptable range of 198 to 218 health inspections. Training new compliance officers was a priority for IOSHA in

order to support the inspection goals. This item is completed.

Finding FY 2017-05: IOSHA failed to respond to two of 25 (8%) work related fatalities within one workday.

Status: SAMM data shows IOSHA failed to respond to three of 43 (7%) work related fatalities within one workday in FY 2018. The FRL for percent of work-related fatalities responded to in one workday is 100%. Two of the three fatalities indicated as not being responded to were actually because of data entry errors. The third fatality should not have been entered in the database as an inspection, since it was not a work-related fatality. It was a heart attack. This finding is completed.

Finding FY 2017-07: In FY 2017, IOSHA's lapse time for safety and health inspections is 67.33 and 105.87 days, respectively, both outside the Further Review Levels (FRLs) of +/-20% of 45.29 for safety and +/-20% of 56.03 for health.

Status: IOSHA's lapse time for safety and health inspections in FY 2018 was reduced significantly, as they focused on shifting from paper to electronic files. Safety lapse time was reduced from 67.33 to 42.48 days from the initiation of inspection to issuance of citation. IOSHA's health lapse time was reduced from 105.87 to 50.82 days. These are now both below the FRLs and this item is completed.

Continued Findings:

Finding FY 2018-01 (FY 2017-02): The average time to initiate complaint investigations was 23.44 workdays, exceeding the FRL of five workdays.

Status: In FY 2017, the average time to initiate complaint investigations was 7.36 workdays and this number increased to 23.44 days in FY 2018. On a quarterly basis, IOSHA must examine complaint data in OSHA Express to ensure data is entered accurately and aligns with data in OIS by comparing OSHA Express reports to the unprogrammed activity (UPA) auditing report in OIS. Management must also ensure complaints are processed timely, within five workdays. This finding remains open.

Finding FY 2018-02 (FY 2017-03): There were 4 of 30 (13%) electronic complaints filed online at www.osha.gov that were not processed.

Status: In a sampling of 30 electronic complaints filed online at www.osha.gov, IOSHA did not process four of them (13%) in FY 2018. This issue is continued from FY 2017, when there were 4 of 24 (25%) electronic complaints that were not processed. IOSHA should ensure that all valid electronic complaints are processed timely and entered into OSHA Express in accordance with IOSHA's FOM Chapter 9, Sections I.E. This finding remains open.

Finding FY 2018-03 (FY 2017-04): In FY 2017, in six of 14 (42.9%) health case files reviewed, industrial hygiene sampling was not conducted to address potential health hazards and/or health complaint items.

Status: IOSHA industrial hygienists attended the OSHA webinar: Air Sampling Strategies during FY 2018. The corrective action has been completed, but a case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME and remains open, awaiting verification.

Finding FY 2018-04 (FY 2017-08): In FY 2017, in seven of 13 (54%) follow-up inspection case files reviewed, there was either inadequate verification of abatement or no abatement documentation in the case files.

Status: IOSHA's management continues to review abatement reports. Supervisors are now required to submit abatement status of cases in their weekly reports. The corrective action has been completed, but a case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME and remains open, awaiting verification.

Finding FY 2018-05 (FY 2017-09): In FY 2017, in four of four (100%) case files reviewed, procedures to Petition for Modification of Abatement (PMA) were not followed properly. Signed agreements were not in the case files. PMAs were filed more than one day after the abatement due date and they did not have proper justification for filing after the due date.

Status: IOSHA developed a checklist and procedures for processing PMAs in OSHA Express. Staff was trained on the new procedures. The corrective action has been completed, but a case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME and remains open, awaiting verification.

Finding FY 2018-06 (FY 2017-10): In FY 2017, in one of 20 (5%) complaint inspections and in three of eight fatality inspections (37.5%), citations were vacated and penalties were reduced with no documentation in the informal conference notes in the case file to support the actions taken.

Status: IOSHA's management now requires enforcement directors to include notes in the file supporting decisions to vacate and reclassify citations and reduce penalties during informal conferences. The corrective action has been completed, but a case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME and remains open, awaiting verification.

Finding FY 2018-07 (FY 2017-11): Intake and screening of Whistleblower complaints were not completed in accordance with the Whistleblower Investigations Manual (WIM). The files were not reviewed by a supervisor beyond the initial assignment in all case files reviewed in FY 2017, which led to cases being docketed and investigated that should not have been. Two of 22 (9%) docketed complaints should not have been docketed because they lacked the elements needed for a prima facie claim.

Status: IOSHA developed a screening worksheet and whistleblower investigations checklist and these were discussed with staff. The corrective action has been completed, but a case file review is

necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME and remains open, awaiting verification.

Finding FY 2018-08 (FY 2017-12): The State has a 120-day statute of limitations for filing the cases with the attorney general. If the case has not been referred to the attorney general's office by day 90, it is likely they will not have time or incentive to review the complaint.

Status: The Indiana Commissioner of Labor provided a letter to OSHA outlining the limitations on the authority of the Indiana Department of Labor-IOSHA to take legal action with respect to suspected violation of Section 11(c) of the Occupational Safety and Health Act of 1970 (OSH Act). The Statute of Limitation applicable to Section 11(c) investigations requires that legal action must be commenced within 120 days after receipt of the complaint. The legislative staff of the Indiana Department of Labor has attempted to modify this on several occasions, without success. This finding will remain open while OSHA continues discussions with the Indiana Department of Labor and also ensures that complainants are properly notified of their right to dual file with OSHA.

Finding FY 2018-09 (FY 2017-13): In FY 2017, 16 of 22 (73%) reviewed case files had the incorrect date of docketing in accordance with the WIM. Cases were found to be docketed several weeks to a month after the complaint was filed. Some were found to be docketed several weeks to a month after the case was closed.

Status: IOSHA developed a screening worksheet and whistleblower investigations checklist and these were discussed with staff. The checklist includes the requirement to docket complaints in the database within five days of receipt and after meeting with a supervisor to review eligibility for docketing. The corrective action has been completed, but a case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME and remains open, awaiting verification.

Finding FY 2018-10 (FY 2017-14): In FY 2017, six of 22 (27%) reviewed complaint case files had the incorrect complaint filing date entered into WebIMIS.

Status: IOSHA developed a screening worksheet and whistleblower investigations checklist and these were discussed with staff. The corrective action has been completed, but a case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME and remains open, awaiting verification.

OBSERVATIONS

Observation Converted from a Finding:

Observation FY 2018-01 (FY 2017-06): IOSHA's in compliance rate for safety inspections is 38.67% and 52.88% for health inspections, both outside the high end of the FRL range of +/-20% of 29.53% for safety and 38.78% for health.

Status: In FY 2018, IOSHA's in compliance rate for safety inspections remained mostly unchanged at 38.64% and is 50% for health. While there was an improvement in the rate for health, both safety and health in compliance rates remain outside the FRLs of +/- 20% of 29.9% for safety and 36.1% for health. IOSHA continues to have pre-issuance meetings for all inspections with serious injuries with no violations. This finding has been converted to an observation.

Closed FY 2017 Observations

Observation FY 2017-01: IOSHA did not update OSHA Express to show that 420 of 699 referrals and complaints received were valid.

Status: In a sample of 26 complaints and referrals received in FY 2018, all 26 were confirmed to be entered in IOSHA's database, OSHA Express, as valid according to the UPA auditing report in OIS. IOSHA responded to these complaints with either an inspection or a letter to the employer requesting a response to the alleged hazard(s). This observation is closed.

C. State Activity Mandated Measures (SAMM) Highlights

Each SAMM has an agreed upon 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 2018 State Activity Mandated Measures (SAMM) Report and includes the FRLs for each measure. The State Plan was outside the FRL on the following SAMMs:

SAMM 2 – Average number of work days to initiate complaint investigations

Discussion of State Plan Data and FRL: The FRL for average number of days to initiate complaint investigations is negotiated by OSHA and the State Plan and is 5 days. IOSHA's average number of days to initiate complaint investigations in FY 2018 is 23.44 days, significantly higher than the FRL.

Explanation: The State Plan's high average number of days to initiate complaint investigations is attributed to not reviewing this data on at least a quarterly basis. OIS reports indicate there are a number of complaints that show data entry errors and/or inconsistent attention to the need to process the complaints in a timely manner. This issue is addressed in Finding FY-2018-01.

SAMM 5 – Average number of violations per inspection with violations by violation type

Discussion of State Plan Data and FRL: The FRL for the average number of violations per inspection with violations by violation type is +/- 20% of the three-year national average of 1.82 for serious, willful, repeat and unclassified (SWRU) violations and equals a range of 1.46 to 2.18 violations. IOSHA's average number of violations per inspection for SWRU is 2.84, greater than the FRL. The FRL of +/- 20% of the three-year national average of 0.98 other-than-serious (OTS) violations equals a range of 0.78 to 1.18. IOSHA's average number of OTS violations per inspection is 0.22 and is below the FRL.

Explanation: IOSHA's number of SWRU violations per inspection is higher than the FRL and lower than the FRL for OTS violations per inspection. However, these rates are almost the same as in FY 2017 and are an indicator of the State Plan's consistency in identifying, citing, and properly classifying hazards found during inspections and are not a concern.

SAMM 6 - Percent of total inspections in state and local government workplaces

Discussion of State Plan Data and FRL: The FRL for percent of total inspections in state and local government workplaces is based on a number negotiated by OSHA and the State Plan through the grant application and is +/- 5% of 3.63%. The range of acceptable data not requiring further review is from 3.44% to 3.81%. The Indiana State Plan's percent of inspections in state and local government workplaces is 1.71% and is lower than the FRL.

Explanation: The State Plan relies on complaints and serious injury reports for conducting inspections in state and local government workplaces. As a result, in FY 2018, they inspected few worksites in this sector. Instead of conducting the expected 40 to 45 inspections, IOSHA conducted only 20 state and local government workplace inspections in FY 2018, about the same number as conducted in FY 2017. Although this issue does not yet rise to the level of an observation, IOSHA should educate intake staff on the criteria for taking complaints and serious injury reports to ensure opportunities for conducting inspections in this sector are not missed. An analysis of the past five years indicates that IOSHA conducted 18-22 inspections in SLG workplaces per year. IOSHA should adjust their annual projection of inspections in this sector in the FY 2020 grant to ensure this goal is attainable.

SAMM 7 – Planned v. Actual Inspections

Discussion: Appendix D, based on grant instruction goals, indicates that IOSHA projected they would conduct 208 health inspections and in FY 2018, they conducted 152.

Explanation: After the grant was submitted, IOSHA revised their inspection goals to indicate they would conduct 181 health inspections. IOSHA conducted approximately 84% of this goal. The percentage of health inspections IOSHA has conducted has increased each year since FY 2015.

SAMM 8 – Average current serious penalty in the private sector

Discussion of State Plan Data and FRL: The FRL for average current serious penalty in the private sector is +/-25% of the three-year national average of \$2,603.32 and equals a range of \$1,952.49 to \$3,254.15 for employers with one to greater than 250 workers. The Indiana State Plan's average current penalty is \$1,334.96 and is substantially lower than the FRL in this and all categories of number of workers.

Explanation: Indiana has not completed the legislative changes necessary to increase maximum penalties. See New Issues.

SAMM 9 – Percent in compliance

Discussion of State Plan Data and FRL: The FRL for is +/-20% of the three-year national average of 29.9%, which equals a range of 23.92% to 35.88% for safety. The FRL for in compliance for health is based on +/-20% of the three-year national average of 36.10%, which equals a range of 28.88% to 43.32%. At 38.64% for safety and 50% for health, IOSHA's in compliance rates are outside the FRLs for both.

Explanation: The Indiana State Plan's average in compliance rate is 38.64% for safety and 50% for health. Both are outside the FRL, with a slight improvement when it was 52.88% for health in FY 2017. The in compliance rate for safety stayed about the same as in FY 2017. This is addressed as Observation 2018-01 with the State Plan continuing to have pre-issuance meetings for cases with serious injuries that do not have violations. The State Plan continues to send CSHOs to the OSHA Training Institute for required courses as well as take in-house computer based training on hazard recognition.

SAMM 10 - Percentage of work –related fatalities responded to in one workday

Discussion of State Plan Data and FRL: The FRL for percentage of work-related fatalities responded to in one workday is fixed at 100% for all State Plans. The Indiana State Plan inspected 93.02% of their work-related fatalities in one day and this is below the FRL. Data indicates three of 43 Indiana fatalities were not inspected within one workday.

Explanation:

Two of the three fatalities indicated as not being responded to had data entry errors. The third fatality should not have been entered in the database as an inspection since it was not a work-related fatality. It was a heart attack.

SAMM 14 – Percent of 11(c) investigations completed within 90 days

Discussion of State Plan Data and FRL: The FRL for percent of 11(c) investigations completed within 90 days is 100% and is fixed for all State Plans. At 57%, IOSHA is well below this.

Explanation: The Indiana State Plan's percent of 11(c) investigations completed within 90 days at 57% is below the FRL for FY 2018. It is also slightly below FY 2017, when it was 59%, but well above the 15% of FY 2016. IOSHA is above the national average for this SAMM, which is 35%. In addition, IOSHA completed their 11(c) investigations within an average of 90 days in FY 2018, which meets the FRL for SAMM 16. Therefore, there is not cause for concern at this time.

SAMM 15 – Percent of 11 (c) complaints that are meritorious

Discussion of State Plan Data and FRL: The FRL for percent of 11(c) complaints that are meritorious is +/-20% of a three-year national average of 24%. The range of acceptable data not requiring further review is from 19.2% to 28.8%. At six percent, the State Plan's meritorious rate is low.

Explanation: The Indiana State Plan's meritorious rate at six percent for 11(c) complaints is below the rate in FY 2017 when it was 11% and well above the FY 2016 rate of just two percent. This is not a cause for concern at this time.

Appendix A – New and Continued Findings and Recommendations

FY 2018 IOSHA Follow-up FAME Report

FY 2018-#	Finding	Recommendation	FY 2017-# or FY 2017-OB-#
FY 2018-01	The average time to initiate complaint investigations was approximately 23.44 workdays, exceeding the further review level of five workdays.	On a quarterly basis, IOSHA must examine complaint data in OSHA Express to ensure data is entered accurately and aligns with data in OIS by comparing OSHA Express reports to the unprogrammed activity (UPA) auditing report in OIS. Management must also ensure complaints are processed timely, within five workdays.	FY 2017-02
FY 2018-02	IOSHA did not respond to four of 30 (13%) valid electronic complaints filed online at www.osha.gov .	IOSHA should ensure all valid electronic complaints are processed timely and entered into OSHA Express in accordance with IOSHA’s FOM Chapter 9, Sections I.E.	FY 2017-03
FY 2018-03	In FY 2017, in six of 14 (42.9 %) health case files reviewed, industrial hygiene sampling was not conducted to address potential health hazards and/or health complaint items.	IOSHA should ensure proper industrial hygiene field evaluations are conducted to determine if sampling is necessary when complaints and referrals alleging employee exposure to health hazards are received and other evidence suggests sampling should be conducted. Corrective action complete; awaiting verification.	FY 2017-04
FY 2018-04	In seven of 13 (54%) follow-up inspection case files reviewed in FY 2017, there was either inadequate verification of abatement or no abatement documentation in the case files.	IOSHA should review procedures for abatement verification to certify abatement is received and reviewed in a timely manner to ensure employee exposure to workplace hazards has been eliminated. Corrective action complete; awaiting verification.	FY 2017-08

Appendix A- New and Continued Findings and Recommendations

FY 2018 IOSHA Follow-up FAME Report

FY 2018-05	In four of four (100%) case files reviewed in FY 2017, procedures to Petition for Modification of Abatement (PMA) were not followed properly. Signed agreements were not in the casefiles. PMAs were filed more than one day after the abatement due date and they did not have proper justification for filing after the due date.	IOSHA staff responsible for approving PMAs should review and follow PMA procedures in IOSHA's FOM, Chapter 7, Section III and ensure the drafted checklist is used when PMAs are received. Corrective action complete; awaiting verification.	FY 2017-09
FY 2018-06	In FY 2017, in one of 20 (5%) complaint inspections and in three of eight fatality inspections (37.5%), citations were vacated and penalties were reduced with no documentation in the informal conference notes in the case file to support the actions taken.	IOSHA should document and summarize issues and potential courses of action in the case file for changes made during informal conferences in accordance with IOSHA's FOM Chapter 8, Section I. Corrective action complete; awaiting verification.	FY 2017-10
FY 2018-07	Intake and screening of whistleblower complaints were not completed in accordance with the WIM. The files were not reviewed by a supervisor beyond the initial assignment in all case files reviewed, which led to cases being docketed and investigated that should not have. In FY 2017, two of 22 (9%) docketed complaints should not have been docketed because they lacked the elements needed for a prima facie claim.	All case files should be reviewed by a supervisor to ensure all WIM policies and procedures are followed when processing (Chapter 2, Section III.4). Ensure case files contain all required documentation and are organized as required in the WIM. Corrective action complete; awaiting verification.	FY 2017-11
FY 2018-08	The State has a 120-day statute of limitations for filing the cases with the attorney general. If the case has not been referred to the attorney general's office by day 90, it is likely they will not have time or incentive to review the complaint.	Seek revision of the 120 day State statute of limitations for filing in court to allow investigators the needed time to complete a thorough investigation. Ensure complainants are notified of their right to dual file with OSHA.	FY 2017-12

Appendix A- New and Continued Findings and Recommendations

FY 2018 IOSHA Follow-up FAME Report

FY 2018-09	Sixteen of 22 (73%) case files reviewed in FY 2017 had the incorrect date of docketing in accordance with the WIM. Cases were found to be docketed several weeks to a month after the complaint was filed. Some were found to be docketed several weeks to a month after the case was closed.	Ensure that docketing dates are entered into WebIMIS in accordance with the WIM Chapter 2, Section III.B. Corrective action complete; awaiting verification.	FY 2017-13
FY 2018-10	Six of 22 (27%) complaint case files reviewed in FY 2017 had the incorrect complaint filing date entered into WebIMIS.	Ensure complaint filing dates are entered into WebIMIS accordance with the WIM, Chapter 2, Section IV.A. Corrective action complete; awaiting verification.	FY 2017-14

Appendix B – Observations and Federal Monitoring Plans

FY 2018 IOSHA Follow-up FAME Report

Observation # FY 2018-OB-#	Observation# FY 2017-OB-# or FY 2017-#	Observation	Federal Monitoring Plan	Current Status
FY 2018-OB-01	FY 2017-06	IOSHA’s in-compliance rate for safety inspections is 38.64% and 50% for health inspections, both above the high end of the FRL range at 35.88% for safety and 43.32% for health.	OSHA will monitor IOSHA’s in-compliance rate throughout the year and discuss at each quarterly meeting.	Open
	FY 2017-OB-01	IOSHA did not update OSHA Express to show that 420 of 699 referrals and complaints received were valid.		Closed

Appendix D – FY 2018 State Activity Mandated Measures (SAMM) Report

FY 2018 IOSHA Follow-up FAME Report

FY 2017-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2017-01	IOSHA conducted only 912 inspections (780 safety, 132 health), 75% of the planned number of 1,212 inspections in FY 2017.	IOSHA should develop a strategic management plan to effectively manage the current enforcement division staff and inspection procedures in order to meet their annual inspection goals.	IOSHA conducted 1,172 inspections (1020 safety, 152 health) which is 94% of the planned number of 1,241 inspections in FY 2018.	September 30, 2018	Completed
FY 2017-02	The average time to initiate complaint investigations was approximately 7.36 workdays, exceeding the further review level of five workdays.	IOSHA should implement administrative controls to ensure complaint investigations are directly assigned to compliance officers to ensure they are initiated in a timely manner.	IOSHA is utilizing administrative controls such as automated responses to the employer to reduce average time to initiate a complaint investigation. IOSHA intake has converted completely to electronic files, making intake more efficient and timely.	-	Open
FY 2017-03	IOSHA did not respond to seven of 27 (26%) valid electronic complaints filed online at www.osha.gov .	IOSHA should ensure all valid electronic complaints are processed timely and entered into OSHA Express in accordance with IOSHA's FOM	The IOSHA intake director has implemented an audit program that audits complaints and referrals including electronic complaints filed thru osha.gov . D-1	-	Open

Appendix D – FY 2018 State Activity Mandated Measures (SAMM) Report

FY 2018 IOSHA Follow-up FAME Report

		Chapter 9, Sections I.E.			
FY 2017-04	In six of 14 (42.9 %) health case files reviewed, industrial hygiene sampling was not conducted to address potential health hazards and/or health complaint items.	IOSHA should ensure proper industrial hygiene field evaluations are conducted to determine if sampling is necessary when complaints and referrals alleging employee exposure to health hazards are received and other evidence suggests sampling should be conducted.	IOSHA Industrial Hygienists attended OSHA’s Air Sampling Strategies webinar and were trained on NEPs and directives with respect to sampling.	January 17, 2019	Awaiting verification
FY 2017-05	IOSHA failed to respond to two of 25 (8%) work related fatalities within one workday.	IOSHA should ensure fatalities are responded to within one workday and properly entered into OSHA Express.	It is IOSHA’s policy to respond to workplace fatalities in one day. This has been communicated to supervisory staff. Although IOSHA had three fatalities that appear in the SAMM as failing to respond in one day, a closer look determined these were actually data entry errors.	September 30, 2018-	Completed
FY 2017-06	IOSHA’s in-compliance rate for safety inspections was 38.67% and 52.88% for health both outside the FRLs of +/- 20% of	IOSHA should ensure compliance officers are properly trained in hazard recognition. IOSHA may consider having supervisors conduct	In addition to scheduling CSHOs to attend required courses at the OSHA training institute, CSHOs are required to pass in house computer based training for hazard recognition in Construction and General Industry. IOSHA directors are now requiring	-	Converted to an Observation

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	29.53% and +/-20% of 35.78% respectively. 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.	field observations with compliance officers who have high in-compliance rates.	pre issuance meetings for all non-violation inspections with serious injuries.		
FY 2017-07	IOSHA’s lapse time for safety and health inspections was 67.33 and 105.87 days, respectively, both outside the FRLs of +/- 20% of 45.29 and +/- 20% of 56.03 days. 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.	IOSHA should ensure that lapse times are tracked using the OSHA Express lapse time report and discussed with CSHOs by their supervisor.	IOSHA is tracking individual lapsed time on a monthly basis and supervisors are reviewing the results with CSHOs on a monthly basis. Expectations have been clearly communicated and the IOSHA management team will be focused on reducing lapse time down to the national averages. In addition, IOSHA is now producing all files electronically which significantly reduced lapsed time.	September 30, 2018	Completed
FY 2017-08	In seven of 13 (54%) follow-up inspection case files reviewed, there was either inadequate verification of abatement or no	IOSHA should review procedures for abatement verification to certify abatement is received and reviewed in a timely	IOSHA management reviews abatement reports. Supervisors are required to submit abatement status in their existing weekly reports.	September 30, 2018	Awaiting Verification

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	abatement documentation in the case files.	manner to ensure employee exposure to workplace hazards has been eliminated.			
FY 2017-09	In four of four (100%) case files reviewed, procedures to Petition for Modification of Abatement (PMA) were not followed properly. Signed agreements were not in the case files. PMAs were filed more than one day after the abatement due date and the they did not have proper justification for filing after the due date.	IOSHA staff responsible for approving PMAs should review and follow PMA procedures in accordance with IOSHA’s FOM, Chapter 7, Section III. In addition, IOSHA should ensure the checklist is used when PMAs are received.	The IOSHA Director of General Industry developed a checklist for PMAs. Supervisors were trained on this checklist and procedures for processing PMAs.	January 22, 2019	Awaiting Verification
FY 2017-10	In one of 20 (5%) complaint inspections and in three of eight fatality inspections (37.5%), citations were vacated and penalties were reduced with no	IOSHA should document and summarize issues and potential courses of action in the case file for changes made during informal conferences in accordance with	The IOSHA Deputy Commissioner has directed the IOSHA directors to include case file notes supporting decisions to vacate, reclassify citations or reduce penalties during informal conferences.	July 31, 2018	Awaiting verification

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	documentation in the informal conference notes in the case file to support the actions taken.	IOSHA’s FOM Chapter 8, Section I.			
FY 2017-11	Intake and screening of whistleblower complaints were not completed in accordance with the WIM. The files were not reviewed by a supervisor beyond the initial assignment in all case files reviewed, which led to cases being docketed and investigated that should not have. Two of 22 (9%) docketed complaints should not have been docketed because they lacked the elements needed for a prima facie claim.	All case files should be reviewed by a supervisor to ensure all WIM policies and procedures are followed when processing (Chapter 2, Section III.4). Ensure casefiles contain all required documentation and are organized as required in the WIM.	A review session was held with Whistleblower Investigators and supervisors during Q1 FY 2019 to review WIM policies and procedures when processing case files (Chapter 2, III.B).	November 9, 2018	Awaiting verification
FY 2017-12	The State has a 120-day statute of	Seek revision of the 120-day State statute	The Statute of Limitation applicable to Section 11(c) investigations requires	-	Open

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	limitations for filing cases with the Attorney General. If the case has not been referred to the Attorney General’s office by day 90, it is likely they will not have time or incentive to review the complaint.	of limitations for filing in court to allow investigators the needed time to complete a thorough investigation.	that legal action must be commenced within 120 days after receipt of the complaint. The legislative staff of the Indiana Department of Labor has attempted to modify this on several occasions, without success. Complainants will continue to be notified of their right to dual file with OSHA.		
FY 2017-13	Sixteen of 22 (73%) reviewed case files had the incorrect date of docketing in accordance with the WIM. Cases were found to be docketed several weeks to a month after the complaint was filed. Some were found to be docketed several weeks to a month after the case was closed.	Ensure that docketing dates are entered into IMIS in accordance with the WIM Chapter 2, Section III.B.	A review session was held with Whistleblower Investigators and supervisors during Q1 FY 2019 to review WIM policies and procedures when processing case files (Chapter 2, III.B).	November 9, 2018	Awaiting verification
FY 2017-14	Six of 22 (27%) reviewed complaint case files had the incorrect complaint filing date entered into IMIS.	Ensure complaint filing dates are entered into IMIS in accordance with the WIM, Chapter 2, Section IV.A.	A review session was held with Whistleblower Investigators and supervisors during Q1 FY 2019 to review WIM policies and procedures when processing case files (Chapter 2, Section IV.A.)	November 9, 2018	Awaiting verification

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U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Indiana- IOSHA			FY 2018	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	5.87	10	The further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	4.75	N/A	This measure is for informational purposes only and is not a mandated measure.
2a	Average number of work days to initiate complaint investigations (state formula)	23.44	5	The further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	19.43	N/A	This measure is for informational purposes only and is not a mandated measure.
3	Percent of complaints and referrals responded to within one workday (imminent danger)	100%	100%	The further review level is fixed for all State Plans.
4	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
5	Average number of violations per inspection	SWRU: 2.84	+/- 20% of SWRU: 1.82	The further review level is based on a three-year national average. The range of acceptable data not requiring further

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	with violations by violation type	Other: 0.22	+/- 20% of Other: 0.98	review is from 1.46 to 2.18 for SWRU and from 0.78 to 1.18 for OTS.
6	Percent of total inspections in state and local government workplaces	1.71%	+/- 5% of 3.63%	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 3.44% to 3.81%.
7	Planned v. actual inspections – safety/health	S: 1,020	+/- 5% of S: 1,033	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 981.35 to 1,084.65 for safety and from 197.60 to 218.40 for health.
		H: 152	+/- 5% of H: 208	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,334.96	+/- 25% of \$2,603.32	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,952.49 to \$3,254.15.
	a. Average current serious penalty in private sector (1-25 workers)	\$639.01	+/- 25% of \$1,765.19	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,323.89 to \$2,206.49.
	b. Average current serious penalty in private sector (26-100 workers)	\$1,474.29	+/- 25% of \$3,005.17	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,253.88 to \$3,756.46.
	c. Average current serious penalty in private sector (101-250 workers)	\$2,171.89	+/- 25% of \$4,203.40	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,152.55 to \$5,254.25.
	d. Average current serious penalty in private sector (greater than 250 workers)	\$3,374.52	+/- 25% of \$5,272.40	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,954.30 to \$6,590.50.
9	Percent in compliance	S: 38.64%	+/- 20% of S: 29.90%	The further review level is based on a three-year national average. The range of acceptable data not requiring further

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		H: 50.00%	+/- 20% of H: 36.10%	review is from 23.92% to 35.88% for safety and from 28.88% to 43.32% for health.
10	Percent of work-related fatalities responded to in one workday	93.02%	100%	The further review level is fixed for all State Plans.
11	Average lapse time	S: 42.48	+/- 20% of S: 46.20	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 36.96 to 55.44 for safety and from 45.25 to 67.87 for health.
		H: 50.82	+/- 20% of H: 56.56	
12	Percent penalty retained	56.89%	+/- 15% of 66.81%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 56.79% to 76.83%.
13	Percent of initial inspections with worker walk around representation or worker interview	100%	100%	The further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	57%	100%	The further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	6%	+/- 20% of 24%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 19.20% to 28.80%.
16	Average number of calendar days to complete an 11(c) investigation	90	90	The further review level is fixed for all State Plans.
17	Percent of enforcement presence	0.99%	+/- 25% of 1.24%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.93% to 1.55%.

State Occupational Annual Report

*For activities occurring during
Federal Fiscal Year 2018*

December 5, 2018

Eric J. Holcomb, Governor
Rick J. Ruble, Commissioner of Labor



INDIANA
DEPARTMENT OF LABOR

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Executive Summary

The Indiana Department of Labor is pleased to provide its State Occupational Assessment Report (SOAR) for the Indiana OSHA workplace safety and health enforcement division for activities for federal fiscal year (FY) 2018 which occurred between October 1, 2017 and September 30, 2018.

On November 8, 2018, the Indiana Department of Labor released the annual nonfatal injury and illness rates for the state and major Hoosier industries. The Indiana Department of Labor's Quality, Metrics, and Statistics Division partners with the federal Bureau of Labor Statistics to collect nonfatal occupational injury and illnesses survey data from approximately 5,800 Hoosier workplaces. The efforts of this data collection provide the results for the BLS Survey of Occupational Injuries and Illnesses (SOII).

According to the most recent SOII release, the Indiana overall nonfatal workplace injury and illness rate for 2017 was 3.5 per 100 Hoosier workers. The 2017 rate remained the same as the 2016 representing a historic low.

Of Indiana's 18 major industries, 13 experienced decreases in their nonfatal workplace injury and illness rate.

At the inception of the SOII in 1992, the overall nonfatal workplace injury and illness rate in Indiana was 11.0 per 100 workers. The rate reached a high of 11.3 in 1994 and has declined by almost 70 percent over the last 22 years.

At the time this report was prepared and submitted to the federal Occupational Safety and Health Administration (OSHA), the BLS Census of Fatal Occupational Injuries (CFOI) data was not available for publishing. The most current CFOI data (2017) will be available on or after December 19, 2017.

FY 2017 was the final year of the agency's current strategic plan. A new strategic plan which covers 2018 – 2022 was developed by Indiana Department of Labor leadership and subsequently approved by the federal Occupational Safety and Health Administration. The new five-year strategic plan incorporates three overarching goals:

1. Help assure improved workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.
2. Strengthen and improve IOSHA and INSafe's infrastructure.
3. Promote and support the agency's cooperative programs.

Each of the three overarching goals has sub-goals and objectives to best ensure the success of the agency.

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The success achieved and the fiscal responsibility demonstrated by the Indiana OSHA division underscores that Indiana has a high quality workplace safety and health enforcement program.

Indiana OSHA (IOSHA) Annual Overview

Commissioner, Rick Ruble (formerly general counsel to the Department of Labor) was appointed by Governor Pence in September of 2013 and continues to serve as Commissioner for the Indiana Department of Labor. Tim Maley, the Deputy Commissioner of Labor, Head of IOSHA, accepted the position in August of 2012 and is continuing to serve in the position. Julie Alexander, former legal counsel for IOSHA has served as Director of General Industry since October of 2012. Jerry Lander, Director of Construction has 10 years of experience in his position with IOSHA. This management team is solidly in place and well positioned to manage the challenges of Indiana OSHA (IOSHA). Indiana OSHA's staff includes: 1 Deputy Commissioner, 2 Directors, 6 Supervisors, 14 Construction Officers, 22 General Industry Officers (10 safety, 12 health), 2 Whistleblower Investigators, 3 VPP Leaders, 2 Intake Clerks and 4 Administrative Assistants for a total of 56 personnel.

IOSHA completed the first year of a new five year strategic plan (FY 2018 – FY 2022) in FY 2018. Out of 15 annual performance goals for FY 2018, IOSHA exceeded 11 annual performance goals, met 1 annual performance goal and did not meet 3 of the annual performance goals. The first year annual plan details of the five year strategic plan is included in this report.

IOSHA's incoming incident reporting has increased over the past few years but IOSHA's resources remained static creating a significant challenge for the agency. The number of non-formal complaints rose significantly from 821 in FY 2016, to 1214 in FY 2017 to 1547 in FY 2018. The number of referrals also rose from 622 in FY 2016, to 789 in FY 2017, to 875 in FY 2018. Serious injury reports increased from 554 in FY 2017 to 582 in FY 2018. IOSHA was clearly challenged in FY 2018. Despite this increasing workload IOSHA exceeded in many of its performance measures and in FY 2018 Indiana OSHA exceeded its target of 1107 inspections by completing 1172 inspections.

In FY 2018, the focus was on training for the new officers to have them productive as soon as possible. Inspections numbers started to rise in Q2 2018, when these new officers became productive. IOSHA finished FY 2018 with 1172 inspections exceeding the target of 1107 inspections. The average annual number of inspections over the last four years is approximately 1,167 inspections. In IOSHA's new 5 year strategic plan, IOSHA will increase inspections by 40% at the end of 5 years to a total of 1,435 inspections annually.

Training continues to be a priority for IOSHA through utilizing OSHA Training Institute in Chicago as well as IOSHA's internal computer-based training programs. All new officers hired during the last year were provided two day-long training sessions on October 9th and 10th in 2018, covering topics including OSHA Express and Investigation Techniques.

IOSHA continues to utilize a system called the "OSHA Express" that matches the data requirements of the Federal OSHA OIS system and has invested resources to successfully

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interface IOSHA data with the new Federal OSHA Information System. The system is working very well and Indiana actively maintains the system managing any new additional data requirements or system adjustments. All of the old legacy data from IMIS/NCR was transferred to the OSHA Express allowing IOSHA access to historical data after the NCR was decommissioned. The new system helps IOSHA with greater accuracy and less down time than the previous data system. An

advantage of OSHA Express is that Indiana can pull real time numbers and generate its own reports to manage different performance numbers for the group.

Indiana Occupational Safety and Health Administration (IOSHA) experienced its best year compared to the previous six years. IOSHA exceeded many measures of performance, State Activity Mandated Measures, (SAMM) for FY 2018 despite headcount reductions and high turnover. Indiana OSHA met or exceeded many of its SAMM measures reported in the Federal OSHA FY 2018 end of year SAMM report. IOSHA initiate complaint inspections (SAMM 1) in 5.87 days below the goal of 10 days and beating the state plan average of 7.42 days and federal plan average of 6.67 days. IOSHA responded to 100% of imminent danger complaints in 24 hours (SAMM 3). IOSHA excels in the average number of violations cited per inspection (SAMM 5) with 2.84 serious, willful or repeat violations per inspection beating the state plan average of 1.73 violations per inspection and the federal state plan average of 1.90 violations per inspection. This illustrates that IOSHA is finding and fixing many hazards in the workplace that contribute to employee injuries and death. IOSHA has shown significant improvement in the “in compliance” rate (SAMM 9) for both safety and health inspections. For safety inspections, IOSHA’s FY 2018 “in compliance” rate was a respectable 38.64% compared to the state plan average of 31.61%. For health inspections, IOSHA’s “in compliance” rate was 50.00%. This is compared to the state plan rate of 37.49%. IOSHA continues to work on lapsed time (opening conference to citation issuance) through a review of all phases of the investigation to eliminate any inefficiency. Given headcount reductions and turnover, inspection lapsed time (SAMM 11) has been an issue. However, IOSHA’s average lapsed time vastly improved in FY 2018 completing safety inspections in 42.48 days beating the average of 49.05 days for all state plans and 46.88 for all federal state plans. For health inspections, IOSHA’s average lapsed time to complete an investigation was 50.82 days beating the average of 54.08 days for all state plans and the average of 62.93 days for all federal state plans. Employing administrative controls, IOSHA has seen significant reduction in case lapsed time during FY 2018. In addition, IOSHA initiated a project to complete all files electronically and eliminated paper files. This reduced a significant number of days in file processing by not mailing paper files across the state. It also eliminated certain administrative costs associated with maintaining paper files. IOSHA successfully completed the project of transferring to all electronic files on August 1, 2018 and is now completing investigative files electronically.

The Indiana Voluntary Protection Program (VPP) continues to grow with 91 certified sites presently in the program and 144 Special Government Employees (SGEs). The collective injury rates for these Indiana VPP sites are as follows: TCIR (total case incident rate) = 1.2, 71.2% better than BLS (Bureau of Labor Statistics) collective industry average and DART rate (days away, restriction or transfer) = 0.5, 79.7% better than BLS collective industry average. This

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indicates VPP sites are achieving good results in reducing workplace injuries. Indiana OSHA is projecting that Indiana will have 105 VPP certified sites in the next 2 years. Indiana opened the program to mobile worksites in the fall of 2014 which will allow Contractors to qualify for the program and has certified two mobile contractors in the program. Most noteworthy, Notre Dame University has officially entered Indiana's Voluntary Protection Program making it the first university in the nation to attempt VPP. Working closely with Indiana's SGEs, we believe that Indiana has one of the most exciting VPP programs in the country.

The Indiana Department of Labor/ IOSHA maintains alliances with the Central Indiana American Society of Safety Engineers (CIASSE), Indiana Builders Association (IBA), Indiana Municipal Electrical Association (IMEA) and company based Dow AgroScience. Through these alliances, IOSHA is able to reach a broad audience of Indiana companies for the purpose of outreach and education. Indiana OSHA also maintains association based partnerships including Coalition for Construction Safety (CCS), Indiana Construction Association (ICA), and Associated Builders and Contractors (ABC). Indiana OSHA works with these partnerships to promote the highest standards of safety in the construction industry. Finally, Indiana OSHA is managing two site-specific construction projects. Notre Dame University and Barton Malow general contractors reached out to partner with Indiana OSHA in a \$500 million, two-year project named the "Campus Crossroads Project". The project was recently determined to be a very safe and successful project. Another site-specific construction partnership was signed April 20, 2016. It is a \$45 million project with Trinitas Contractors in Indianapolis, Indiana, named the "IUPUI Collegiate". This project is also coming to a safe and successful conclusion. IOSHA's newest partnership agreement was signed May 30, 2017 with Hagerman Construction on a \$20 million project in Ft Wayne, Indiana named the Ft Wayne River Front Project. Indiana OSHA commits to a limited number of site-specific partnerships for the purpose of general safety oversight and injury reduction initiatives. Indiana OSHA also utilizes the site-specific partnerships to allow new compliance officers an opportunity to get real time experience on a large construction site.

The number of workplace injuries, illnesses and fatalities in Indiana have remained at historic lows however the staff of the Indiana Department of Labor recognizes that it still has work to complete and will continue to focus on reducing the number of workplace injuries and fatalities in Indiana. The Indiana Department of Labor will continue its brand of a balanced approach to worker safety and health through a rigorous enforcement program and a robust consultation division.

The unwavering commitment to Hoosier workplace safety and health excellence demonstrated by the IOSHA division reaffirms that Indiana has a high quality, metrics-driven workplace safety and health enforcement program. It is effective, lean, and represents a good investment of federal and state dollars.

Accomplishments

The **Construction Division** experienced a solid year in FY 2018 in performance numbers and managing some significant partnerships for the Indiana Department of Labor. The Construction

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Division finished with 530 inspections completed for the year. The average lapsed time for construction to complete investigations was a respectable 47.44 days with an incompliance rate of 34.29 %. During FY 2018, the Team was able to reach several major SAMM goals this year. The Construction safety team hosted their yearly picnic to honor the dedicated work of the construction staff.

The average number of days to initiate inspections for formal or nonformal complaints was within 1.90 days. The average violation per inspection was 3.61 violations per case. (1 violation above the national average)

The Construction accident and injury rate declined from 2.8 to 2.6; surpassing the 2016 historic low.

4. All fatalities (8) were responded to within 24 hours.

The message from the Construction Team is clear; they are making a difference in the State of Indiana.

The Hagerman Group / Fort Wayne's Riverfront Development Project – The Indiana Department of Labor and the IOSHA Construction Division along with The Hagerman Group have entered into a partnership agreement on May 3, 2017, for a 20 million dollar project, with an anticipated date of project completion early in 2019. This project will consist of an Urban Riverfront Terrace, dining areas, Riverfront Plaza / Pavilion area and an interactive Water pool area. Per the terms of the agreement, IOSHA shall inspect the project a minimum of four times a year and monitor safety for the project throughout the project duration.

Coalition for Construction Safety (CCS), Indiana Construction Association (ICA) and Associated Builders and Contractors (ABC) - The Indiana Department of Labor has entered into partnerships with these construction associations because of their commitment to outstanding safety performance. Presently there are 210 companies, in Indiana, that belong to these associations. The IOSHA Construction team frequently attends the association meetings in order to communicate and educate large groups of contractors on OSHA regulations and initiatives. This partnership has helped IOSHA reach many of our construction companies in Indiana to promote excellent safety practices.

Barton Malow/Notre Dame Campus Crossroads Construction Project Partnership – The Indiana Department of Labor and the IOSHA Construction Division, along with Barton Malow, entered into a partnership agreement for a 450 million dollar, 3-year Notre Dame Campus Crossroads Project. Per the terms of the agreement, IOSHA shall inspect the project a minimum of four times a year and monitor their safety for the project throughout the project duration. This partnership has been very successful for both parties as the contractor has benefited from IOSHA inspecting their site and pointing out potential hazards based on our experience. IOSHA construction team has also benefited by observing and learning about their safety efforts and practices they do on the job site. The project was completed Q1 FY 2018.

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Barton Malow/Notre Dame Practice Field Project – The Indiana Department of Labor and the IOSHA Construction Division, along with Barton Malow, entered into a partnership agreement for the 30 million dollar project. The project consists of inclosing a football practice field. Completion for the project is scheduled for June 2019. Per the terms of the agreement, IOSHA will inspect the project on a quarterly schedule. Coming off the success of the Campus Crossroads partnership, this project has also been successful for all parties due to the relationships that were already established. IOSHA has completed one jobsite inspection with another scheduled in December 2018.

Shiel Sexton/Notre Dame Men’s Residence Hall Project – The Indiana Department of Labor and the IOSHA Construction Division, along with Shiel Sexton, have entered into a partnership agreement for this 22 million dollar project. The project consists of building a men’s residence hall on campus in 2019. Per the terms of the agreement IOSHA will inspect the project on a quarterly basis. The partnership has been a success for both parties involved in that Shiel Sexton and their contractors have been able to interact with IOSHA staff and new contractors on this partnership and future projects.

The IOSHA **General Industry Division** is responsible for operating and maintaining intake for all IOSHA. In FY 2018, the General Industry Division I was again able to keep their time from the receipt of a complaint to the time a compliance officer opens an inspection (SAMM 1) below 10 days for the fourth fiscal year in a row. Indiana had a FY 2018 SAMM #1 average of 5.87 days. Indiana was able to succeed in attaining an average lower than both the national regional and state plan averages. This was quite an accomplishment because the number of incoming formal complaints rose significantly in FY 2018 and the intake staff turnover was excessive. Indiana OSHA inspected 387 complaints as compared to 237 complaints in FY 2017 which was a 64% increase in onsite formal complaint inspections for the year. A number of enhancements to the efficiency of the intake division including converting to electronic complaint processing in FY 2018 was key to keeping up with the increased load.

Indiana’s nonformal complaints have increased significantly every year since FY 2016. The number of nonformal complaints processed by our intake section increased more than 45% from 821 in FY 2016 to 1,214 in FY 2017 and 1,546 in FY 2018. In the last two years, nonformal complaints have nearly doubled. In FY 2017 the intake section added another staff member to help with the increased work load.

In addition to adding a permanent staff member, the intake division added a summer intern to help with processing nonformals and serious injury reports. In fiscal year 2017 and 2018 the General Industry Division created a twelve week internship in conjunction with Indiana University’s Occupational Health and Safety Department. The curriculum includes all aspects of IOSHA with a large portion dedicated to intake. The intern receives college credit and knowledge of IOSHA and IOSHA received additional assistance within the intake unit. As an added benefit, both interns chose to work for IOSHA after receiving their Bachelor degree from Indiana University. They started working for IOSHA with hands on experience and knowledge

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of IOSHA.

Referrals received by IOSHA increased slightly from 789 in FY 2017 to 875 in FY 2018. In FY 2018, IOSHA received 582 employer reported serious injuries and IOSHA conducted onsite inspections of 86% of these reports. This is a 5% increase from the 81% inspected of the 554 employer reported serious injuries in FY 2017.

IOSHA remained the leader this fiscal year for citing the most serious, willful, and repeat violations per inspection at 2.83 violations per inspection in FY 2018. IOSHA cited 39% more violations than the national average for all State Plan Office Reporting Identifiers (RIDs) and cited 31% more violations than all Federal RIDs. This is attributed to the continued increase in training at OTI, IOSHA's photo hazard recognition training project, and the agency focus on the need for increased hazard recognition skills among newer CSHO's.

Indiana OSHA achieved the lowest lapse time on average for both safety and health inspections compared to the national average of State Plan Offices and Federal OSHA national average. IOSHA's lapse time average for safety inspections was 42.48 days and 50.82 for health inspections. IOSHA expanded the FY 2017 electronic pilot project to the entire agency in FY 2018. This significantly reduced the overall lapsed time. IOSHA also expanded the FY 2017 pilot using voice recorders for interviews to the entire agency which cut down on onsite inspection time and write up time in FY 2018. IOSHA also contributes the achievements made in lapse time to the implementation of an efficiency taskforce, time management courses, and shared templates.

The **Whistleblower** section of IOSHA conducted 49 formal investigations in FY 2018. The average number of days to complete a Whistleblower investigation for IOSHA was 90 days. This compared with the national average of 285 days. Indiana is one of the few states that has a statute of limitations to complete a whistleblower investigation. The statute of limitations is 120 days. Indiana presently has two full time Whistleblower investigators that perform all Whistleblower investigations. Training continued for the Indiana Whistleblower section this year with a new investigator attending the WB Fundamentals 1420 class at the OSHA Training Institute.

Voluntary Protection Program

The agency performs other important functions in addition to compliance inspections. A key standout is the Indiana Voluntary Protection Program (VPP). The program is growing, as Indiana has 91 worksites certified in VPP. The program is projecting there will be 105 total certified sites within the next two years. The Indiana program is encouraging mobile worksites and public sector sites to become VPP sites. IOSHA personnel consist of three, VPP team leaders who guide, train, and coordinate 144 Special Government Employees (SGEs). In FY 2018, five new STAR sites were added. Working together, the VPP Leaders coordinated day-long training sessions for the Indiana SGEs and safety and health professionals from current VPP sites and sites working on VPP. Six sessions in the northern, southern and central regions of the state

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were held during calendar year 2018. The education sessions involved sites sharing best practices, learning about Workplace Violence Prevention from Indiana State Police and Dubois County Sheriff, and discussing ways sites are preventing amputations. The VPP Leaders also conducted two Industrial Hygiene classes. To ensure VPP sites are fatality free, the VPP Leaders emphasize a focus during the evaluations on areas such as fall protection, electrical safety, confined space, and control of hazardous energy. The VPP staff also spends time visiting different areas of the state to discuss and promote the program, safety management systems practices and safety excellence for the Hoosier workforce. VPP continues to provide an effective platform for safety outreach in Indiana. The VPP Team, in conjunction with OSHA Region V, also conducted a SGE training class in July 2018.

IOSHA continues to reap the benefits of SGEs for use during VPP evaluations. The use of SGEs has reduced the burden on enforcement resources as more and more companies become committed to exemplary health and safety management systems through VPP. The agency estimates that each SGE used for a VPP evaluation yields a cost savings of \$2,500, which can then be reinvested in a robust enforcement program.

Fatalities:

The 2017 Census of Fatal Occupational Injuries report shows 138 workers lost their lives in a workplace accident in the Hoosier state. This represents an increase of .73% in the number of fatal injuries from the 2016 total of 137.

The CFOI uses the North American Industry Classification System (NAICS) to identify the industries and sub-industries where workplace fatalities occur. Industry information is often reported as a broad category to ensure that no decedents or their employers can be identified. Indiana's **agriculture, forestry, fishing, and hunting** industry experienced 28 fatalities in 2017; a decrease of 15.15% from the 2016 total of 33 fatal events and the highest number of fatalities in any industry. Contacts with objects and equipment incidents accounted for 11 of the 28 fatalities in this industry (39.29%), Eighteen (18) of the 28 total fatalities in **agriculture, forestry, fishing, and hunting** were attributed to workers in the **crop production** sub-industry. Nine (9) fatalities occurred in **animal production** and aquaculture and one (1) occurred in **forestry and logging**. Of these 28 fatalities, 24 were self-employed workers (85.71%) and four (4) were wage and salary workers (14.29%).

With 26 fatalities, Indiana's **transportation and warehousing** industry experienced the second highest number fatal injuries in 2017. This was an increase of 23.81% from 21 fatalities in 2016. The truck transportation subindustry experienced 17 of these fatal injuries, with 15 falling under the general freight trucking, long distance subindustry.

In 2017, the Indiana **mining** industry did not experience a fatal workplace injury. The last time this industry experienced a workplace fatality was in 2014. Other industries in 2017 that did not experience a workplace fatality include **finance and insurance**, and **real estate and rental and leasing**, down from 1 and 3 fatalities in 2016 respectively.

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Other industries that experienced a decrease in fatal workplace injuries from 2016 to 2017 are **manufacturing; wholesale trade; retail trade; professional and technical services**; along with **arts, entertainment, and recreation**.

Event or exposure describes the manner in which a worker was killed. Although the events may sound similar to industry classifications, the two are not interchangeable and these events may occur in any industry.

Since the inception of the CFOI in 1992, **transportation-related incidents** have resulted in the highest number of Hoosier workplace fatalities. This trend continued in 2017 with 50 transportation-related incidents accounting for 36.23% of all Indiana occupational fatalities. This was a decline from 44.53% in 2016. These incidents included roadway incidents involving motorized land vehicles (33), non-roadway incidents involving motorized land vehicles (6) and pedestrians struck by vehicles while working (8). The sub-industry **truck transportation** experienced the highest number of transportation fatalities in 2017 (17). This was an increase from the 2016 total (13).

Transportation-related incidents can affect any industry and are not solely limited to work performed in the **transportation and warehousing** industry. In 2017, 17 fatal transportation-related incidents occurred in the transportation and warehousing industry, while 33 fatalities occurred in other industries including **agriculture, forestry, fishing and hunting** (9); **administrative and waste services** (5); **manufacturing** (4) **health care and social assistance** (2); and **construction** (1).

Violence and other injuries by persons or animals (workplace violence) was the second leading cause of Hoosier workplace fatalities in 2017 (28). The number of cases increased from 2016 (24).

Events in this category include all intentional injuries; injuries involving weapons (tools designed to be used as weapons, such as firearms and stun guns) regardless of intent; and injuries involving direct physical contact with persons, animals, or insects regardless of intent. Such injuries may be inflicted by another person, by oneself, or by an animal or insect. The majority of the fatalities included in this event were men (26) and white (non-Hispanic) (23). All of Indiana's 2017 workplace violence fatalities were suffered by employees twenty years of age and older, with most befalling employees 35 to 64 years of age (19). **Firearms** were involved in 17 of the 138 Indiana workplace fatalities in 2017, a slight increase from 16 such cases in 2016.

For the second consecutive year, **contact with objects and equipment** was the third highest fatal Hoosier workplace event, with 21 fatal injuries in 2017. Seventeen of these cases involved being struck by an object or equipment, with the two highest specific categories being struck by a powered vehicle (non-transport) (8), and being struck by a falling object or equipment (other than a powered vehicle) (8). The other (4) cases included being caught in or compressed by

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equipment or objects. By occupation, **farmers, ranchers and other agricultural managers** suffered a high number of recordable fatalities by **contact with objects and equipment** (8), as did **building and grounds cleaning and maintenance** workers (3).

Twenty (20) fatalities in 2017 were attributed to **falls, slips, and trips**. This figure is an increase from 13 in 2016 and represents a 51.90% change from the average annual fatality count of 13.17 through the years of 2011 and 2016. Fatalities in 2017 due to **falls, slips, and trips** most often occurred in the **construction** industry (7), while no other industry had more than three. Each of these 2017 **construction** fatalities involved a **fall to a lower level**.

Fires and explosions related workplace fatalities accounted for 29 Indiana worker deaths through the years of 2011 and 2016, for an average of 4.83 such fatalities annually in that timeframe. 2017's total of one (1) fatality from **fires and explosions** represents a significant decrease from that average figure. This is also a large drop from 2016's **fires and explosions** fatality count of four (4).

Significant Cases

Forest River, Inc.:

In response to Forest River's excessive serious injury reports received in 2016 and 2017, IOSHA sent a team of six general industry CSHOs to perform a comprehensive NEP amputation inspection of a Forest River plant in Goshen, Indiana and then the next day on August 3, 2017, IOSHA sent the same six member team to another Forest River plant in Middlebury, Indiana to perform another comprehensive NEP amputation inspection. Forest River is a recreational vehicle (RV) manufacturer with over 100 plants in Indiana. Forest River reported in the first nine months of 2017, the following serious injuries:

- 2 Index Fingers Amputated
- 3 Middle Fingers Amputated
- 4 Ring Fingers Amputated
- 1 Pinky Finger Amputated
- A Fractured Pelvis
- Multiple Foot Fractures

The citations resulted in 1 repeat violation, 16 serious violations, and 1 Other than Serious Violation and a penalty of \$64,400 dollars. Currently, corporate wide settlement negotiations are being discussed to include enhanced enforcement and monitoring of their safety programs.

Autoneum North America – Jeffersonville:

On 10/22/17 a fatality occurred at Autoneum, an automobile parts manufacturer. At the time of the accident, the victim accessed the back of a machine, through the interlocked gate, to put a fiber pad over a broken seal. As the victim walked in, the belt and pulley was powering down but still spinning. When she reached over to grab the fiber pad, she was pulled into the belt and pulley. She succumbed to the injuries at the scene.

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Safety orders were issued on 11/15/17 with 2 serious violations (\$14,000.00) and 3 knowing violations (\$210,000.00) with a total penalty of \$224,000.00.

Superior Hardwoods:

In operation since 1982, Superior Hardwoods was one of the one of the largest sawmills in Indiana. IOSHA's General Industry division conducted a fatality inspection at Superior Hardwoods January of 2018. A maintenance employee was welding on a cant pan when it lowered pinning him in the neck and side of the head. The employee was rushed to the hospital where he later died. After reviewing video of the incident, it was found that no utilization of control of hazardous energy procedures were used at the time of the incident to isolate energy sources and prevent the inadvertent startup of the cant pan assembly.

The citations resulted in 1 willful violation and 4 serious violations with a penalty of \$109,000 dollars. After an informal hearing, the penalty was reduced to \$91,000 and 5 serious violations were upheld. The employer agreed to hire a third party safety consultant and develop machine specific lock out/tag out procedures for all 150 machines on the property. The employer also agreed to laminate and post these procedures on all 150 machines. The employer created two new safety positions at the facility and now have weekly safety meetings.

Budget

Indiana used all funds for FY 2018. Indiana did not deobligate any funds. The Indiana State Budget Agency imposed a 3% budget reserve during FY 2018.

Additionally, Indiana was audited by federal DOL with respect to the appropriate expenditure of federal grant dollars. The agency passed with flying colors in managing its federal dollars. In addition, the entire agency was audited by the State Board of Accounts. There were only two minor written comments by the state budget officials.

Emphasis Programs

IOSHA has adopted all of the National Emphasis Programs (NEPs) for this time period with the exception of Commercial Diving. IOSHA also developed a local emphasis programs (LEPs) for fall protection and will be developing one LEP per year over the next five years. IOSHA recently refocused an effort to review all NEPs developed by the federal OSHA to ensure they are followed

correctly. IOSHA has drafted a written procedure for establishing local emphasis programs that fit the needs of Indiana.

Directives/Regulations

Indiana adopted CPL 02-00-158 Inspection Procedures for the Respiratory Protection Standard, adopted September 5, 2014.

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Indiana adopted CPL 02-01-056 Inspection Procedures for Accessing Communication Towers, adopted October 1, 2014.

Indiana adopted TED 01-00-019 Mandatory Training Program for OSHA Compliance, adopted October 1, 2014.

Indiana adopted CPL 02-01-057 Compliance Directive for the Cranes and Derricks in Construction Standard, adopted April 17, 2014.

Indiana adopted CPL 03-00-018 National Emphasis Program-Primary Metal Industries Revision, effective April 20, 2014.

Indiana adopted CPL 02-03-005 Whistleblower Investigations Manual Directive, effective July 20, 2015.

Indiana adopted CPL 02-02-078 Enforcement Procedures and Scheduling for Occupational Exposure to Tuberculosis Directive, effective October 30, 2015.

Indiana adopted CPL 02-02-079 Inspection Procedures for the Hazard Communication Standard (HCS-2012), effective September 1, 2015.

Indiana adopted CPL 03-00-019 National Emphasis on Amputations, effective January 1, 2016.

Indiana adopted TED 03-01-004 SGE Program Policies and Procedures Manual for the OSHA's VPPs, effective January 1, 2016.

Indiana adopted TED 01-00-020 Mandatory Training Program for OSHA Whistleblower Investigators, effective April 8, 2016.

Indiana adopted CPL 02-00-159 Field Operations Manual (FOM), effective April 1, 2016.

Indiana adopted CSP 02-00-003 Consultation Policies and Procedures Manual, effective May 19, 2016.

Indiana adopted CPL 02-01-058 Enforcement Procedures and Scheduling for Occupational Exposure to Workplace violence, effective 3/10/17.

Indiana adopted 1926 Cranes and Derricks in Construction-Operator Certification-Final Rule, effective January 1, 2015.

Indiana adopted 1910, 1926 Final Rule for Electric Power Generation, Transmission and Distribution; Electrical Protective Equipment, effective February 1, 2015.

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Indiana adopted 1904 Occupational Injury and Illness Recording and Reporting Requirements-NAICS Updates and Reporting Revisions, effective March 1, 2015.

Indiana adopted 1926.12 Final Rule for Confined Spaces in Construction, effective February 4, 2016.

Indiana adopted the 1910, 1915, 1926 Final Rule for Occupational Exposure to Respirable Crystalline Silica, effective December 26, 2016.

Indiana adopted 1902, 1904 Final Rule for Improved Tracking of Workplace Injuries and Illnesses (pending) with an effective date of March 1, 2017.

Indiana adopted 1910.1024, 1926.1124 Final Rule on Occupational Exposure to Beryllium with an effective date of September 9, 2017.

Indiana adopted 1910 Subpart D Walking Working Surfaces and Subpart I, Personal Protective Equipment, General Industry with an effective date of July 9, 2017.

Indiana has adopted 1903 Final Rule on the Implementation of 2017 Annual Adjustment to the Civil Penalties for Inflation, pending legislative action.

New Legislation in Indiana

The Federal OSHA penalty increase has been drafted for submission for a future Indiana state legislative session. IOSHA penalty structure is covered by state statute and the increase will need to be approved by the Indiana Legislature.

Board of Safety Review

At the beginning of the FY 2018, there were 31 cases pending before the Board of Safety Review (BSR). The BSR received 34 new cases during FY 2018. The BSR ended the FY 2018 with 30 open cases. FY 2018 began with one (1) open 2014 case, three (3) open 2015 cases, nine (9) open 2016 cases, and eighteen (18) open 2017 cases. The Board of Safety Review closed the fiscal year with two (2) open 2015 cases, four (4) open 2016 cases, six (6) open 2017 cases and eighteen (18) open 2018 cases. The docket was significantly reduced by closing thirty-five (35) contested cases in the FY 2018 and ending with no contested case over three years old.

CAP/FAME

Indiana OSHA received a federal annual monitoring evaluation (FAME) report for FY 2017 on July 25, 2018. Indiana OSHA received a total 14 findings on the report for FY 2017 compared to 19 findings in FY 2016. Of the 14 findings, 7 have been corrected and are awaiting verification. The remaining 7 findings are under development and scheduled for completion. Indiana OSHA welcomes the opportunity to improve deficiencies pointed out in these evaluations.

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Future Direction

Indiana OSHA uses leverage points outside the organization to increase its influence in improving safety within the state. Through the utilization of partnerships IOSHA can expand safety enforcement in a broader fashion. Partnerships have benefitted IOSHA by offering low cost “hands on” safety training to the agency when specific needs arise. Indiana OSHA’s utilization of Special Government Employees in the Voluntary Protection Program is another example of this leverage as a volunteer safety group that allows IOSHA Compliance Officers to focus on enforcement inspections.

On the enforcement side, IOSHA is working hard in making the enforcement process a consistent, accurate and timely process. IOSHA has made great strides in timeliness to open investigations. The continued focus is on hazard recognition and making sure files are completed in a timely manner. IOSHA displayed several good indicators for FY 2018 (SAMM) notably lapsed time to complete an investigation. Management is closely monitoring lapsed time on a monthly basis. Supervisors are working with CSHOs to assemble files as efficiently as possible. The management team is using both coaching and disciplinary measures to manage lapsed time. IOSHA has included lapsed time as a strategic goal in the 5-year strategic plan. IOSHA has now filled all funded positions and is working to quickly train and get new officers productive as soon as possible. IOSHA has initiated a project to move from paper files to electronic files and plans to be completely changed over to electronic files by the end of FY 2018. This will significantly reduce lapsed time as well as the cost associated with handling paper files.

The IOSHA Director of General Industry has been leading an effort to improve IOSHA Intake. Incoming complaints and referrals have greatly increased in the last three years. To address this tremendous increase in intake, IOSHA added a full time clerk and a temporary clerk to help address the increase in incoming calls and processing of files. IOSHA is adding additional phone lines in the intake area. Our goal is to answer all calls live and with additional phones lines, we can better achieve that goal.

Another future challenge for IOSHA is to address employee turnover and reduced staffing. Due to low funding and industry competition for safety professionals, IOSHA experienced an average staff turnover of three officers per quarter for the last three years. Most of those officers left the agency for better paying opportunities. Recruiting and replacing IOSHA compliance officers is challenging and time consuming. The IOSHA Management team has successfully worked with the Indiana State Personnel Department and the Governor’s office to implement an increase in salary scales for IOSHA Compliance Officers and Supervisors during FY 2017. For example, starting pay for new CSHOs has been increased from \$36,374 to \$42,328. The IOSHA management team continues to improve the competitiveness of IOSHA positions through greater salary and benefits in addition to internal recognition programs. As we continue to improve Indiana OSHA operations and address an increasing regulatory workload, limited resources will be an ever increasing issue. To meet our goals, staff retention will be a

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focus as we move to the future. We must be competitive in compensation and offer positions that are attractive to talented safety professionals.

Indiana is experiencing record low injury and illness rates. Future improvement will be more challenging. IOSHA must be effective and focus on ways to continue improving worker safety in Indiana.

IOSHA's future will focus on a balance of continuing to strengthen our enforcement responsibilities and expanding our Alliances and Partnerships with an agency mission of advancing the safety, health and prosperity of Hoosiers in the workplace.



Timothy E. Maley
Deputy Commissioner of Labor

INDIANA DEPARTMENT OF LABOR ANNUAL PERFORMANCE PLAN

The Indiana Department of Labor's overriding strategic goal is to reduce occupational injuries, illnesses and fatalities in Indiana, particularly in the high hazard industries that have the greatest number of working Hoosiers.

Strategic Goal #1: <i>Help assure improved workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.</i>	
Performance Goal 1.1	Reduce workplace injuries and illnesses in high hazard industries by a combined 15% by the end of federal fiscal year 2022.
Annual Performance Goal 1.1	Reduce workplace injuries and illnesses in high hazard industries by a combined 3%. <ul style="list-style-type: none">• Food manufacturing (311)• Beverage and tobacco product manufacturing (312)• Wood product manufacturing (321)• Primary metal manufacturing (331)• Metalworking machinery manufacturing (333)• Nursing and residential care facilities (623)• Hospitals (622)• Warehousing and storage (493)

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Indicators/Metrics	Bureau of Labor Statistics’ (BLS) Survey of Occupational Injuries and Illnesses (SOII) rate for the Indiana high hazard industries identified.
Data Sources	BLS SOII Table 1. Incident Rates of nonfatal occupational injuries and illnesses by industry and case types.
Baseline	<p>2015 BLS SOII rates for the Indiana high hazard industries:</p> <ul style="list-style-type: none"> • Food Manufacturing (311) 5.9 • Beverage and tobacco product manufacturing (312) 6.2 • Wood Product Manufacturing (321) 10.4 • Primary Metal Manufacturing (331) 4.3 • Metalworking Machinery Manufacturing (3335) 8.0 • Hospitals (622) 5.8 • Nursing and Residential Care Facilities (623) 7.4 • Warehousing and storage (493) 4.7
Comments	<p>IOSHA will prioritize complaints from the industries (NAICS) referenced in <i>Annual Performance Goal 1.1 a</i>. Given the high incident rates, non-formal complaints received by IOSHA in these industries may be upgraded to formal complaint status.</p> <p>IOSHA will develop one Local Emphasis Program (LEP) annually targeting Indiana’s high hazard industries.</p> <p>INSafe will prioritize onsite consultation, training, and outreach requests from the industries (NAICS) referenced in <i>Annual Performance Goal 1.1 a</i>. “Initial” onsite consultation requests with serious hazards identified in the above referenced industries will require an onsite “Follow-up” visit. INSafe will provide other additional outreach activities specifically aimed at these emphasis industries.</p>
FY 2018 Results	<p>2017 BLS SOII rates for the Indiana high hazard industries:</p> <ul style="list-style-type: none"> • Food Manufacturing (311) 4.8 – 18.64% decrease • Beverage and tobacco product manufacturing (312) 4.4 – 29.03% decrease • Wood Product Manufacturing (321) 5.9 – 43.27% decrease • Primary Metal Manufacturing (331) 3.1 – 27.91% decrease • Metalworking Machinery Manufacturing (3335) 3.5 – 56.25% decrease • Hospitals (622) 6.0 – 3.45% Increase • Nursing and Residential Care Facilities (623) 6.9 – 6.76% decrease • Warehousing and storage (493) 5.0 – 6.38% increase

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	As of the publication of the 2017 SOII results, this goal was exceeded . The SOII numbers, however, are obtained through a survey which can lead to volatility in the numbers and wide fluctuations from year to year.
Performance Goal 1.1b	Reduce workplace fatalities within IOSHA’s jurisdiction by a combined 10% in Indiana high fatality industries – transportation and warehousing, agriculture, and manufacturing by the end of federal fiscal year 2022.
Annual Performance Goal	Reduce workplace fatalities within IOSHA’s jurisdiction by a combined 2% in Indiana high fatality industries – transportation and warehousing; agriculture; forestry, fishing, and hunting; and manufacturing.
Indicators/Metrics	BLS Census of Fatal Occupational Injuries (CFOI) fatalities for the transportation and warehousing; agriculture; forestry, fishing, and hunting; and manufacturing and internal tracking of fatalities within IOSHA’s jurisdiction.
Data Sources	BLS CFOI Table A-1. Fatal occupational injuries by industry and event or exposure, Indiana.
Baseline	2015 BLS CFOI rates for Indiana high fatality industries: <ul style="list-style-type: none"> • Transportation and warehousing, 27 • Agriculture, forestry, fishing, and hunting, 23 • Manufacturing, 12
Comments	IOSHA will give top priority to inspecting fatalities in these high fatality industries. INSafe will prioritize outreach efforts in the same industries.
FY 2018 Results	2016 BLS CFOI rates for Indiana high fatality industries: <ul style="list-style-type: none"> • Transportation and warehousing, 21 – 22.22% <i>decrease</i> • Agriculture, forestry, fishing, and hunting, 33 – 43.48% <i>increase</i> • Manufacturing, 10 – 16.67% <i>decrease</i> <p>As of the publication of the 2016 CFOI, this goal was not met. The 2017 CFOI results will not be released until mid-December 2018.</p>
Performance Goal 1.2a	Reduce workplace injuries and illnesses in the construction (NAICS 23) industry by 15% by the end of federal fiscal year 2022.
Annual Performance Goal	Reduce workplace injuries and illnesses in the construction industry by 3%.
Indicators/Metrics	BLS SOII rate for the Indiana construction industry.
Data Sources	BLS SOII Table 1. Incident Rates of nonfatal occupational injuries and illnesses by industry and case types.
Baseline	2015 BLS SOII rate for the Indiana construction industry is 2.8.

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Comments	IOSHA’s Construction Safety Division will develop LEPs in fall protection, trenching, and scaffolds.
FY 2018 Results	2017 BLS SOII rate for the Indiana construction industry is 2.6 – 7.14% decrease. The annual goal was exceeded .
Strategic Goal #2: <i>Strengthen and improve IOSHA and INSafe’s infrastructure.</i>	
Performance Goal 2.1a	Improve IOSHA elapsed time (from opening to citation issuance) by 25% for safety inspections.
Annual Performance Goal	Improve IOSHA elapsed time (from opening to citation issuance) by 5% for safety inspections.
Indicators/Metrics	Federal OSHA State Activities Mandated Measures (SAMM) for federal fiscal year-end.
Data Sources	Federal OSHA SAMM Measure 11.
Baseline	IOSHA FY 2016 YTD SAMM 11 Safety is 54.67 working days
Comments	
FY 2018 Results	Lapsed time for safety inspections was an average of 42.34 days. This goal was exceeded .
Performance Goal 2.1b	Improve IOSHA elapsed time (from opening to citation issuance) by 40% for health inspections.
Annual Performance Goal	Improve IOSHA elapsed time (from opening to citation issuance) by 8% for health inspections.
Indicators/Metrics	Federal OSHA SAMM for federal fiscal year-end.
Data Sources	Federal OSHA SAMM Measure 11.
Baseline	IOSHA FY 2016 YTD SAMM 11 Health is 99.79 working days
Comments	National Average from SAMM 11 will be targeted. FY 2016 = 57 working days.

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FY 2018 Results	Lapsed time for health inspections was 50.82 days. This goal was exceeded .
Performance Goal 2.1c	Increase the number of IOSHA enforcement inspections by 40%.
Annual Performance Goal	Increase number of inspections by 8%.
Indicators/Metrics	Federal Fiscal Year reporting
Data Sources	OSHA Express/OSHA Information System
Baseline	FY 2018 estimated number of inspections = 1025
Comments	
FY 2018 Results	The target number of inspections was 1107 inspections. 1164 inspection were completed for the year. This goal was exceeded .
Performance Goal 2.1d	Complete IOSHA whistleblower investigations within 80 days for the investigator portion and 120 days total for IOSHA.
Annual Performance Goal	Whistleblower cases completed within 80 days for investigator, 120 total for IOSHA.
Indicators/Metrics	SAMM 14 and 16
Data Sources	OSHA Express/OIS
Baseline	N/A
Comments	
FY 2018 Results	The average number of days for case completion was 90 days. This goal was exceeded .

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Performance Goal 2.2	Improve INSafe consultation request response time (from employer submission of request to onsite visit) by 20%.
Annual Performance Goal	Improve INSafe consultation request response time (from employer submission of request to onsite visit) by 4%.
Indicators/Metrics	OSHA Express
Data Sources	Internal tracking (average) using OSHA Express Visit Lapse Report for closed visits.
Baseline	FY 2016 average consultation request response time (from employer submission of request to onsite visit) = 56 days.
Comments	
FY 2018 Results	FY 2018 average consultation request response time (from employer submission of request to onsite visit) = <i>46.75 days</i> <i>16.52% decrease</i> . This goal was exceeded .
Performance Goal 2.3	Respond to 95% of complaints made to IOSHA within 10 working days.
Annual Performance Goal	Respond to 95% of complaints made to IOSHA within 10 working days.
Indicators/Metrics	SAMM 1A
Data Sources	OSHA Express
Baseline	FY 2016 = 8.93
Comments	
FY 2018 Results	The average response time to respond to complaints was 5.81 days. This goal was exceeded .
Performance Goal 2.4	Ensure 95% of non-contested cases have abatement completed within 60 working days of the last abatement due date.

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Annual Performance Goal	Ensure 95% of non-contested cases have abatement completed within 60 working days of the last abatement due date.
Indicators/Metrics	
Data Sources	OSHA Express “Unsatisfied Activities” Report.
Baseline	N/A
Comments	
FY 2018 Results	85 cases had abatement incomplete greater than 60 days out of 728 cases resulting in 88% of non-contested cases with abatement completed within 60 days of due date. This goal was not met .
Performance Goal 2.5	Provide 10 non-OTI opportunities for IOSHA and INSafe staff to grow professionally and improve technical proficiencies.
Annual Performance Goal	Provide 2 non-OTI opportunities for IOSHA and INSafe staff to grow professionally and improve technical proficiencies.
Indicators/Metrics	Indiana Department of Labor internal tracking.
Data Sources	Internally maintained spreadsheet
Baseline	Provided 2 non-OTI opportunities for IOSHA and INSafe staff to grow professionally and improve technical proficiencies in FY2017.
Comments	
FY 2018 Results	Two, day-long internal training sessions were delivered to all CSHOs in IOSHA. This goals was met .
<i>Strategic Goal #3: Promote and support the agency’s cooperative programs.</i>	
Performance Goal 3.1	Increase the number of IOSHA’s VPP and INSafe’s INSHARP sites by 50.

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Annual Performance Goal	Increase the number of IOSHA’s VPP and INSafe’s INSHARP sites by a combined total of 10.
Indicators/Metrics	Indiana Department of Labor internal tracking.
Data Sources	Internally maintained spreadsheet.
Baseline	FY 2016 new INSHARP sites = 6, FY 2016 new VPP sites =10
Comments	
FY 2018 Results	Five new VPP sites were certified in 2018. One new INSHARP site was certified in 2018. This goal was not met .
Performance Goal 3.2	Coordinate and offer 10 meetings/best practice sessions for IOSHA’s VPP and INSafe’s INSHARP participants and other interested parties.
Annual Performance Goal	Coordinate and offer 2 meetings/best practice sessions for VPP and INSHARP participants and other interested parties.
Indicators/Metrics	Indiana Department of Labor internal tracking.
Data Sources	Internally maintained spreadsheet.
Baseline	N/A
Comments	
FY 2018 Results	Six best practice/educational meetings were held in South, Central and Southern Indiana for VPP and INSHARP participants in 2008. This goal was exceeded .
Performance Goal 3.3	Conduct a combined 600 IOSHA’s VPP and INSafe’s INSHARP outreach visits.
Annual Performance Goal	Conduct a combined 120 IOSHA VPP and INSafe INSHARP outreach visits.

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Indicators/Metrics	Indiana Department of Labor internal tracking.
Data Sources	Internally maintained spreadsheet. OSHA Form 66 – Intervention activities (INSHARP).
Baseline	N/A
Comments	
FY 2018 Results	VPP staff conducted a total of 217 visits in FY 2018. The INSHARP coordinator conducted 28 visits in FY 2018. This goal was exceeded .
Performance Goal 3.4	Sign five new/renew strategic workplace safety and health partnerships or alliances by the end of federal fiscal year 2022.
Annual Performance Goal	Sign one new strategic workplace safety and health partnership or alliance.
Indicators/Metrics	Indiana Department of Labor internal tracking.
Data Sources	Internally maintained spreadsheet.
Baseline	
Comments	
FY 2018 Results	Signed 3 strategic workplace safety and health partnership or alliances in FY 2018. This goal was exceeded .