

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

**Maine State Plan
(MEOSH)**



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I. Executive Summary

The primary purpose of this report is to assess the Maine Occupational Safety and Health's (MEOSH's) progress in resolving outstanding findings from the FY 2017 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report.

In each of the past two years, the Occupational Safety and Health Administration (OSHA) has conducted back-to-back comprehensive case file reviews to assess the State Plan's performance. The previous two Comprehensive FAME Reports contained a fair number of recommendations for improvement, but as the newest State Plan, it is understandable that MEOSH would face a learning curve.

FY 2018 was a stable year for MEOSH in that there were no staffing changes and no unforeseen challenges. It was also a year in which MEOSH had some breathing room to address areas cited in previous FAME Reports where adjustments were needed. For example, the State Plan conducted training internally on the MEOSH Field Operations Manual (FOM) and also participated in training provided by OSHA on the OSHA Information System (OIS) and several other issues discussed in the previous FAME Report, such as severity and probability assessments, violation classification, and handling complaints, etc.

Thus, the State Plan was able to complete two findings related to enforcement, including one that pertained to complaints. The remaining seven findings from the previous FAME Report have been continued because another case file review is needed to assess progress in these areas. MEOSH also resolved three of the seven observations from last year's FAME Report, but the remaining four observations have been continued. Similar to the findings that have been continued, another case file review is needed to evaluate the State Plan's progress in these areas.

In FY 2018, OSHA identified some new issues that require further monitoring, and as a result, there are three new observations in this Follow-up FAME Report. Although some new issues have come to light, they should not overshadow the fact that MEOSH is determined to perform at the highest level on all fronts and is on course to achieve this goal within the near future.

II. State Plan Background

In August 2015, MEOSH received initial approval as a developmental State and Local Government Only State Plan under the Occupational Safety and Health (OSH) Act of 1970. The Maine Department of Labor implements MEOSH, and the Director of the Department's Bureau of Labor Standards is the State Plan designee. The State Plan is headquartered in Augusta and has two field offices located throughout the state.

Coverage

Approximately 2,400 state and local government employers and nearly 80,700 state and local government workers are covered by the State Plan. Volunteers under the direction of a state or local government employer are also covered. The State Plan does not cover federal government workers, including those employed by the United States Postal Service and civilian workers on military bases. These workers are covered by OSHA, which also exercises authority over private sector employers in the state.

Staffing

The MEOSH Director and the program manager are the State Plan's first-line supervisors. MEOSH has two safety compliance officers and one health compliance officer, as well as three safety consultants and one health consultant. The Director of the Bureau of Labor Standards handles workplace retaliation complaints with assistance from a compliance safety and health officer (CSHO) and the program manager. Two administrative staff also support the State Plan.

State Plan Standards

MEOSH has adopted OSHA's occupational safety and health standards. They generally follow but are not necessarily identical to OSHA's standards. MEOSH has a unique respiratory protection standard and video display terminal standard.

Enforcement and Whistleblower Protection Programs

MEOSH conducts workplace inspections. If violations are identified, citations and proposed assessments of penalties are issued. State and local government employers may contest citations and proposed penalties before the Board of Occupational Safety and Health. MEOSH's FOM is equivalent to OSHA's FOM, with the following exceptions: MEOSH did not adopt OSHA's penalty adjustment factors in Chapter 6, and the State Plan's informal conference proceedings in Chapter 7 differ from OSHA's.

MEOSH enforces Title 26, Chapter 6, §570 of the Maine Revised Statutes (M.R.S.), which outlines the provisions that an employer cannot discharge or in any manner discriminate against a worker filing a complaint, testifying, or otherwise acting to exercise rights granted by the M.R.S. In fulfillment of the developmental steps, MEOSH plans to adopt 29 CFR 1977, Discrimination Against Employees Under the OSH Act of 1970, in 2019.

Funding

Based on financial close-out forms, MEOSH's FY 2018 federal funding award was \$500,000. In addition to matching the federal funding award, the State of Maine also contributed \$67,191 to the State Plan's total funding amount of \$1,067,191. Thus, Maine contributed approximately 53 percent of MEOSH's total funding in FY 2018, which is in keeping with its contribution in past years.

Successes

In FY 2018, the State Plan continued to provide CSHOs the opportunity to attend the OSHA Training Institute (OTI) for safety and health technical training. Two of the three CSHOs are scheduled to complete OSHA's mandatory training program in FY 2019.

New Issues

None

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 the follow-up year, and as such, OSHA did not perform an on-site case file review associated with a Comprehensive FAME Report. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent Comprehensive FAME Report. The analyses and conclusions described in this report are based on information obtained from a variety of monitoring sources, including:

- State Activity Mandated Measures (SAMM) Report (Appendix D)
- State OSHA Annual Report (Appendix E)
- State Plan Annual Performance Plan
- State Plan Grant Application
- Quarterly monitoring meetings between OSHA and the State Plan
- OIS reports

B. Findings and Observations

The State Plan made progress in addressing the previous nine findings and seven observations from the FY 2017 Comprehensive FAME Report. Two of the nine findings were completed, and seven were continued; no new findings have been made in this report. Three of the seven observations were closed, four were continued, and three new observations have been made. Thus, this Follow-up FAME Report contains seven findings and seven observations. Appendix A describes the new and continued findings and recommendations. Appendix B describes observations subject to continued monitoring and the related federal monitoring plans. Appendix C describes the status of each FY 2017 finding and recommendation in detail.

FINDINGS (STATUS OF PREVIOUS AND NEW ITEMS)

Completed Findings

Finding FY 2017-01: In FY 2017, MEOSH's average of 17 days did not meet the negotiated

further review level (FRL), or range of acceptable data, of five work days for SAMM 1a, the average number of work days to initiate complaint inspections (state formula).

Status: In FY 2018, OSHA conducted training for MEOSH on handling complaint inspections, and the State Plan focused intensely on meeting the negotiated FRL of five work days. As a result, MEOSH met the FRL in all but one quarter and ended FY 2018 with an average of 4.20 work days. This finding has been completed.

Finding FY 2017-04: MEOSH's ratio of state government inspections to local government inspections is too low, and the State Plan is focusing its targeting efforts mainly on local government employers rather than on state government workplaces. In FY 2017, only six (six percent) of 109 total inspections were conducted at state workplaces, and only one (1.5 percent) of 68 programmed inspections was conducted in state government.

Status: The State Plan focused on increasing the ratio of state government inspections to local government inspections and also increasing the percentage of programmed inspections conducted in state government. An OIS Inspection Summary Report shows that MEOSH conducted a total of 112 inspections in FY 2018, and of this total, 26 (23 percent) were conducted in state government workplaces. This percentage is far greater than the FY 2017 percentage of only six. MEOSH's percentage of programmed inspections in state government also increased significantly; the State Plan conducted 14 programmed inspections at state workplaces, which equals 20 percent of the 70 programmed inspections conducted by MEOSH in FY 2018. This finding has been completed.

Continued Findings

Finding FY 2018-01 (formerly Finding FY 2017-02): In FY 2017, in seven (70 percent) of 10 complaint cases reviewed, MEOSH did not follow the procedures in Chapter 9 of the MEOSH FOM to notify complainants of the results of the inspection.

Status: In FY 2018, MEOSH's managers reviewed Chapter 9 with CSHOs to ensure that certified letters to the complainant are included in the case files. Furthermore, MEOSH managers are using a case file checklist to ensure that case files include all the required documentation. 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 is awaiting verification.

Finding FY 2018-02 (formerly Finding FY 2017-03): In each of the two fatality inspections that MEOSH conducted in FY 2017, the State Plan did not follow the requirements in Chapter 11 of the MEOSH FOM to contact and involve families of victims.

Status: In March 2018, MEOSH's managers reviewed the guidance in Chapter 11 of the MEOSH FOM for contacting and involving victims' families. MEOSH's managers are also using a case file checklist to ensure that case files contain all required documentation. 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 is awaiting verification.

Finding FY 2018-03 (formerly Finding FY 2017-05): In FY 2017, in 19 (56 percent) of the 34 cases that had citations issued, the CSHO did not properly assess the severity and probability of the alleged violation.

Status: In FY 2018, MEOSH's managers reviewed the guidance in Chapter 6 of the FOM on assessing the severity and probability of the alleged violation. In August 2018, an assistant area director from OSHA reviewed this assessment process with MEOSH's 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 is awaiting verification.

Finding FY 2018-04 (formerly Finding FY 2017-06 and Finding FY 2016-02): In FY 2017, in 17 (50 percent) of 34 inspections that were reviewed for violation classification, there was at least one violation that was not properly classified as either serious or other-than-serious, and/or there was not enough documentation to determine if the violation was correctly classified.

Status: In FY 2018, MEOSH's managers reviewed the guidance in Chapter 4 of the FOM for properly classifying violations. In August, one of OSHA's assistant area directors reviewed this guidance with MEOSH 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 is awaiting verification.

Finding FY 2018-05 (formerly Finding FY 2017-07 and Finding FY 2016-01): MEOSH did not follow the guidance in Chapters 4 and 5 of the MEOSH FOM to document violations. In FY 2017, adequate evidence to support violations was missing in 26 (76 percent) of the 34 cases that had violations.

Status: In FY 2018, one of OSHA's assistant area directors reviewed Chapters 4 and 5 of the FOM with MEOSH staff and went over how to properly document violations. 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 is awaiting verification.

Finding FY 2018-06 (formerly Finding FY 2017-08 and Finding FY 2016-04): In FY 2017, in 10 (29 percent) of 34 cases that OSHA reviewed for abatement, the CSHO did not follow the requirement in Chapter 5 of the MEOSH FOM to assign the shortest interval within which the employer can reasonably be expected to abate the hazard. In addition, six (18 percent) of the 34

case files did not include the justification for allowing the employer to go beyond 30 days to abate the violation, as required by Chapter 5 of the MEOSH FOM.¹

Status: In FY 2018, one of OSHA’s assistant area directors reviewed Chapter 5 of the FOM with MEOSH staff and went over how to assign appropriate abatement periods. 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 is awaiting verification.

Finding FY 2018-07 (formerly FY 2017-09): In FY 2017, in seven (21 percent) of 34 cases that had citations for serious violations, MEOSH dismissed one or more proposed penalties before the citations were issued to the employer. This practice is not in keeping with MEOSH’s policy which requires employers to either file a formal appeal or request a penalty discussion in order to receive a penalty reduction.

Status: MEOSH is following its penalty policy and has discontinued the practice of dismissing one or more penalties before the citations are issued. 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 is awaiting verification.

OBSERVATIONS

Closed FY 2017 Observations

Observation FY 2017-OB-01 (formerly Observation FY 2016-OB-01): The first-line supervisors have not taken any of the mandatory courses for compliance officers or whistleblower investigators.

Status: The program manager, who is a first-line supervisor, completed Course 1000, Initial Compliance, and Course 1420, Whistleblower Investigation Fundamentals. In addition, the program manager completed two technical courses—one related to sawmill and logging operations and the other pertaining to electrical standards. These technical courses are certainly worthwhile; however, OSHA strongly encourages the program manager to continue taking initial courses that are included in the mandatory training program for compliance personnel.² As a relatively new State Plan, MEOSH still faces a learning curve with regard to the fundamental topics covered in these courses. This observation is closed.

¹ On page 5-3, the MEOSH FOM states the following: “Appropriate and consistent abatement dates should be assigned and documented for abatement periods longer than 30 days. The abatement period shall be the shortest interval within which the employer can reasonably be expected to correct the violation.”

² MEOSH has adopted OSHA’s training directive for compliance personnel, which requires each CSHO to complete a minimum of eight initial courses offered by OTI during the first three years of his or her career as a CSHO.

Observation FY 2017-OB-03 (formerly Observation FY 2016-OB-02): The new health CSHO did not perform health sampling in FY 2017.

Status: The health CSHO began working for the State Plan in April 2017 and spent the remainder of that year taking mandatory training courses and accompanying the other CSHOs on inspections to learn the duties of a compliance officer. According to the manager, this CSHO conducted only a few inspections independently in FY 2017. However, in FY 2018, the health CSHO was up and running in terms of conducting inspections and performing health sampling; an OIS Scan Summary Report indicates that the health CSHO conducted several sampling exposure assessments for noise, lead, and carbon monoxide. This observation is closed.

Observation FY 2017-OB-06 (formerly Observation FY 2016-OB-05): Chapter 7 of the MEOSH FOM does not accurately reflect the procedures that MEOSH follows with regard to informal conferences.

Status: MEOSH revised Chapter 7 of the MEOSH FOM so that it accurately reflects the procedures that the State Plan follows with respect to informal conferences, and in June 2018, OSHA formally accepted these revisions. This observation is closed.

Continued FY 2017 Observations

Observation FY 2018-OB-01 (formerly Observation FY 2017-OB-02): Other than the SAMM Report, MEOSH did not run OIS reports to ensure proper monitoring of case files and program activities in the area of enforcement.

Status: An on-site meeting with the State Plan managers is necessary to evaluate the extent to which they are using OIS reports to monitor program performance. This observation will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME and will be continued.

Observation FY 2018-OB-02 (formerly Observation FY 2017-OB-04 and Observation FY 2016-OB-05): In FY 2017, in 34 cases where the CSHO indicated that worker interviews were held, OSHA determined that 10 (29 percent) did not contain notes or documentation of the interview.

Status: A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME and will be continued.

Observation FY 2018-OB-03 (formerly Observation FY 2017-OB-05 and Observation FY 2016-OB-04): In FY 2017, in six (26 percent) of the 23 inspections where the union was at the workplace, the CSHO did not document whether union representatives were given the opportunity to participate in all phases of the inspection.

Status: A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year's on-site case file review during the FY 2019 Comprehensive FAME and will be continued.

Observation FY 2018-OB-04 (formerly Observation FY 2017-OB-07 and Observation FY 2016-OB-06): MEOSH has not formally established key processes for handling retaliation cases, such as complaints, appeals, and settlements that are prescribed by the Whistleblower Investigations Manual. Also, the State Plan's website contains little information on workers' rights under Maine's anti-retaliation statutes.

Status: MEOSH has been unclear regarding the steps that it needs to take to establish its workplace retaliation program. Therefore, OSHA has informed the State Plan that it must provide OSHA with written descriptions of the key elements of its workplace retaliation program (e.g., complaints, appeals, settlements, contested cases, and Freedom of Information Act policies, etc.) and compare them to the policies and procedures in OSHA's Whistleblower Investigations Manual. MEOSH must also include descriptions and links to these procedures on the MEOSH website, along with a link to instructions for filing a workplace retaliation complaint. This observation will be continued.

New FY 2018 Observations

Observation FY 2018-OB-05: The State Plan's average of 17 work days did not meet the negotiated FRL of one work day for SAMM 2a, average number of work days to initiate complaint investigations (state formula).

Federal Monitoring Plan: On a quarterly basis, OSHA will monitor MEOSH's performance on SAMM 2a to ensure that the FRL of one work day is met.

Discussion: SAMM 2a (state formula) calculates the number of work days from the date MEOSH receives the complaint to the date the State Plan initiates the investigation by notifying the employer of the complaint. This SAMM pertains only to complaints that are handled as "phone/fax investigations" and have no related inspection.³ In FY 2018, MEOSH reached out to OSHA for guidance on this matter. In response, OSHA provided training to MEOSH on the complaint investigation procedures in Chapter 9 of the MEOSH FOM. OSHA will monitor this situation as an observation rather than a finding because MEOSH has already begun implementing new procedures for handling complaint investigations based on OSHA's training.

³ For low priority hazards, with permission of a complainant, MEOSH may telephone the employer to describe safety and health concerns, following up with a fax providing details on alleged safety and health hazards. The employer must respond in writing within five working days, identifying any problems found and noting corrective actions taken or planned. If the response is adequate and the complainant is satisfied with the response, MEOSH generally will not conduct an on-site inspection.

Observation FY 2018-OB-06: MEOSH did not meet deadlines for completion of the remainder of its developmental plan, which entails adoption of three of OSHA’s rules: 29 CFR 1908, Consultation Agreements; 29 CFR 1905, Rules of Practice; and 29 CFR 1977, Discrimination Against Employees Under the OSH Act of 1970.

Federal Monitoring Plan: On a quarterly basis, OSHA will monitor MEOSH’s progress in completing adoption of these rules.

Discussion: In FY 2018, MEOSH faced delays in rulemaking at the state level that lasted several months and were beyond the State Plan’s control. Realizing that it would not be able to meet the original deadline of August 5, 2018, for completion of its developmental plan, MEOSH requested that OSHA extend the deadline to March 7, 2019. OSHA agreed to the extension, but the State Plan also missed that deadline due to ongoing delays. These delays have finally run their course, and MEOSH has resumed the rulemaking process. OSHA has approved MEOSH’s request to extend the deadline to complete adoption of these three rules to June 6, 2019, and will monitor this situation as an observation.

Observation FY 2018-OB-07: MEOSH does not have access to OSHA’s WebIMIS, the online database that stores information related to workplace retaliation investigations.

Federal Monitoring Plan: On a quarterly basis, OSHA will monitor MEOSH’s progress in gaining access to WebIMIS and learning how to use the system.

Discussion: Although OSHA has urged MEOSH to set up a WebIMIS user account and provided information on how to do so, the State Plan has been reluctant to move forward with WebIMIS because it receives very few workplace retaliation complaints. For example, MEOSH has only handled one workplace retaliation complaint since it became an OSHA-approved State Plan in 2015.

Nonetheless, MEOSH must begin using WebIMIS not only to store key information related to its workplace retaliation cases, but also because SAMMs 14, 15, and 16 pull data from WebIMIS (as discussed later in this report). Because the State Plan does not enter workplace retaliation data in WebIMIS, these SAMMs contain no data for MEOSH.

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 SAMM Report and includes the FRLs for each measure. The State Plan was outside the FRL on the following SAMMs:

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

Discussion of State Plan data and FRL: MEOSH's FY 2018 average of 1.74 was within the FRL range of 0.78 to 2.18 for serious, willful, repeat, unclassified (SWRU) violations. For other-than-serious (OTS) violations, the State Plan's average of 2.00 was outside (above) the FRL range of 1.46 to 1.18. In FY 2017, MEOSH's SWRU average of 8.25 was outside (above) the FRL range of 1.46 to 2.20, and the State Plan's average of 0.52 for OTS was outside (below) the FRL range of 0.79 to 1.19.

Explanation: In FY 2018, MEOSH's average for OTS increased to the point where it was outside (above) the FRL range, but OSHA is not concerned with this result. If the State Plan's average for SWRU were below the acceptable range, then having a high average for OTS would indicate that the State Plan does not target high-hazard employers and/or classifies some serious violations as OTS. However, MEOSH's FY 2018 average for SWRU is squarely within the acceptable range. Therefore, it appears that MEOSH targets the most hazardous workplaces for inspections and that the CSHOs cite a fair number of both SWRU and OTS violations when conducting inspections.

SAMM 7 – Inspections

Discussion of State Plan data and FRL: In FY 2018, the FRL for safety inspections was from 95 to 105 inspections, and the FRL range for health inspections was from 23.75 to 26.25 inspections. MEOSH's total of 73 safety inspections was substantially outside (below) the acceptable range, and the State Plan's total of 34 health inspections was outside (above) the FRL range. In FY 2017, MEOSH conducted 98 safety inspections, which met the FRL range of 95 to 105 inspections. With regard to health, the State Plan conducted only nine health inspections, which was far outside (below) the FRL range of 23.75 to 26.25 inspections in FY 2017.

Explanation: As discussed earlier, the health CSHO has become more familiar with his duties and is now conducting inspections. Thus, the State Plan exceeded the FY 2018 goal of 25 health inspections. However, time devoted to training in FY 2018 made it difficult for MEOSH to meet the goal of 100 safety inspections. As noted earlier, the program manager spent time away from his regular duties taking courses offered by OTI, and MEOSH diverted a few weeks from inspection activity to on-site training provided by OSHA.

Going forward, MEOSH should meet the goal for inspections since the two safety CSHOs are nearing completion of the mandatory eight-course training program for compliance personnel. Therefore, OSHA is not concerned with MEOSH's performance with regard to safety inspections for SAMM 7.

SAMM 9 – Percent in-compliance

Discussion of State Plan data and FRL: The FRL range for percent in-compliance for safety inspections was from 23.92 percent to 35.88 percent. MEOSH's percent in-compliance for safety was 21.13 percent, which was a bit outside (below) the FRL range. For health inspections, the FRL range was from 28.88 percent to 43.32 percent. MEOSH's percent in-compliance for health

was only 12.50 percent which was substantially lower than the FRL. In FY 2017, MEOSH's results for safety and health were even further outside (below) their respective FRL ranges. The State Plan's percent in-compliance of 12.37 did not meet the FRL range of 23.62 percent to 35.44 percent for safety inspections; and for health, MEOSH's percent in-compliance of 11.11 was far below the FRL range of 28.62 percent to 42.94 percent.

Explanation: Having a low percent in-compliance is generally regarded as positive outcome because it indicates that the CSHO is finding violations that could lead to employee injury or illness. OSHA is not concerned that MEOSH's FY 2018 result for safety was a bit below the FRL. However, the fact that MEOSH's FY 2018 percent in-compliance for health was substantially below the FRL range would indicate that the CSHO cites a high number of violations without taking the time to sufficiently document them in the case file. As noted earlier, OSHA identified several inspections in the FY 2017 FAME Report where the CSHO did not provide adequate documentation to support the violations cited. OSHA will continue to monitor this situation under Finding FY 2018-05.

SAMM 11 – Average lapse time

Discussion of State Plan data and FRL: In FY 2018, MEOSH's average lapse time (SAMM 11) was 29.04 days, which was outside (below) the FRL range of 45.25 days to 68.87 days.

Explanation: MEOSH's low average lapse time for health may indicate that the State Plan issues citations in a relatively short period of time. However, a low average lapse time may also be the result of MEOSH not sufficiently documenting violations since ensuring that violations are properly documented is often time-consuming and may increase lapse time. Similar to SAMM 9, OSHA will also monitor MEOSH's performance on SAMM 11 under Finding FY 2018-05.

SAMM 12 – Percent penalty retained

Discussion of State Plan data and FRL: For FY 2018, the FRL range for SAMM 12 was 56.79 percent to 76.83 percent. MEOSH's FY 2018 percent penalty retained was 20.99 percent, which was significantly outside (below) the FRL range. In FY 2017, MEOSH's percent penalty retained of 28.94 percent was higher, but it was still outside (below) the FRL range of 57.32 percent to 77.56 percent.

Explanation: Based on MEOSH's penalty policy, the State Plan typically reduces the original penalty amount by 90 percent if the employer certifies abatement in a timely manner. OSHA is not concerned with MEOSH's performance on this SAMM because the State Plan's percent of 20.99 is in keeping with its own policy. Also, there is no requirement that State and Local Government State Plans issue monetary penalties; thus, OSHA affords them more flexibility with regard to penalty retention.

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

Discussion of State Plan data and FRL: The FRL of 100 percent is fixed for all State Plans. In FY 2018, MEOSH's percent was zero. MEOSH's percent was also zero in FY 2017.

Explanation: As mentioned earlier, the data in SAMMs 14, 15, and 16 was pulled from the State Plan WebIMIS report run on November 13, 2018, as part of OSHA's official end-of-year data run. MEOSH's result for this SAMM has consistently been zero because the State Plan does not enter data on its workplace retaliation cases into WebIMIS.

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

Discussion of State Plan data and FRL: The FRL range for SAMM 15 was from 19.20 percent to 28.80 percent in FY 2018. In both FY 2017 and in FY 2018, MEOSH's percent of 11(c) complaints that were meritorious was zero.

Explanation: MEOSH's result for this SAMM was zero because MEOSH does not enter data on its workplace retaliation cases into WebIMIS.

SAMM 16 – Average number of calendar days to complete an 11(c) investigation

Discussion of State Plan data and FRL: The FRL of 90 calendar days is fixed for all State Plans. In both FY 2017 and in FY 2018, MEOSH's average was zero days.

Explanation: MEOSH's result for this SAMM was zero because MEOSH does not enter data on its workplace retaliation cases into WebIMIS.

Appendix A – New and Continued Findings and Recommendations

FY 2018 MEOSH Follow-up FAME Report

FY 2018-#	Finding	Recommendation	FY 2017-# or FY 2017-OB-#
FY 2018-01	In FY 2017, in seven (70 percent) of 10 complaint cases reviewed, MEOSH did not follow the procedures in Chapter 9 of the MEOSH FOM to notify complainants of the results of the inspection.	Follow the guidance in Chapter 9 of the MEOSH FOM to send a letter to the complainant. Ensure that a copy of the letter or documentation that the letter was sent (such as a notation on the case file diary sheet) is in the case file. Corrective action complete; awaiting verification.	FY 2017-02
FY 2018-02	In each of the two fatality inspections that MEOSH conducted in FY 2017, the State Plan did not follow the requirements in Chapter 11 of the MEOSH FOM to contact and involve families of victims.	Follow the guidance in Chapter 11 of the MEOSH FOM to contact and involve victims' families. Corrective action complete; awaiting verification.	FY 2017-03
FY 2018-03	In FY 2017, in 19 (56 percent) of the 34 cases that had citations issued, the CSHO did not properly assess the severity and probability of the alleged violation.	Follow the guidance in Chapter 6 of the MEOSH FOM to assess the severity and probability of the alleged violation. Corrective action complete; awaiting verification.	FY 2017-05
FY 2018-04	In FY 2017, in 17 (50 percent) of 34 inspections that were reviewed for violation classification, there was at least one violation that was not properly classified as either serious or other-than-serious, and/or there was not enough documentation to determine if the violation was correctly classified.	Follow the guidance in Chapter 4 of the MEOSH FOM to classify serious and other-than-serious violations. Corrective action complete; awaiting verification.	FY 2017-06 FY 2016-02
FY 2018-05	MEOSH did not follow the guidance in Chapters 4 and 5 of the MEOSH FOM to document violations. Adequate evidence to support violations was missing in 26 (76 percent) of the 34 cases that had violations.	Follow the guidance in Chapters 4 and 5 of the MEOSH FOM to document violations. Corrective action complete; awaiting verification.	FY 2017-07 FY 2016-01
FY 2018-06	In 10 (29 percent) of 34 cases that OSHA	Follow the guidance in Chapter 5 of the	FY 2017-08

Appendix A – New and Continued Findings and Recommendations

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	reviewed for abatement in FY 2017, the CSHO did not follow the requirement in Chapter 5 of the MEOSH FOM to assign the shortest interval within which the employer can reasonably be expected to abate the hazard. In addition, six (18 percent) of the 34 case files did not include the justification for allowing the employer to go beyond 30 days to abate the violation, as required by Chapter 5 of the MEOSH FOM.	MEOSH FOM to assign the shortest timeframe within which the employer can reasonably be expected to abate the hazard. In instances where the employer is allowed to exceed 30 days, provide justification in the case file. Corrective action complete; awaiting verification.	FY 2016-04
FY 2018-07	In FY 2017, in seven (21 percent) of 34 cases that had citations for serious violations, MEOSH dismissed one or more proposed penalties before the citations were issued to the employer. This practice is not in keeping with MEOSH’s policy for granting penalty reductions.	MEOSH should follow its penalty policy which requires employers to either file a formal appeal or request a penalty conference in order to receive a penalty reduction. Corrective action complete; awaiting verification.	FY 2017-09

Observation # FY 2018-OB-#	Observation# FY 2017-OB-# or FY 2017-#	Observation	Federal Monitoring Plan	Current Status
FY 2018-OB-01	FY 2017-OB-02	Other than the SAMM Report, MEOSH did not run OIS reports to ensure proper monitoring of case files and program activities in the area of enforcement.	OSHA will train the MEOSH program manager on running OIS reports to monitor performance in the area of enforcement. On a quarterly basis, OSHA will discuss the manager’s progress in running and reviewing these reports.	Continued

Appendix B – Observations and Federal Monitoring Plans

FY 2018 MEOSH Follow-up FAME Report

FY 2018-OB-02	FY 2017-OB-04 FY 2016-OB-05	In FY 2017, in 34 cases where the CSHO indicated that worker interviews were held, OSHA determined that 10 (29 percent) did not contain notes or documentation of the interview.	On a quarterly basis, OSHA will meet with the managers to discuss the need to document worker interviews.	Continued
FY 2018-OB-03	FY 2017-OB-05 FY 2016-OB-04	In FY 2017, in six (26 percent) of the 23 inspections where the union was at the workplace, the CSHO did not document whether union representatives were given the opportunity to participate in all phases of the inspection.	On a quarterly basis, OSHA will meet with the managers to discuss the need for CSHOs to document whether union representatives were given the opportunity to participate in all phases of the inspection.	Continued
FY 2018-OB-04	FY 2017-OB-07 FY 2016-OB-06	MEOSH has not formally established key processes for handling retaliation cases, such as complaints, appeals, and settlements that are prescribed by the Whistleblower Investigations Manual. Also, the State Plan's website contains little information on workers' rights under Maine's anti-retaliation statutes.	On a quarterly basis, OSHA will monitor MEOSH's progress in providing OSHA with written descriptions of the key elements of its workplace retaliation program (e.g., appeals, complaints, settlements, and Freedom of Information Act policies, etc.) and compare them to the policies and procedures in OSHA's Whistleblower Investigations Manual. OSHA will also monitor MEOSH's progress in updating its website to include these written procedures, along with a link to instructions for filing a workplace retaliation complaint.	Continued
FY 2018-OB-05		The State Plan's average of 17 work days did not meet the negotiated FRL of one work day for SAMM 2a, average number of work days to initiate complaint investigations (state formula).	On a quarterly basis, OSHA will monitor MEOSH's performance on SAMM 2a to ensure that the FRL of one day is met.	New
FY 2018-OB-06		MEOSH did not meet deadlines for completion of its developmental plan, which entails adoption of three of OSHA's rules: 29 CFR 1908, Consultation Agreements; 29 CFR 1905, Rules of Practice; and 29 CFR 1977, Discrimination	On a quarterly basis, OSHA will monitor MEOSH's progress in completing adoption of these standards.	New

Appendix B – Observations and Federal Monitoring Plans

FY 2018 MEOSH Follow-up FAME Report

		Against Employees Under the OSH Act of 1970.		
FY 2018-OB-07		MEOSH does not have access to OSHA’s WebIMIS, the online database that stores information related to workplace retaliation investigations.	On a quarterly basis, OSHA will monitor MEOSH’s progress in gaining access to WebIMIS and learning how to use the system.	New
	FY 2017-OB-01 FY 2016-OB-01	The first-line supervisors have not taken any of the mandatory courses for compliance officers or whistleblower investigators.		Closed
	FY 2017-OB-03 FY 2016-OB-02	The new health CSHO did not perform health sampling in FY 2017.		Closed
	FY 2017-OB-06, FY 2016-OB-05	Chapter 7 of the MEOSH FOM does not accurately reflect the procedures that MEOSH follows with regard to informal conferences.		Closed

Appendix C - Status of FY 2017 Findings and Recommendations

FY 2018 MEOSH Follow-up FAME Report

FY 2017-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2017-01	MEOSH's average of 17 days did not meet the negotiated FRL of five work days for SAMM 1a, average number of work days to initiate complaint inspections (state formula).	Implement procedures to meet the negotiated FRL of five days.	MEOSH's managers have met with staff to emphasize the need to initiate complaint inspections as quickly as possible so that the negotiated FRL for SAMM 1a is met. MEOSH's managers have also reviewed the guidance in Chapter 9 of the MEOSH FOM for initiating complaint inspections. In FY 2018, MEOSH's average of 4.20 work days met the FRL of 5 work days.	September 30, 2018	Completed September 30, 2018
FY 2017-02	In seven (70 percent) of 10 complaint cases reviewed, MEOSH did not follow the procedures in Chapter 9 of the MEOSH FOM to notify complainants of the results of the inspection.	Follow the guidance in Chapter 9 of the MEOSH FOM to send a letter to the complainant. Ensure that a copy of the letter or documentation that the letter was sent (such a notation on the case file diary sheet) is in the case file.	In March 2018, MEOSH's managers reviewed Chapter 9 with CSHOs to ensure that certified letters to the complainant are contained in the case files. Furthermore, MEOSH's managers are using a case file checklist to ensure that case files contain all required documentation.	March 26, 2018	Awaiting verification December 1, 2018
FY 2017-03	In each of the two fatality inspections MEOSH conducted	Follow the guidance in Chapter 11 of the MEOSH FOM to	In March 2018, MEOSH's managers reviewed the guidance in Chapter 11 of the MEOSH FOM for contacting	March 26, 2018	Awaiting verification December 1, 2018

Appendix C - Status of FY 2017 Findings and Recommendations

FY 2018 MEOSH Follow-up FAME Report

	in FY 2017, MEOSH did not follow the requirements in Chapter 11 of the MEOSH FOM to contact and involve families of victims.	contact and involve victims' families.	and involving victims' families. MEOSH's managers are also using a case file checklist to ensure that case files contain all required documentation.		
FY 2017-04	MEOSH's ratio of state government inspections to local government inspections is too low, and the State Plan is focusing its targeting efforts mainly on local government employers rather than on state government workplaces. In FY 2017, only six (six percent) of 109 total inspections were conducted at state workplaces, and only one (1.5 percent) of 68 programmed	Increase the number of inspections in state government so that the number of inspections at state workplaces is not disproportionately lower than the number of inspections in local government. Likewise, increase the number of programmed inspections in state government.	MEOSH's managers have increased the number of programmed inspections in state government so that the total number of inspections in state workplaces is not disproportionately lower than in local government. An OIS Inspection Summary Report shows that MEOSH conducted a total of 112 inspections in FY 2018, and of this total, 26 (23 percent) were conducted in state government workplaces. This percentage is far greater than the FY 2017 percentage of only six. MEOSH's percentage of programmed inspections in state government also increased significantly; the State Plan conducted 14 programmed inspections at state workplaces, which equals 20 percent of the 70 programmed inspections conducted by MEOSH in FY 2018.	September 30, 2018	Completed September 30, 2018

Appendix C - Status of FY 2017 Findings and Recommendations

FY 2018 MEOSH Follow-up FAME Report

	inspections was conducted in state government.				
FY 2017-05	In 19 (56 percent) of the 34 cases that had citations issued, the CSHO did not properly assess the severity and probability of the alleged violation.	Follow the guidance in Chapter 6 of the MEOSH FOM to assess the severity and probability of the alleged violation.	In March 2018, MEOSH’s managers reviewed the guidance in Chapter 6 of MEOSH’s FOM for assessing the severity and probability of the alleged violation. In August 2018, an assistant area director from OSHA reviewed probability and severity assessments with MEOSH’s staff.	August 30, 2018	Awaiting verification December 1, 2018
FY 2017-06	In 17 of 34 inspections (50 percent) that were reviewed for violation classification, the case contained at least one violation in which the CSHO did not properly classify the violation as either serious or other-than-serious, and/or there was not enough documentation to determine whether or not the violation was correctly classified.	Follow the guidance in Chapter 4 of the MEOSH FOM to classify serious and other-than-serious violations.	In March 2018, MEOSH’s managers reviewed the guidance in Chapter 4 of MEOSH’s FOM for properly classifying violations. In August 2018, an assistant area director from OSHA reviewed the FOM guidance for violation classification with MEOSH’s staff.	August 30, 2018	Awaiting verification December 1, 2018

Appendix C - Status of FY 2017 Findings and Recommendations

FY 2018 MEOSH Follow-up FAME Report

FY 2017-07	<p>MEOSH did not follow the guidance in Chapters 4 and 5 of the MEOSH FOM to document violations. Adequate evidence to support violations was missing in 26 (76 percent) of the 34 cases that had violations.</p>	<p>Follow the guidance in Chapters 4 and 5 of the MEOSH FOM to document violations.</p>	<p>In March 2018, MEOSH’s managers reviewed the guidance in Chapters 4 and 5 of MEOSH’s FOM for properly documenting violations. In August 2018, an assistant area director from OSHA reviewed violation documentation with MEOSH’s staff.</p>	<p>August 30, 2018</p>	<p>Awaiting verification December 1, 2018</p>
FY 2017-08	<p>In 10 (29 percent) of 34 cases that OSHA reviewed for abatement, the CSHO did not follow the requirement in Chapter 5 of the MEOSH FOM to assign the shortest interval within which the employer can reasonably be expected to abate the hazard. In addition, six (18 percent) of the 34 case files did not include the</p>	<p>Follow the guidance in Chapter 5 of the MEOSH FOM to assign the shortest timeframe within which the employer can reasonably be expected to abate the hazard. In instances where the employer is allowed to exceed 30 days, provide justification in the case file.</p>	<p>In March 2018, MEOSH’s managers reviewed the guidance in Chapter 5 of MEOSH’s FOM for assigning appropriate abatement periods. In August 2018, an assistant area director from OSHA reviewed abatement periods with MEOSH’s staff.</p>	<p>August 30, 2018</p>	<p>Awaiting verification December 1, 2018</p>

Appendix C - Status of FY 2017 Findings and Recommendations

FY 2018 MEOSH Follow-up FAME Report

	justification for allowing the employer to go beyond 30 days to abate the violation, as required by Chapter 5 of the MEOSH FOM.				
FY 2017-09	In seven (21 percent) of 34 cases that had citations for serious violations, MEOSH dismissed one or more proposed penalties before the citations were issued to the employer. This practice is not in keeping with MEOSH's policy for granting penalty reductions.	MEOSH should follow its policy which requires employers to either file a formal appeal or request a penalty conference in order to receive a penalty reduction.	MEOSH is following its penalty policy and has discontinued the practice of dismissing one or more penalties before the citations are issued.	September 30, 2018	Awaiting verification December 1, 2018

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

FY 2018 MEOSH Follow-up FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Maine – MEOSH			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)	4.20	5	The further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	3.70	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)	17.00	1	The further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	0.00	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)	N/A	100%	N/A – The State Plan did not receive any imminent danger complaints or referrals in FY 2018. 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.

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

FY 2018 MEOSH Follow-up FAME Report

5	Average number of violations per inspection with violations by violation type	SWRU: 1.74	+/- 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 review is from 1.46 to 2.18 for SWRU and from 0.78 to 1.18 for OTS.
		Other: 2.00	+/- 20% of Other: 0.98	
6	Percent of total inspections in state and local government workplaces	100%	100%	Since this is a State and Local Government State Plan, all inspections are in state and local government workplaces.
7	Planned v. actual inspections – safety/health	S: 73	+/- 5% of S: 100	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 95 to 105 for safety and from 23.75 to 26.25 for health.
		H: 34	+/- 5% of H: 25	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	N/A	+/- 25% of \$2,603.32	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	a. Average current serious penalty in private sector (1-25 workers)	N/A	+/- 25% of \$1,765.19	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	b. Average current serious penalty in private sector (26-100 workers)	N/A	+/- 25% of \$3,005.17	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	c. Average current serious penalty in private sector (101-250 workers)	N/A	+/- 25% of \$4,203.40	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	d. Average current serious penalty in private sector (greater than 250 workers)	N/A	+/- 25% of \$5,272.40	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national

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

FY 2018 MEOSH Follow-up FAME Report

				average.
9	Percent in compliance	S: 21.13%	+/- 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 review is from 23.92% to 35.88% for safety and from 28.88% to 43.32% for health.
		H: 12.50%	+/- 20% of H: 36.10%	
10	Percent of work-related fatalities responded to in one workday	N/A	100%	N/A – The State Plan did not have any work-related fatalities in FY 2018. The further review level is fixed for all State Plans.
11	Average lapse time	S: 44.76	+/- 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: 29.04	+/- 20% of H: 56.56	
12	Percent penalty retained	20.99%	+/- 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	0%	100%	The further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	0%	+/- 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	0	90	The further review level is fixed for all State Plans.

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

FY 2018 MEOSH Follow-up FAME Report

17	Percent of enforcement presence	N/A	+/- 25% of 1.24%	N/A – This is a State and Local Government State Plan and is not held to this SAMM. The further review level is based on a three-year national average.
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State of Maine

State OSHA Annual Report (SOAR)

October 1, 2017 through September 30, 2018



Prepared By:

State of Maine
Department of Labor
Bureau of Labor Standards

Submitted: December 2018

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**DEPARTMENT OF LABOR
WORKPLACE SAFETY AND HEALTH DIVISION
STATE OSHA ANNUAL REPORT (SOAR)**

**FISCAL YEAR 2018
EXECUTIVE SUMMARY**

I. Executive Summary

The State of Maine, Department of Labor, Bureau of Labor Standards, Workplace Safety & Health Division (MEOSH) State and Local Government Only Public Sector State Plan submits this State OSHA Annual Report (SOAR) to the Federal Occupational Safety and Health Administration (OSHA) for evaluation of the State Plan program.

The SOAR covers fiscal year (FY) 2018 (October 1, 2017 through September 30, 2018), and is submitted to OSHA in accordance with the State Plan Policies and Procedures Manual.

In FY 2016, MEOSH developed its first five-year Strategic Plan, which extends from FY 2016 through FY 2020. This report covers the Annual Performance Plan for October 1, 2017 through September 30, 2018.

As of October 1, 2017, MEOSH was fully staffed, with four consultants (three safety and one health) and three compliance safety and health officers (CSHO) (two safety and one health).

The following is a summary of the Annual Performance Goals in MEOSH's FY 2018 Annual Performance Plan, as well as the strategies used to accomplish these goals. The FY 2018 results are discussed in detail later in this report.

In FY 2018, MEOSH planned to conduct a total of 125 inspections (100 safety and 25 health). By the end of the fiscal year, MEOSH had conducted 109 inspections (75 safety and 34 health), which is 87% of the total projected goal. The fact that MEOSH devoted a lot of time to becoming more knowledgeable of the guidance in the MEOSH Field Operations Manual (FOM) was a major factor in the State Plan not meeting the FY 2018 goal for inspections.

In FY 2018 MEOSH conducted 12 complaint inspections, 10 referral inspections and investigated one work-related fatality. -

Of the total number of inspections conducted (109), 70 % were conducted in the targeted, high-hazard areas in both state and local government, including nine inspections at police departments, 17 inspections at fire/rescue departments, 20 inspections at public works departments, two inspections at correctional facilities, and 28 inspections at schools.

MEOSH conducted 24 inspections at state government/quasi-state government agencies such as the Department of Transportation, University of Maine System, Department of Health and Human Services, Department of Administrative and Financial Services, Department of Corrections and Department of Environmental Protection. State government and state universities account for approximately 25% of the state and local government workforce in Maine. Because local government worksites account for the remaining 75% of all state and local government works in Maine, MEOSH conducts a higher percentage of total inspections at local government sites. For example, in FY 2018, MEOSH conducted 85 inspections in local government compared to 24 inspections in state government. In addition, state agency inspections usually encompass larger departments and tend to be more time consuming. However, in response to past Federal Annual Monitoring and Evaluation (FAME) Report recommendations, MEOSH increased the number of state agency inspections. In FY 2018, MEOSH conducted 24 inspections at state work sites compared to eight inspections in FY 2017.

MEOSH is training compliance personnel in accordance with OSHA's Mandatory Training Program for OSHA Compliance Personnel (TED 01-00-019). The training completed by each field staff member and the program manager in FY 2018 is listed below

CSHO 1: Completed OSHA Training Institute (OTI) courses #2720 Whistleblower, #3070 Sawmill/Logging and #2450 Evaluation of Safety and Health Management Systems.

CSHO 2: Completed OTI courses #1410 Inspection Techniques and Legal Aspects, #2450 Evaluation of Safety and Health Management Systems and OSHA #502 Construction Industry Update.

CSHO 3: Completed OTI courses #1310 Investigative Techniques, #1250 Introduction to Health Standards and OSHA #502 Construction Industry Update.

Consultant 1: Completed OTI #3070 Sawmill/Logging, OSHA #7000 Safe Patient Handling, NFPA #1 Fire Code, NFPA #1403 Live Burn Training.

Consultant 2: Completed OTI #3070 Sawmill/Logging, OSHA #7000 Safe Patient Handling, and NFPA #1403 Live Burn Training.

Consultant 3: Completed OSHA #7000 Safe Patient Handling, #2255 Principals of Ergonomics, NFPA #1403 Live Burn Training and National Fire Academy Health and Safety Officer Training.

Consultant 4: Completed OSHA #2255 Principals of Ergonomics, #7100 Machine Safeguarding and #502 Construction Industry Update.

Program Manager: Completed OTI courses #1470 Whistleblower, #3070 Sawmill/Logging, OSHA #502 Construction Industry Update and NFPA #1403 Live Burn Training.

In addition, all staff attended the 91st annual Maine Safety & Health Conference which included three keynote speakers and 30 breakout sessions.

SafetyWorks! (consultation) conducted a total of 330 state and local government visits (261 safety and 69 health), which is 165% of the goal of 200 state and local government visits. This high number was made possible by the large number of Safety & Health Award for Public Employers (SHAPE) sites in the program. MEOSH had a large number of renewals, and with the new sites the State Plan was able to visit locations that may have never requested our services.

The SafetyWorks! Training Institute trained 2,315 attendees this year. Of that total, 399 participants were from state and local government. The program also distributed 4,000 SafetyWorks! Training Institute calendars.

SafetyWorks! had a promotional booth at the following conferences:

Maine Fire Chief/Fire Commission Conference

Maine Emergency Management Agency Conference

Maine Recycling and Solid Waste Conference & Trade Show

Construction Rodeo

Maine Municipal Association (MMA) Conference

MMA Human Resource Conference

Maine School Management Conference

MEOSH participated in approximately 16 conferences in total, but some were more geared towards the private sector and thus were not included in the above list.

SHAPE is a voluntary protection program similar to the Safety and Health Achievement Recognition Program (SHARP) program. The entire city/town or just an individual department may be eligible for acceptance into SHAPE. As of September 30, 2018, there were 89 sites in SHAPE.

Maine Employers for Safety & Health Excellence (MESHE) continues to meet on a quarterly basis. The business/training meetings are for SHARP/SHAPE companies and those interested in pursuing a voluntary protection program.

The state did not have any disasters that required the activation of the emergency response teams (ERT). However, quarterly State Emergency Response Commission meetings were attended as well as a few storm updates attended at the Emergency Response Center (ERC).

MEOSH did not establish any Partnerships or Alliances during FY 2018. However, the State Plan is working to partner with the Maine Department of Transportation (DOT) and Maine Fire Service Institute to prepare firefighters and construction personnel for hazards that may exist in their occupations.

MEOSH, through the Board of Occupational Safety & Health (BOSH,) updated agency work rule Chapter 4, 6 and 7 in FY 2018. Chapter 4 covers Safety & Health Standards for Firefighting, Chapter 6 covers OSHA Recordkeeping (electronic filing) and Chapter 7 covers Driver Training for Fire Service. All three were adopted by BOSH on June 7, 2018.

In FY 2019 BOSH plans to develop new agency work rules on Discrimination/Whistleblower 1977 (Chapter 8), Variances 1905 (Chapter 9) and OSHA’s Consultation Guidelines 1908 (Chapter 10). Approval of these rules is required under the MEOSH Developmental Program. The deadline for finalizing the adoption of these three rules was in August 2018; however, MEOSH requested additional time to complete the adoption of these rules, and OSHA agreed to the requested time extension.

II. Summary of Annual Performance Plan Results

Select local government industry-level estimates are not available for 2017 at level of detail presented in prior years due to issues in the organization of data underlying these estimates. This affects detail in public administration (e.g., North American Industry Classification System (NAICS) 922120, police protection; NAICS 922160 fire protection), construction (e.g., NAICS 237), and transportation and warehousing (e.g., NAICS 485). MEOSH is evaluating ways to resolve these issues with the Bureau of Labor Statistics, Survey of Occupational Injuries and Illnesses (SOII) staff so that these estimates can be provided for future years.

Strategic Goal # 1. Improve workplace safety & health for all workers, as evidenced by reducing hazards, exposures, injuries, illnesses and fatalities in state government.	
Annual Performance Goal 1.1	Reduce DART rates in the following targeted industries: Police protection, highway, street, and bridge construction, administration of human resource programs (except education, public health, and veterans' affairs programs), correctional facilities, and colleges, universities, and professional schools. Prevent fatalities in these industries.
Strategy	Conduct inspections and consultations in the targeted high hazard industries.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Number of inspections: 15 (Goal met, MEOSH conducted 24) Number of consultation visits: 15 (MEOSH conducted 330 initial visits, but was unable to distinguish between state and local government visits). Reduce the DART rates in state targeted industries by three percentage points from the 2013 baseline DART rates. Based on available 2017 DART rates, MEOSH did not meet the goal of a three percent reduction from the 2013 baseline DART rates. MEOSH will continue to focus on all five focused areas and increase inspections in all areas. Number

	of fatalities: 0																																
Data Source(s)	Internal BLS Research & Statistics Unit data, BLS DART rates																																
Baseline	<p>2013 BLS DART rates in targeted state government industries.</p> <table border="1"> <thead> <tr> <th colspan="4">Focused State Government Industries</th> </tr> <tr> <th>Industry</th> <th>NAICS</th> <th>2013 DART Rate</th> <th>2017 DART Rate</th> </tr> </thead> <tbody> <tr> <td>Police Protection</td> <td>92212</td> <td>6.4</td> <td>6.8</td> </tr> <tr> <td>Highway, street, and bridge construction</td> <td>2373</td> <td>9.2</td> <td>8.9</td> </tr> <tr> <td>Administration of human resource programs (except education, public health, and veterans' affairs programs)</td> <td>92313</td> <td>0.7</td> <td>1.8</td> </tr> <tr> <td>Correctional facilities</td> <td>92214</td> <td>4.9</td> <td>6.7</td> </tr> <tr> <td>Colleges, universities, and professional schools</td> <td>6113</td> <td>1.3</td> <td>1.5</td> </tr> <tr> <td>All state government</td> <td></td> <td>3.0</td> <td>3.0</td> </tr> </tbody> </table>	Focused State Government Industries				Industry	NAICS	2013 DART Rate	2017 DART Rate	Police Protection	92212	6.4	6.8	Highway, street, and bridge construction	2373	9.2	8.9	Administration of human resource programs (except education, public health, and veterans' affairs programs)	92313	0.7	1.8	Correctional facilities	92214	4.9	6.7	Colleges, universities, and professional schools	6113	1.3	1.5	All state government		3.0	3.0
Focused State Government Industries																																	
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Colleges, universities, and professional schools	6113	1.3	1.5																														
All state government		3.0	3.0																														
Comment	MEOSH will increase inspections in all five strategic areas.																																

Strategic Goal # 1. Improve workplace safety & health for all workers, as evidenced by reducing hazards, exposures, injuries, illnesses and fatalities in municipal/local government.	
Annual Performance Goal # 1.2	Reduce DART rates in the following targeted municipal government industries:

	police protection; fire protection; highway, street, and bridge construction; elementary and secondary schools and correctional facilities. Prevent fatalities in these industries.																												
Strategy	Conduct inspections and consultations in the high hazard targeted industries.																												
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Number of inspections: 110 (Goal not met, actual 85) Number of consultation visits: 185 (conducted 330 initial visits, but unable to distinguish between state and local government visits). Reduce the DART rates in local government targeted industries by three percentage points from the 2013 baseline DART rates. The only data available for local government was schools which did not meet the 3% goal reduction, but did show a significant decrease from 4.0 to 2.2 in 2017. MEOSH will continue to focus on all five focused areas and increase inspections in all areas. Number of fatalities: 1 (law enforcement)																												
Data Source(s)	Internal BLS Research & Statistics Unit data; BLS DART rates																												
Baseline	2013 BLS DART rates in targeted municipal government industries. <table border="1"> <thead> <tr> <th colspan="4">Focused Municipal/Local Government Industries</th> </tr> <tr> <th>Industry</th> <th>NAICS</th> <th>2013 DART Rate</th> <th>2017 DART Rate</th> </tr> </thead> <tbody> <tr> <td>Police Protection</td> <td>92212</td> <td>6.8</td> <td>Data unavailable</td> </tr> <tr> <td>Fire Protection</td> <td>92216</td> <td>4.8</td> <td>Data unavailable</td> </tr> <tr> <td>Highway, Street, and Bridge Construction</td> <td>2373</td> <td>10.0</td> <td>Data unavailable</td> </tr> <tr> <td>Elementary and Secondary Schools</td> <td>6111</td> <td>1.9</td> <td>2.2</td> </tr> <tr> <td>Correctional</td> <td>92214</td> <td>2.8</td> <td>Data</td> </tr> </tbody> </table>	Focused Municipal/Local Government Industries				Industry	NAICS	2013 DART Rate	2017 DART Rate	Police Protection	92212	6.8	Data unavailable	Fire Protection	92216	4.8	Data unavailable	Highway, Street, and Bridge Construction	2373	10.0	Data unavailable	Elementary and Secondary Schools	6111	1.9	2.2	Correctional	92214	2.8	Data
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	Facilities			unavailable
	All local government		3.0	2.9
Comment	MEOSH will increase inspections in all five strategic areas including police due to fatality.			
Strategic Goal # 2. Promote a safety and health culture through compliance assistance, cooperative programs and outreach activities.				
Annual Performance Goal # 2.1	Increase safety and health awareness among workers in state and municipal work sites.			
Strategy	Conduct training courses at the SafetyWorks! Training Institute (STI) on school laboratory safety, public sector work zone, trenching/excavation, fall protection, OSHA recordkeeping and other applicable courses.–			
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Number of courses to be conducted: 100 (115 courses and six from OSHA Education Center Region 1 were conducted, for a grand total of 121 courses). Number of participants to be trained: 2,000 state and local government and private employees. Of this total, 300 participants are estimated to be workers from state and local government. (The actual number of workers trained was 2,315 of which 399 were state and local government workers). MEOSH accomplished total class attendance and public sector participant goals. Two goals were exceeded. Despite this increase in training, DART rates were not reduced (i.e., remained steady).			
Data Source(s)	Course registration forms and sign-in sheets			
Baseline	FY 2017 Actuals: The number of courses provided was 118, the total participants trained was 2,080 (including 468 state and local government employees).			
Comment	STI trained 399 state and local government employees. This total does not include			

	<p>attendees who registered from a private employer but who are also volunteer firefighters, or school or town volunteers, etc. The total class attendance was 2,315 participants. This does not take into consideration Wage & Hour, Risk Management or Human Resources training. It also does not include on-site training. MEOSH exceeded initial baseline numbers but were down on state and local attendees compared to FY 2017.</p>
<p>Strategic Goal # 2. Promote a safety and health culture through compliance assistance, cooperative programs and outreach activities.</p>	
<p>Annual Performance Goal # 2.2</p>	<p>Promote effective worksite-based safety and health programs in the public sector.</p>
<p>Strategy</p>	<p>Administer SHAPE for state and local government worksites.</p>
<p>Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)</p>	<p>Maintain the participation of 77 SHAPE sites (including those that are eligible for renewal in FY 2018); recruit eight new SHAPE participants.</p> <p>The continued growth of SHAPE should help MEOSH obtain its goal to reduce the DART rates in state and local government targeted industries by three percentage points from the 2013 baseline DART rates.</p>
<p>Data Source(s)</p>	<p>SHAPE applications, DART rates, and results of onsite audits of SHAPE sites</p>
<p>Baseline</p>	<p>MEOSH had 77 SHAPE sites in FY 2017</p>
<p>Comment</p>	<p>The goal was to increase SHAPE participation to 85. As of 9/30/2018, the State Plan had a total of 89 SHAPE sites.</p>
<p>Strategic Goal #2. Promote a safety and health culture through compliance assistance, cooperative programs and outreach activities.</p>	
<p>Annual Performance Goal # 2.3</p>	<p>Promote safety and health consultation services at various trade shows and conferences.</p>

Strategy	Staff vendor booths at conferences attended by participants from the public sector; provide safety and health training at these conferences when possible.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	<p>Number of conferences that the Maine State Plan will attend: five</p> <p>The goal was exceeded. The State Plan participated in seven conferences that were geared toward state and local government work sites.</p> <p>Continued outreach of this program should help MEOSH obtain its goal to reduce the DART rates in state and local government targeted industries by three percentage points from the 2013 baseline DART rates.</p>
Data Source(s)	Conference registration forms
Baseline	Five conferences
Comment	The five conferences were attended, including an additional two geared toward state and local government. The conferences identified for attendance/informational booth were the Maine Fire Chiefs; Recycling/Solid Waste; Maine School Management; Maine Emergency Management (MEMA); and Maine Municipal Association Conference (MMA). In addition, MEOSH attended the Construction Rodeo (DOT/Public Works) and MMA Human Resource Conference.
Strategic Goal #2. Promote a safety and health culture through compliance assistance, cooperative programs and outreach activities.	
Annual Performance Goal # 2.4	Conduct outreach to public sector work sites on a variety of occupational safety and health topics
Strategy	Conduct compliance meetings statewide
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	<p>Number of compliance meetings to be attended: four</p> <p>The goal was met; MEOSH provided four public sector compliance meetings.</p>

	Continued outreach of this program should help MEOSH obtain its goal to reduce the DART rates in state and local government targeted industries by three percentage points from the 2013 baseline DART rates.
Data Source(s)	Registrations received to attend breakfast meetings
Baseline	In FY 2017, four breakfast meetings were held. MEOSH did not have any Alliances in FY 2017.
Comment	Four compliance courses were provided by MEOSH manager/staff. The meetings were held from 8:30 to 10:30 at MDOL Augusta and three satellite MDOL locations (northern and southern Maine). These meetings are non-formal training sessions where attendees can freely ask questions about the department without concerns of enforcement. It's an open dialog meeting.
Strategic Goal #3. Maximize MEOSH effectiveness and efficiency by strengthening staff capabilities and focusing on high hazard/injury rate establishments.	
Annual Performance Goal # 3.1	Strengthen the technical and professional skills and education of MEOSH field staff.
Strategy	Management will meet with staff to discuss their training needs. Management will also encourage/support staff in their pursuit of higher education and professional certifications.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Annually each field staff will complete at least one safety and/or health class. Staff will also attend one professional development course/seminar annually. The goal was met. Continued growth of staff and focused activities should help MEOSH reduce the DART rates in state and local government targeted industries.
Data Source(s)	Training records
Baseline	Mandatory training courses prescribed by TED 01-00-019. Each consultant will have

	completed Course #1500. Each CSHO conducting discrimination investigations will complete Course #1420.
Comment	Enforcement staff continues to follow OSHA's directive (TED 01-00-019-Mandatory Training Program for OSHA Compliance Personnel). Staff also attended several courses offered through the OSHA Region 1 Education Center. Staff also attended the National Safety Council of Northern New England, 91 st annual Safety & Health Conference with keynote speakers and multiple break-out sessions.
Strategic Goal #3. Maximize MEOSH effectiveness and efficiency by strengthening staff capabilities and focusing on high hazard/injury rate establishments.	
Annual Performance Goal # 3.2	Maintain a Local Emergency Management partnership with the Maine Emergency Management Agency (MEMA).
Strategy	Management will assist MEMA by staffing Emergency Operation Center (EOC) during state emergencies and exercises.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	MEOSH will participate in an annual conference and provide "real world safety" scenarios (i.e., participate in drills, but also have additional staff available to provide actual hands-on safety and health monitoring of the exercise) at statewide exercises such as Vigilant Guard.
Data Source(s)	100% participation at large exercises and state disasters
Baseline	MEOSH will participate in 100 percent of all emergencies, exercises, and SERC meetings.
Comment	MEOSH was unable to participate in one tabletop exercise due to conflicting schedules. However, we did participate in an all-day MEMA strategic planning meeting.

III. Progress Toward Strategic Plan Accomplishments

MEOSH's progress toward strategic plan accomplishments is discussed in the above section.

IV. Mandated Activities

In FY 2018, MEOSH performed well on all State Activity Mandated Measures (SAMMs), with the exception of SAMM#2 (Time to Initiate Complaint Investigations). MEOSH has had some confusion over this SAMM, but now understands that it is used to measure the time it takes the State Plan to initiate contact with the employer (not the complainant), and that complaint investigations do not involve inspections. Therefore, MEOSH should have much better results for SAMM#2 in FY 2019.

V. Special Measures of Effectiveness/Special Accomplishments

The MEOSH SIEP discusses special measures of effectiveness. As a relatively new State Plan, MEOSH continues to focus on following the guidance in the MEOSH FOM and gaining a greater understanding of the information that needs to be entered into the OIS for inspections.

VI. Adjustments or Other Issues

In FY 2018, an assistant area director met with the MEOSH program manager and its CSHOs on two separate occasions to discuss the MEOSH FOM (including case documentation) and how to use the OIS (for running performance monitoring reports as well as properly completing forms related to inspections). As a result, MEOSH has a much better understanding in these areas. MEOSH and OSHA have agreed to hold more of these training sessions in FY 2019.

VII. SIEP (see below)

STATE OF MAINE STATE INTERNAL EVALUATION PROGRAM (SIEP)

Based on data from FY 2018 OSHA Information System (OIS) Reports and feedback received from OSHA during the onsite case file reviews for the Federal Annual Monitoring and Evaluation (FAME) Reports, MEOSH has identified the following areas that it will monitor in the SIEP.

1. Case file management
2. Average Number of Work Days to Initiate Complaint Inspections (based on State Activity Mandated Measures (SAMM) 1A)
3. Average Lapsed Days between Closing Conference and Written Report (based on OSHA Information System (OIS) Written Report Lapsed Days)
4. Percent of Serious Hazards Corrected in a Timely Manner (based on Mandated Activities Report for Consultation (MARC) 4A - 4D)

Enforcement Case Files

Documenting case files as directed by the MEOSH FOM is a concern of management and staff. Management will periodically (not to exceed quarterly) review case files to ensure that all documentation required by the MEOSH FOM is included, such as diary sheets, field notes, employee interviews, penalty assessments, and background information to support the citations. Detailed case files are necessary in case of an employer appeal. In addition, management and field staff will discuss/review the MEOSH FOM requirements on a quarterly basis. The program manager and system administrator reviewed 100% of FY 2018 files. Any discrepancies with case files were communicated with the inspector. Any discrepancy is addressed with inspector and at quarterly meetings. There is no formal recording or list of discrepancies.

Average Number of Work Days to Initiate Complaint Inspections: State Activity Mandated Measures Report (SAMM) 1A

The time to initiate complaint inspections has been a concern, because MEOSH did not meet the negotiated five-day further review level (FRL). In FY 2016, MEOSH's average was 5.13 days, but in FY 2017, the average rose sharply to 17 days. In FY 2018, MEOSH's average of 4.20 days met the FRL, despite the fact that the State Plan had to deal with several complex investigations during the year.

In FY 2018 MEOSH explored the use of phone/fax complaint notification which should reduce the number of physical on-site complaint inspections even more. However, management and staff have made a collective effort to decrease response time. Phone/fax has assisted in this effort, but primarily a greater emphasis on complaints has been the driving force behind the

number reduction. In addition, the SAMM is reviewed at least quarterly by management and discrepancies are reviewed with staff.

The State Plan will continue to monitor this average so that the negotiated five-day further review level will continue to be met in FY 2019. The table below shows a comparison of MEOSH’s results for SAMM #1 over the past three fiscal years.

SAMM 1A: Time to Initiate Complaint Inspections (Average workdays)								
FY 2016			FY 2017			FY 2018		
MEOSH	Nat'l.	FRL	MEOSH	Nat'l.	FRL	MEOSH	Nat'l.	FRL
5.13	5.97	5.0	17.00	6.11	5.0	4.20	7.42	5.0

Consultation

Average Lapsed Days between Closing Conference and Written Report

MEOSH has been concerned with the average number of lapsed days between consultation closing conference and written report to the employer. Therefore, MEOSH will continue to monitor this metric on a monthly basis. Through combined efforts of management and staff, this average decreased from FY 2016 to FY 2017, but increased from FY 2017 to FY 2018. Although MEOSH’s FY 2018 average of 14.25 days met the goal of 20 days, one consultant’s average was 22 days. To reduce the potential for injuries, MEOSH is committed to ensuring that all workplace hazards are corrected as soon as possible. For this reason, MEOSH will continue to monitor this metric in FY 2019.

OIS Consultation Service Report				
	FY 2016	FY 2017	FY 2018	Goal
Averaged Lapsed Days	22.7	11.8	14.25	20

Percent of Serious Hazards Corrected in a Timely Manner

The percent of serious hazards corrected in a timely manner is a concern of SafetyWorks management and staff. To meet the standard in MARC 4D, the consultation program must ensure that at least 65% of all serious hazards cited are corrected onsite or within the original time frame. In FY 2016 the consultation program’s percent was 74.05, in FY 2017 MEOSH improved to 84.9%, and in FY 2018 the percent rose even further to 93.44. MEOSH will continue to monitor the timely closeout of identified hazards and refer non-compliant employers to enforcement. Management and staff will continue to review the uncorrected hazards list on a weekly/bi-weekly basis and discuss any potential non-compliant employers. The goal is for employers to correct all hazards (100%) by the correction due date, but shall not exceed 14 days past due MARC 4A-4D.

SAMM #	Measure		RIDs Selected	All State Plan RIDs	All Federal RIDs	National
1A	Time to Initiate Complaint Inspections STATE formula (Average Number of Work Days to Initiate Complaint Inspections)		42	67265	51877	119,142
			4.20	7.28	6.66	7.00
			10	9238	7789	17,024
1B	Time to Initiate Complaint Inspections FEDERAL formula (Average Number of Work Days to Initiate Complaint Inspections)		37	42,419	21,344	63,763
			3.70	4.59	2.74	3.75
			10	9,238	7,789	17,024
2A	Time to Initiate Complaint Investigations STATE formula (Average Number of Work Days to Initiate Complaint Investigations)		85	119505	16349	135,854
			17.00	7.19	0.86	3.80
			5	16629	19100	35,729
2B	Time to Initiate Complaint Investigations FEDERAL formula (Average Number of Work Days to Initiate Complaint Investigations)		0	65,894	5,257	71,151
			0.00	3.96	0.28	1.99
			5	16,629	19,100	35,729
3	Timely Response to Imminent Danger Complaints and Referrals (Percent of Complaints and Referrals of Imminent Danger Responded to within 1 Day)		0	706	577	1,283
			0.00%	99.30%	95.06%	97.34%
			0	711	607	1,318
4	Number of Denials where entry not obtained		0	1	3	4
5	Average Number of Violations per Inspection with Violations by Violation Type	SWRU	153	45874	42193	88,067
			1.74	1.73	1.90	1.808320158
			88	26472	22229	48,701
		OTS	176	38208	8477	46,685
			2.00	1.44	0.38	0.958604546
			88	26472	22229	48,701
6	Percent of Total Inspections in Public Sector		110	5,409	18	5,427
			100.00%	13.15%	0.06%	7.42%
			110	41,121	32,014	73,135
7	Inspections	Safety	76	31,746	26,448	58,194
		Health	34	9,375	5,566	14,941
8	Average Current Penalty per	Total (1 to greater than 250	\$0.00	\$76,913,405.96	\$130,955,907.58	\$207,869,313.54

	Serious Violation (Private Sector)	Employees)	\$0.00	\$2,364.31	\$3,655.64	\$3,041.07		
			0	32,531	35,823	68,354		
		a. 1-25 Employees	\$0.00	\$26,333,014.28	\$57,150,191.44	\$83,483,205.72		
			\$0.00	\$1,364.62	\$2,484.68	\$1,973.69		
		b. 26-100 Employees	0	19,297	23,001	42,298		
			\$0.00	\$17,569,102.13	\$29,202,171.30	\$46,771,273.43		
		c. 101-250 Employees	\$0.00	\$2,710.86	\$4,573.56	\$3,635.26		
			0	6,481	6,385	12,866		
		d. Greater than 250 Employees	\$0.00	\$11,516,641.35	\$15,127,351.87	\$26,643,993.22		
			\$0.00	\$4,439.72	\$6,031.64	\$5,222.26		
					0	2,594	2,508	5,102
					\$0.00	\$21,494,648.20	\$29,476,192.97	\$50,970,841.17
			\$0.00	\$5,168.23	\$7,502.21	\$6,302.03		
			0	4,159	3,929	8,088		
9	Percent In Compliance	Safety	15	8,952	6,466	15,418		
			20.83%	31.33%	27.47%	29.59%		
			72	28,570	23,542	52,112		
		Health	4	3,036	1,513	4,549		
			12.50%	37.59%	32.59%	35.77%		
			32	8,076	4,642	12,718		
10	Percent of Work Related Fatalities Responded to in 1 Work Day	0	614	824	1,438			
		0.00%	97.62%	96.83%	97.16%			
		0	629	851	1,480			
11	Average Lapse Time	Safety	2,954	1,044,619	893,509	1,938,128		
			44.76	49.05	46.91	48.03529295		
			66	21,299	19,049	40,348		
		Health	726	302,833	235,686	538,519		
			29.04	54.08	62.93	57.62643125		
			25	5,600	3,745	9,345		
12	Penalty Retention Percent Penalty Retained	\$12,902.50	\$72,136,886.91	\$143,211,186.67	\$215,348,073.58			

		16.59%	73.24%	64.67%	67.31%
		\$77,765.00	\$98,492,694.00	\$221,460,170.55	\$319,952,864.55
13	Percent of Initial Inspections with Employee Walk around Representation or Employee Interview	110	40,660	31,178	71,838
		100.00%	98.88%	97.39%	98.23%
		110	41,121	32,014	73,135

Report Ending Date: September 2018
 FY2018: Quarter 4
 RID: 0192302

U. S. Department of Labor
 Occupational Safety and Health Administration
 Mandated Activities Report for Consultation (MARC)

	Quarter	FY-To-Date	Reference/Standard
TOTAL VISITS	140	345	
1. Percent of Initial Visits in High Hazard Establishments			Not Less than 90%
Number High Hazard Visits	105	245	
Percent	80.15	82.77	
Number of Initial Visits	131	296	
2. Percent of Initial Visits to Smaller Businesses			Not Less than 90%
Number of Initial Visits	131	296	
2A. Visits <=250 Employees in Estab	128	287	
Percent	97.71	96.96	
2B. Visits <=500 Employees CB by Empr	131	270	
Percent	100	91.22	
3. Percent of Visits where Consultant Conferred with Employees			100%
3A Initial			

Number with Empe conferences	130	293
Percent	100	100
Number of Initial Visits	130	293

3B Follow-up

Number with Empe Conferences	0	0
Percent	0	0
Number of Follow-Up Visits	0	0

3C Training & Education Visits with Compliance Assistance ONLY

Number with Empe conferences	9	49
Percent	100	100
Number of T&E Visits	9	49

4A Thru 4D based on Closed Cases ONLY

4A. Percent of Serious Hazards Corrected in a Timely Manner(<=14 Days of Latest Correction Due Date)

100%

Number Corrected Timely	127	641
Percent	90.71	93.44
Total Serious Hazards	140	686

Number of Serious Hazards Corrected:

On-Site	0	0
Within Original Time Frame	127	620
Within Extension Time Frame	0	20
Within 14 Days of Latest Correction Due Date	0	1

4B. Percent of Serious Hazards NOT Corrected in a Timely Manner (> 14 days Latest Correction Due Date)

Number NOT Corrected Timely	13	45
Percent	9.29	6.56
Total Serious Hazards	140	686

4C. Percent of Serious Hazards Referred to Enforcement

Number Referred to Enforcement	0	0
Percent	0	0
Total Serious Hazards	140	686

4D. Percent of Serious Hazards Corrected(In Original Time Or Onsite)

65%

Number Corrected	127	620
Percent	90.71	90.38
Total Serious Hazards	140	686

5. Number of Uncorrected Serious Hazards with Correction Date > 90 Days Past Due (Open Cases for last 3 Years, excluding Current Quarter)

5A. Open Cases

This metric counts the number of uncorrected serious hazards (open cases) more than 90 days overdue within the past three years.

360