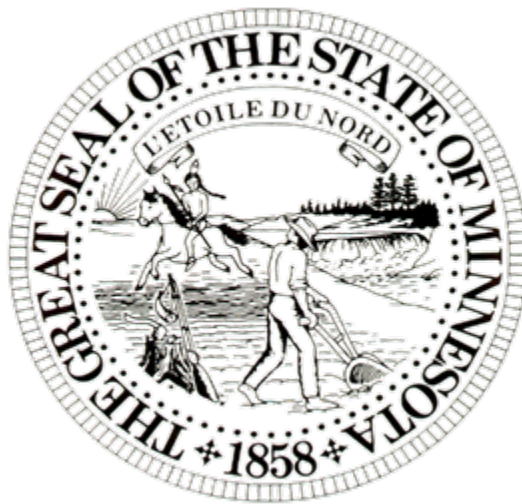


FY 2018
Follow-up Federal Annual Monitoring Evaluation (FAME) Report

State of Minnesota

Minnesota Department of Labor and Industry
Occupational Safety and Health Division



Evaluation Period: October 1, 2017 – September 30, 2018

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I. Executive Summary

The primary purpose of this report is to assess the State Plan's progress in Fiscal Year (FY) 2018 in resolving outstanding findings or observations from the previous FY 2017 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report. This report also assesses the current performance of Minnesota Department of Labor and Industry – Occupational Safety and Health Division (MNOSHA) 23(g) compliance program in the context of agreed upon monitoring measures.

The FY 2017 Comprehensive FAME Report identified four observations and no findings. A detailed explanation of the observations, and the status of the State Plan's response, is found in Section III, B, Findings and Observations. All four observations are continued in this report. A summary of the observations and federal monitoring plans is found in Appendix B, Observations and Federal Monitoring Plans. No new findings or observations have been identified.

The Minnesota Occupational Safety and Health Strategic Management Plan for FY 2014 to FY 2018 established three strategic goals: 1) Reduce occupational hazards through compliance inspections; 2) Promote a safety and health culture through compliance assistance, outreach, cooperative programs, and strong leadership; and 3) Strengthen and improve MNOSHA's infrastructure. The FY 2018 Performance Plan provided the framework for accomplishing the goals of the strategic plan by establishing specific performance goals for FY 2018.

In the FY 2018 State OSHA Annual Report (SOAR), MNOSHA provided information that outlines their accomplishment of meeting their Five-Year Strategic Management Plan. The information has been reviewed and analyzed to assess their progress in meeting performance plan goals. Through effective resource utilization, partnership development, outreach activities, and an overall commitment to performance goal achievements, all but three of the annual performance goals have been met or exceeded. For a more comprehensive look at this data, please see the attached MNOSHA SOAR (Appendix E.) The three MNOSHA Strategic Management Plan performance goals that were not achieved in FY 2018 include:

- Goal 1.2, Reduction in state fatality rate from the previous five-year average for FY 2013 - 2017: MNOSHA experienced a 34% increase in their worker fatality rate.
- Goal 1.4, Percent of inspections designated as programmed: Only 76% of MNOSHA's inspections were programmed, short of the 86% target.
- Goal 2.2, Maintain the total number of people participating in outreach/training: MNOSHA conducted 87 presentations to 2,641 participants, 35% below the target of 4,063.

Quarterly monitoring team meetings were held during FY 2018, at which time the State Activity Mandated Measures (SMM) report and the State Indicators Report (SIR) were reviewed and discussed with MNOSHA compliance staff. The FY 2018 SMM is Appendix D of this report.

II. State Plan Background

The Minnesota Department of Labor and Industry (DLI) administers the MNOSHA program. The program began operating on August 1, 1973, with final State Plan approval obtained on July 30, 1985. MNOSHA includes the Occupational Safety and Health (OSH) Compliance Division, which is responsible for compliance program administration (conducting enforcement inspections in the private sector and in state and local government agencies, adoption of standards, and operation of other related OSHA activities), and the Workplace Safety Consultation (WSC) Division, which provides free consultation services upon request to help employers prevent workplace accidents and diseases by identifying and correcting safety and health hazards.

MNOSHA's mission is "to ensure every worker in the State of Minnesota has a safe and healthful workplace." This mandate involves the application of a set of tools by MNOSHA, including standards development, enforcement, compliance assistance, and outreach, which enables employers to maintain safe and healthful workplaces.

Through December 2018, Commissioner Ken Peterson served as the head of the DLI. Following the retirement of Ms. Cindy Valentine in September 2017, Mr. James Krueger became Acting Workplace Safety Manager, and Ms. Nancy Zentgraf became Acting Director of the OSH Compliance Division. Mr. Tyrone Taylor is the Director of the WSC Division within Minnesota DLI. The FY 2018 grant included funding totaling \$9,088,927 and full-time equivalent (FTE) staffing of 72.9 positions. The State Plan's expected staffing level is 31 safety investigators and 12 health investigators. MNOSHA allocated funding for 32.24 safety and 13.99 health positions.

New Issues

Maximum Penalty Increase

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 Minnesota State Plan has not yet completed the legislative changes to increase maximum penalties. 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 the follow-up year, and as such, OSHA did not perform an on-site 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. 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 AND NEW ITEMS)

The State Plan made progress to address the previous four observations from the FY 2017 Comprehensive FAME Report. This follow-up FAME report contains no findings and four continued observations. Appendix B describes observations subject to continued monitoring and the related federal monitoring plan.

OBSERVATIONS

Continued FY 2017 Observations

Observation FY 2017-OB-01: In FY 2017, in three of the 36 (8%) complaint-related files reviewed, a letter was not sent to the complainant with information on the outcome of the complaint.

Status: MNOSHA has instructed their investigators to request contact information from complainants. However, a case file review is necessary to gather the facts needed to evaluate final 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. This observation is continued.

Observation FY 2017-OB-02: MNOSHA's listed criteria for inspecting employer-reported injuries and illnesses, contained in MN ADM 3.16, focuses on the type and severity of the injury or illness that had occurred, rather than factors such as history of the employer, youth and other vulnerable workers, hazard included in an emphasis program, and continuance or abatement of a hazard. Further, in four (80%) of the five employer-reported injuries selected during the FY 2017 review, MNOSHA's decision to not inspect the injury was contrary to their own listed criteria.

Status: MNOSHA supervisors are involved in the decision to inspect employer-reported injuries and illnesses. If a decision is made not to inspect, the reason for the decision is annotated in the case file. 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. This observation is continued.

Observation FY 2017-OB-03: In two (10%) of the 20 whistleblower protection cases reviewed in FY 2017, the disposition of the case was incorrectly identified.

Status: A case file review is necessary to gather the facts needed to evaluate final 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. This observation is continued.

Observation FY 2017-OB-04: In three (15%) of the 20 whistleblower protection cases reviewed in FY 2017, there were inconsistencies between filing and adverse action dates entered in MOOSE and in WebIMIS.

Status: A case file review is necessary to gather the facts needed to evaluate final 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. This observation is continued.

C. State Activity Mandated Measures (SAMM) Highlights

Each SAMM has an agreed upon Further Review Level (FRL) which can be either a single number, or a range of numbers above and below the national average. State Plan SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan's FY 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 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 +/- 5% of 3.06%, which is the number negotiated by OSHA and the State Plan through the grant application. Therefore, the FRL range is 2.90% to 3.21%. The Minnesota State Plan's percent of total inspections in state and local government workplaces is at 5.21%, which is above the FRL.

Explanation: MNOSHA projected conducting 1,745 inspections in the private sector and 55 inspections in state and local government workplaces. MNOSHA conducted 1,746 inspections in the private sector and 96 inspections in state and local government workplaces. Consequently, the Minnesota State Plan achieved 100% of their goal for private sector and 175% of their goal for state and local government workplaces. MNOSHA conducts inspections in accordance with national and local emphasis programs as well as in response to complaints. A higher than anticipated number of inspections in state and local government workplaces is a positive outcome.

SAMM 7 – Planned v. actual inspections – safety/health

Discussion of State Plan data and FRL: The FRL for planned inspections compared to actual inspections is +/- 5% of the number of inspections negotiated by OSHA and the State Plan through the grant application; 1,440 safety inspections and 360 health inspections. The Minnesota State Plan conducted 1,444 safety inspections, which is within the acceptable range of 1,368 to 1,512

inspections. The Minnesota State Plan conducted 398 health inspections, which is greater than the acceptable range of 342 to 378 inspections, and is a favorable outcome.

SAMM 8 – Average current serious penalty in private sector

Discussion of State Plan data and FRL: SAMM 8 is divided into categories based on the number of workers controlled by the employer. The FRL for average current serious penalty is +/- 25% of a three-year national average for each category. The Minnesota State Plan fell below the average current serious penalties FRL range in every category.

Number of workers	National Average	FRL Range	State Plan Data
All	\$2,603.32	\$1,952.49 - \$3,254.15	\$1,006.08
1 to 25	\$1,765.19	\$1,323.89 - \$2,206.49	\$620.76
26 to 100	\$3,005.17	\$2,253.88 - \$3,756.46	\$759.73
101 to 250	\$4,203.40	\$3,152.55 - \$5,254.25	\$2,295.30
Greater than 250	\$5,272.40	\$3,954.30 - \$6,590.50	\$2,207.16

Explanation: Minnesota has not yet completed the legislative changes to increase maximum penalties. OSHA will continue to work with Minnesota on this issue.

SAMM 9 – Percent in-compliance

Discussion of State Plan data and FRL: The FRL for percent in-compliance for safety inspections is +/- 20% of the three-year national average of 29.90%, which equals a range of 23.92%, to 35.88%. The Minnesota State Plan's in-compliance rate for safety is 36.32%, which is slightly higher than the FRL. The FRL for percent in-compliance for health inspections is +/- 20% of the three-year national average of 36.10%, which equals a range of 28.88% to 43.32%. The Minnesota State Plan's in-compliance rate for health is 39.69%, which is within the FRL.

Explanation: The Minnesota State Plan's in-compliance rates are evaluated during every quarterly monitoring meeting and discussed when warranted. MNOSHA attributes their higher than expected rates to their policy to inspect every allegation of an imminent danger, although many of those inspections do not result in citations.

SAMM 11 – Average lapse time

Discussion of State Plan data and FRL: The FRL for average lapse time for safety inspections is +/- 20% of the three-year national average of 46.20 days which equals a range of 36.96 to 55.44 days. The Minnesota State Plan's lapse time for safety is 18.78 days, which is substantially below the FRL. The FRL for average lapse time for health inspections is +/- 20% of the three-year national average of 56.56, which equals a range of 45.25 to 67.87 days. The Minnesota State Plan's lapse time for health is 25 days which is also substantially below the FRL.

Explanation: MNOSHA staff is committed to completing case files and issuing citations in a timely manner and their resulting lapse time is favorable.

SAMM 12 – Percent penalty retained

Discussion of State Plan data and FRL: The FRL for percent penalty retained is +/- 15% of the three-year national average of 66.81%, which equals a range of 56.79% to 76.83%.

Explanation: The Minnesota State Plan retained 86.44% of penalties, which is well above the FRL and a positive outcome.

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 fixed at 100% for all State Plans based on a requirement in the Occupational Safety and Health Act of 1970 (OSH Act) for the complainant to be notified of a determination within 90 days. The Minnesota State Plan completed 49% of 11(c) investigations within 90 days, which is below the FRL.

Explanation: The Minnesota State Plan's 11(c) investigation data is reviewed and discussed during every quarterly monitoring meeting. MNOSHA continually strives to complete thorough and accurate investigations in a timely manner. Even though MNOSHA was below the fixed FRL of 100%, it was higher than the national average of 35%.

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 the three-year national average of 24%, which equals a range of 19.20% to 28.80%. The Minnesota State Plan determined 11% of their 11(c) complaints were meritorious, which is below the FRL and warranted a closer look at the situation.

Explanation: During the same time period, 23 of 47 cases (49%) were closed by MNOSHA due to the complainant's lack of cooperation. Additionally, two of the cases were withdrawn by the complainant. MNOSHA found merit in five of the remaining 22 cases, or 22.73%, which is within the FRL.

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

Discussion of State Plan data and FRL: The FRL for average number of calendar days to complete an 11(c) investigation is fixed at 90 days for all State Plans based on a requirement in the OSH Act for the complainant to be notified of a determination within 90 days. The Minnesota State Plan completed 11(c) investigations within an average of 137 calendar days.

Explanation: The Minnesota State Plan's 11(c) investigation data is reviewed and discussed during every quarterly monitoring meeting. MNOSHA continually strives to complete thorough and accurate investigations in a timely manner. MNOSHA's average number of days to complete an 11(c) investigation is substantially better than the national average of 277 days.

SAMM 17 – Percent of enforcement presence

Discussion of State Plan data and FRL: The FRL for percent of enforcement presence is +/- 25% of the three-year national average of 1.24% which equals a range of 0.93% to 1.55%.

Explanation: MNOSHA's enforcement presence is slightly above the FRL at 1.56% and is a positive outcome.

Appendix A – New and Continued Findings and Recommendations

FY 2018 MNOSHA Follow-up FAME Report

FY 2018-#	Finding	Recommendation	FY 2017-# or FY 2017-OB-#
	None		

Appendix B – Observations and Federal Monitoring Plans

FY 2018 MNOSHA Follow-up FAME Report

Observation # FY 2018-OB-#	Observation# FY 2017-OB-# <i>or</i> FY 2017-#	Observation	Federal Monitoring Plan	Current Status
FY 2018-OB-01	FY 2017-OB-01	In three of the 36 (8%) complaint-related files reviewed, a letter was not sent to the complainant with information on the outcome of the complaint.	This observation will be a focus of next year's on-site case file review during the FY 2019 comprehensive FAME.	Continued
FY 2018-OB-02	FY 2017-OB-02	MNOSHA's listed criteria for inspecting employer-reported injuries and illnesses, contained in MN ADM 3.16, focuses on the type and severity of the injury or illness that had occurred, rather than factors such as history of the employer, youth and other vulnerable workers, hazard included in an emphasis program, and continuance or abatement of a hazard. Further, in four (80%) of the five employer-reported injuries selected during the FY 2017 review, MNOSHA's decision to not inspect the injury was contrary to their own listed criteria.	This observation will be a focus of next year's on-site case file review during the FY 2019 comprehensive FAME.	Continued
FY 2018-OB-03	FY 2017-OB-03	In two (10%) of the 20 whistleblower protection cases reviewed, the disposition of the case was incorrectly identified.	This observation will be a focus of next year's on-site case file review during the FY 2019 comprehensive FAME.	Continued
FY 2018-OB-04	FY 2017-OB-04	In three (15%) of the 20 whistleblower protection cases reviewed, there were inconsistencies between filing and adverse action dates entered in MOOSE and in WebIMIS.	This observation will be a focus of next year's on-site case file review during the FY 2019 comprehensive FAME.	Continued

Appendix C - Status of FY 2017 Findings and Recommendations

FY 2018 MNOSHA Follow-up FAME Report

FY 2017-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
	None				

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

FY 2018 MNOSHA Follow-up FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Minnesota – MNOSHA			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)	3.55	9	The further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	3.22	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)	1.00	2	The further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	0.91	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: 1.79	+/- 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

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

FY 2018 MNOSHA Follow-up FAME Report

	with violations by violation type	Other: 0.80	+/- 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	5.21%	+/- 5% of 3.06%	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 2.90% to 3.21%.
7	Planned v. actual inspections – safety/health	S: 1,444	+/- 5% of S: 1,440	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 1,368 to 1,512 for safety and from 342 to 378 for health.
		H: 398	+/- 5% of H: 360	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,006.08	+/- 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)	\$620.76	+/- 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)	\$759.73	+/- 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)	\$2,295.30	+/- 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)	\$2,207.16	+/- 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: 36.32%	+/- 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: 39.69%	+/- 20% of H: 36.10%	

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

FY 2018 MNOSHA Follow-up FAME Report

10	Percent of work-related fatalities responded to in one workday	100%	100%	The further review level is fixed for all State Plans.
11	Average lapse time	S: 18.78	+/- 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: 25.00	+/- 20% of H: 56.56	
12	Percent penalty retained	86.44%	+/- 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	49%	100%	The further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	11%	+/- 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	137	90	The further review level is fixed for all State Plans.
17	Percent of enforcement presence	1.56%	+/- 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%.

NOTE: Fiscal Year 2018 is the third year since the transition from the NCR (OSHA's legacy data system) began that all State Plan enforcement data has been captured in OSHA's Information System (OIS). Therefore, the national averages on this report are three-year rolling averages. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report in OIS and the State Plan WebIMIS report run on November 13, 2018, as part of OSHA's official end-of-year data run.

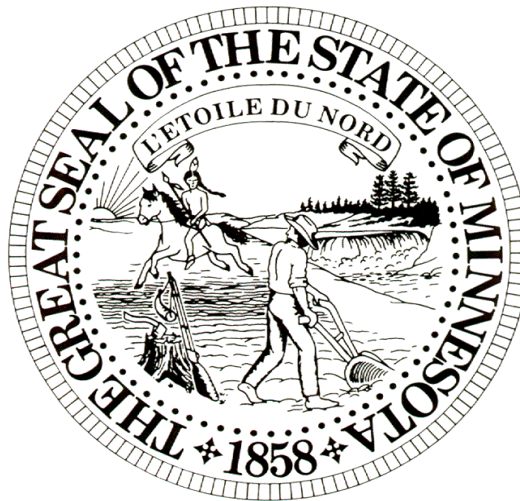
Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 MNOSHA Follow-up FAME Report

FFY 2018

**Minnesota Occupational Safety & Health Compliance
State OSHA Annual Report (SOAR)**

MNOSHA – 23g



December 2018
[Final]

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 MNOSHA Follow-up FAME Report

SOAR for FFY2018

Minnesota Occupational Safety & Health Compliance (OSH)

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Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 MNOSHA Follow-up FAME Report

SOAR for FFY2018

Minnesota Occupational Safety & Health Compliance (OSH)

INTRODUCTION

The Minnesota Occupational Safety and Health (MNOSHA) program is administered by the Minnesota Department of Labor and Industry (DLI); the program became effective on August 1, 1973, with final State Plan approval being obtained on July 30, 1985. MNOSHA includes the Occupational Safety and Health (OSH) Compliance Division, which is responsible for compliance program administration (conducting enforcement inspections, adoption of standards, and operation of other related OSHA activities) and the Workplace Safety Consultation (WSC) Division which provides free consultation services, on request, to help employers prevent workplace accidents and diseases by identifying and correcting safety and health hazards.

MNOSHA's mission is: "To make sure every worker in the State of Minnesota has a safe and healthful workplace." This mandate involves the application of a set of tools by MNOSHA including standards development, enforcement, compliance assistance, and outreach which enable employers to maintain safe and healthful workplaces.

MNOSHA's vision is to be a leader in occupational safety and health and make Minnesota's workplaces the safest in the nation. MNOSHA is striving for the elimination of workplace injuries, illnesses, and deaths so that all of Minnesota's workers can return home safely. MNOSHA believes that to support this vision, the workplace must be characterized by a genuine, shared commitment to workplace safety by both employers and workers, with necessary training, resources, and support systems devoted to making this happen.

The Minnesota Occupational Safety and Health Strategic Plan for FFY2014 to 2018 established three strategic goals:

MNOSHA Compliance (OSH) Strategic Goals
Goal 1: Reduce occupational hazards through compliance inspections
Goal 2: Promote a safety and health culture through compliance assistance, outreach, cooperative programs and strong leadership
Goal 3: Strengthen and improve MNOSHA's infrastructure

The FFY2018 Performance Plan provided the framework for accomplishing the goals of the MNOSHA Strategic Plan by establishing specific performance goals for FFY2018. This SOAR presents a review of the strategies used and results achieved in FFY2018. Special accomplishments as well as the successful completion of mandated activities are also discussed.

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 MNOSHA Follow-up FAME Report

GOAL SUMMARIES - SOAR for FFY2018 Minnesota Occupational Safety and Health (MNOSHA) Compliance SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

With few exceptions, MNOSHA Compliance's FFY2018 performance goals have been achieved. Each of the FFY2018 Performance goals and the activities and strategies used to achieve those goals are described below. Comments/discussion relating to accomplishment of Goal sub-items follows each chart.

Goal 1: Reduce occupational hazards through compliance inspections

How Progress in Achieving this Goal Will be Assessed	Baseline 9/30/13	FFY 18 Target	FFY 18 Results
1. Reduce Total Recordable Cases (TRC) Rate	BLS data CY 5-year average using the 5 years prior to the target year ¹ CY 2012-2016 avg.: 3.7	Reduction in TRC rate from the previous 5-year avg. CY 2012-2016 avg.: 3.7	Consistent reduction over five-year plan Comparison of Baseline & previous 5-year avgs: (See comments following chart [1.1]) CY 2017 TRC rate: 3.3, a 10.81% reduction
2. Reduce fatality rate ² for fatalities within MNOSHA's jurisdiction	³ DEED & MNOSHA data FY 5-year average using the 5 years prior to the target year FY 2013-2017 avg.: .653	Reduction in fatality rate from the previous 5-year avg. FY 2013-2017 avg.: .653	Consistent reduction over five-year plan Comparison of Baseline & previous 5-year avgs. (See comments following chart [1.2]) FY 2018 fatality rate: .881 a 34% increase
3. Number of hazards identified & establishments visited: a) Total hazards identified / establishments visited	MNOSHA data FY 2008 – 2012 avg.: 4718 / 2577	N/A	3067 / 1842
b) Establishment emphasis ⁴ 1. <u>Inspection emphasis</u> 23 Construction 311 Food mfg. 312 Beverage & tobacco product mfg. 321 Wood product mfg. 323 Printing & related support activities 326 Plastics & rubber products mfg. 327 Nonmetallic mineral product mfg. 331 Primary metal mfg. 332 Fabricated metal product mfg. 333 Machinery mfg. 336 Transportation equipment mfg. 337 Furniture & related product mfg. 424 Merchant wholesalers, nondurable goods 441 Motor vehicle & parts dealers 721 Accommodation 811 Repair & maintenance Public Sector (State & Local Gov't & Schools) 2. <u>National Emphasis Programs</u> Amputations – General Industry Combustible Dust – General Industry Lead – Health PSM – Health & General Industry Silica – Health Trenching Hazards – Construction 3. <u>Local Emphasis Programs</u> Foundries – General Industry & Health Grain Facilities – General Industry & Health Healthcare – General Industry & Health Hexavalent Chromium - Health Isocyanates - Health Meat Packing-General Industry & Health Window Washing – General Industry 4. <u>Pilot Emphasis Program</u> Temp Employees & Employment Agencies	N/A	65% of all programmed inspections	95% of all programmed inspections
c) Ergo, Workplace Violence & Safe Patient Handling, including hospitals, surgical centers, nursing homes	Current practice	Ongoing support of WSC's Ergo & SPH effort	See below
4. Percent of designated programmed inspections	MNOSHA data FY 2008-2012 avg: 86%	86%	76%

¹BLS data for the last year of five-year average is not available until December.

²Fatality rate is calculated as the number of fatalities per 100,000 workers: (# MNOSHA fatalities / # of MN employed workers) x 100,000

³Minnesota Department of Employment and Economic Development.

⁴The quantity of programmed inspections is variable; therefore, no defined number is provided.

Appendix E – FY 2018 State OSHA Annual Report (SOAR)

FY 2018 MNOSHA Follow-up FAME Report

GOAL 1 - Comments

Goal 1.1

Reduce total recordable cases: FFY18 target = reduction in TRC from the previous 5-year average, and a consistent reduction over the five-year plan with comparison of baseline and previous five-year averages.

The TRC for calendar year 2017 decreased 10.81% from the previous 5-year average. Over the five-year strategic plan period, the TRC rate steadily decreased—based on previous five-year rolling averages—from baseline of 3.9 to final rate of 3.3.

Goal 1.2

Reduction in state fatality rate: FFY18 target = reduction in fatality rate from the previous 5-year average, and a consistent reduction over the five-year plan with comparison of baseline and previous five-year averages.

The fatality rate for FFY 2018 increased 34% from the previous 5-year average. There were 25 fatalities in Minnesota in FFY 2018, and the rate of fatalities (.881) was higher than the average rate of fatalities for FFY 2013-2017 (.653). The FFY 2018 fatalities occurred in a broad range of industries, and were due to various causes. Over the five-year strategic plan period, the fatality rate increased and decreased—based on previous five-year rolling averages—from baseline of .642 to final rate of .881. MNOSHA conducts inspections according to its policies, and addresses workplace fatalities through its various outreach methods. Going forward, MNOSHA, along with partners and stakeholders, will further identify areas on which to focus its outreach resources.

Goal 1.3

Hazards abated / establishments visited: FFY18 target = 65% of all programmed inspections conducted in emphasis industries.

In FFY 2018, MNOSHA investigators conducted 1842 inspections where 3067 hazards were identified and cited. Sixty-four percent (64%) of the inspections conducted resulted in violations; 69% of violations were cited serious. MNOSHA continues to create incentives for employers to address safety and health issues through strong, fair, and effective enforcement of safety and health regulations. MNOSHA focused its programmed inspections to reduce injuries, illnesses, and fatalities in certain emphasis industries.

The FFY 2018 goal was for 65% of all programmed inspections conducted to be in the emphasis industries. MNOSHA met this goal. MNOSHA conducted 95% of all programmed inspections in the emphasis industries.

MNOSHA has issued citations to temporary employers depending on the supervisory role of the temporary employer at a particular worksite. In FFY 2018, MNOSHA conducted 5 inspections involving temporary employment agencies, as a result of complaints, serious injuries or fatalities.

As part of an ergonomic focus, MNOSHA conducted 43 programmed inspections in the meat processing industry and healthcare industries.

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GOAL SUMMARIES - SOAR for FFY2018 Minnesota Occupational Safety and Health (MNOSHA) Compliance (cont'd) SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Goal 2

Promote a safety and health culture through compliance assistance, outreach, cooperative programs, and strong leadership

How Progress in Achieving this Goal Will be Assessed	Baseline 9/30/13	FFY 18 Target	FFY 18 Results
1. Increase or maintain: <ul style="list-style-type: none"> a. Partnerships b. Voluntary Protection Programs (MNSTAR) c. Continue to identify compliance assistance opportunities.¹ f. Alliances² 	# of FFY13 partnerships: 3 # of FFY13 MNSTAR sites: 33 Current practice N/A	Maintain 1 new and 3 recerts Ongoing 1 new	(See comments following chart [2.1a,c]) 3 new and 4 recerts (See comments following chart [2.1.b]) (See comments following chart [2.1a,c]) 1 new (See comments following chart [2.1.f])
2. Maintain total number of people participating in OSHA outreach/training in areas such as: <ul style="list-style-type: none"> a. Youth b. Immigrant employers and employees c. Emerging businesses d. Construction e. Manufacturing f. Discrimination g. Other strategic plan compliance/consultation emphases h. Public sector 	FY 2008-2012 avg: 4,063	Maintain	2,641
3. Participate in homeland security efforts at state and national levels	Current practice	Ongoing	Ongoing (See comments following chart [2.3])
4. Maintain response time and/or service level to stakeholders in areas such as: <ul style="list-style-type: none"> a. Telephone inquiries and assistance b. Written requests for information c. MNOSHA website information/updates 	Current practice	Ongoing	Ongoing (See comments following chart) [2.4]

¹The compliance assistance activities are incorporated in various places, including Goals 1 and 2.

²The Goal 2.1.f. target of 1 new Alliance was projected in the Consultation FFY 2018 CAPP. Alliances in the public sector are reported in the SOAR.

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GOAL 2 - Comments

Goal 2.1a.c -

Compliance Assistance (including maintaining 3 partnerships) in FFY18.

MNOSHA's construction safety and health partnerships with the Minnesota Chapter of Associated Builders and Contractors (MN ABC) and with Associated General Contractors (AGC) of Minnesota are designed to help reduce the number of injuries, illnesses and fatalities at participating construction industry employers.

The partnership is managed by both associations and has three levels. Level 1 requires the employer to maintain the minimum requirements of a safety and health program. Level 2 requires a more comprehensive safety and health program. Level 3 is MNOSHA's Cooperative Compliance Partnership (CCP) program, whereby MNOSHA Compliance will provide compliance assistance for a specific project. To qualify, contractors must be at Level 2 for a minimum of one year and can then apply for participation in the CCP program for construction projects expected to last at least six months, but fewer than 18 months.

In FFY 2018, MNOSHA signed Cooperative Compliance Partnership agreements with eleven Level 3 individual contractors at 16 specific construction sites. MNOSHA completed the Partnership agreement with MNDOT and the two contractors for the joint venture to construct the St. Croix Bridge's superstructure. The number of partnerships became 2 at that time.

MNOSHA continues to strive to improve communication with immigrant and "hard-to-reach" employers and employees. MNOSHA employs two investigators who are fluent in both English and Spanish. MNOSHA was unable to give any presentations in Spanish this year. In addition, MNOSHA provides written materials to immigrant and other hard-to-reach employers in coordination with the Department's community services representative.

Goal 2.1.b

Increase VPPs by 1 new and 3 re-certifications in FFY18.

MNSTAR is a voluntary protection program available to any size employer in Minnesota. The MNSTAR program relies mainly on the concept of self-assessment by the requesting employer and follows ADM 3.28K which is the Minnesota specific MNSTAR/VPP directive.

MNSTAR requires the employer's commitment to complete an extensive application, which includes providing the WSC Unit with copies of all requested written policies and programs. The employer's TCIR and DART injury and illness rates must be below the national averages, for their industry. Employers who meet all requirements for MNSTAR status are exempt from programmed inspections by MNOSHA Compliance for up to three years, upon initial certification, and up to five years upon subsequent re-certification.

The MNSTAR VPP has been very successful since its inception in FFY 1999. MNSTAR status has been awarded to both large and small employers in high-hazard and in state-targeted industries.

FFY 2018 ended with 35 full STAR sites. Three sites (Cintas – Eagan, Delta Air Lines – Chisholm and the former Merit site NRG Energy – Minneapolis), were granted full STAR status, meeting the FFY 2018 goal. Four companies (Cintas Location 470 – Maple Grove, LP – Two Harbors, CF Industries – Glenwood, and Flint Hills Refinery - Rosemount) successfully achieved full re-certification as MNSTAR sites, also meeting the FFY 2018 goal.

All active MNSTAR certified companies for FFY 2018 are listed below:

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MNSTAR SITES							
No.	Company Name	Address	Contact Information	EE	SIC	NAICS	Dates
1	CF Industries, Inc., Glenwood Terminal	19369 195th Avenue	Darrel Kollman	10	5191	424910	Apr 17 2000 - Apr 17, 2003
		PO Box 20	Terminal Superintendent				Apr 17 2008 - Apr 17, 2013
		Glenwood, MN 56334-0020	(320) 634-5134				Apr 17, 2013 - Apr 17, 2018
			dcfgna@cfindustries.com				Apr 17, 2018 - Apr 17, 2023
2	Marvin Windows and Doors	Hwy. 11 West, PO Box 100	Brian Gilbert - Main Contact	2,560	2431	321911	Aug 1 2001 - Aug 1, 2004
		Warroad, MN 56763-0100	EHS Manager				Aug 1, 2009 - Aug 1, 2014
			briang@marvin.com				Aug 1, 2014 - Aug 1, 2019
			218-386-1430 ext. 1809				
3	PotlatchDeltic Corporation Bemidji Lumbermill	50518 County 45	Susan Kaplan & Randy Lipsky	94	2421	321113	June 1, 2002 - June 1, 2005
		Bemidji, MN 56601	HR Manager & Safety Manager				June 1, 2010 - June 1, 2015
			218-759-4308				June 1, 2015 - June 1, 2020
			susanm.kaplan@potlatchcorp.com				
4	IBM	back up until Randy rtns >>>	randy.lipsky@potlatchcorp.com	2,677	3571	334111	
			robert.werlein@potlatchdeltic.com				
		3605 Highway 52 North	Randy Back				Jul 16, 2002 - Jul 16, 2005
		Mail Stop EQ9A	Safety engineer				Jul 16, 2010 - Jul 16, 2015
5	New Ulm Medical Center	IBM Well-being Services	(507) 253-6374	470	2421	622110	Jul 16, 2015 - Jul 16, 2020
		Dept. UONA/002-1 H105	rback@us.ibm.com				
		Rochester, MN 55901					
6	International Paper	1324 Fifth North Street	Kathy Thompson	132	2653	322211	Mar 7, 2003 - Mar 7, 2006
		PO Box 577	Quality Manager/Safety Officer				Mar 7, 2006 - Mar 7, 2011
		New Ulm, MN 56073	507-217-5986				Mar 7, 2011 - Mar 7, 2012
			kathy.thompson@allina.com				Mar 7, 2011 - Mar 7, 2016
7	Louisiana-Pacific Corp.			143	2493	321219	Mar 7, 2016 - Mar 7, 2021
		1699 West Ninth Street	Joseph Domino				Jul 22, 2004 - Jul 22, 2007
		White Bear Lake, MN 55110	Site Manager				Jul 22, 2007 - Jul 22, 2012
			651-426-6222				Jul 22, 2012 - Jul 22, 2013
8	Flint Hills Resources		joseph.domino@paper.com	830	2911	324110	Jul 22, 2012 - July 22, 2017
							Jul 22, 2017 - July 22, 2022
		711 25th Avenue	Zachary Trieschmann				Apr 15, 2005 - Apr 15, 2008
		Two Harbors, MN 55616	Safety Manager				Apr 15, 2008 - Apr 15, 2013
9	Aptim Services, LLC (formerly CBI Services, Inc.)		218-834-8709	300	1629	236210	Apr 15, 2013 - Apr 15, 2018
			zachary.trieschmann@lpcorp.com				April 15, 2018 - April 15, 2023
10	Valmont Industries, Inc.	PO Box 64596	Sue Titel	123	3446	332323	Dec 21, 2005 - Dec 21, 2008
		St. Paul, MN 55164-0596	Safety Contact				Dec 21, 2008 - Dec 21, 2013
			651-438-1304				Mar 1, 2012-Mar 1, 2013
			sue.titel@thr.com				Dec 21, 2013 - Dec 21, 2018
11	Monsanto Company - Soybean Research			6	713	115114	Dec 21, 2018 - Dec 21, 2023
		12555 Clark Road	Jason Nardiello				Sept 19, 2006 - Sept 19, 2009
		Box 64596	Project Manager				Sept 19, 2009 - Sept 19, 2014
		Rosemont, MN 55268	jason.nardiello@hr.com				Sept 19, 2014 - Sept 19, 2019
12	Honeywell Defense & Space		jason.nardiello@aptim.com	550	3674	334413	
			651-438-5864				
			612-246-7002 (cell)				
13	Liberty Paper, Inc.	20805 Eaton Avenue	Jim Morris, Director of Opns	110	2631	322130	June 1, 2007 - June 1, 2010
		Farmington, MN 55024	james.morris@valmont.com				June 1, 2010 - June 1, 2011
			651-463-9137				June 1, 2010 - June 1, 2015
			Christian Timanus				June 1, 2015 - June 1, 2020
14	Monsanto Company - Soybean Research		Safety Coordinator	6	713	115114	May 2018 - May 2019 1 yr Cond.
			christian.timanus@valmont.com				
			651-463-9167				
15	Monsanto Company - Soybean Research	29770 US Highway 71	Aaron Kramer	6	713	115114	Aug 27, 2007 - Aug 27, 2010
		Redwood Falls, MN 56283	Testing Operations Manager				Aug 27, 2010 - Aug 27, 2015
			507-644-3011 ext 1				Aug 27, 2015 - Aug 27, 2020
			aaron.kramer@monsanto.com				
16	Honeywell Defense & Space		benjamin.t.zychalski@monsanto.com	550	3674	334413	
		12001 State Hwy. 55	Jay Rodstein/Jim Tischner				Dec 3, 2007 - Dec 3, 2010
		Plymouth, MN 55441	HSE engineer				Dec 3, 2010 - Dec 3, 2015
			763-954-2718				Dec 3, 2015 - Dec 3, 2020
17	Liberty Paper, Inc.		jay.rodstein@honeywell.com	110	2631	322130	
			james.tischner@honeywell.com				
		13500 Liberty Lane	John Martin				Feb 14, 2008 - Feb 14, 2011
		Becker, MN 55308	Safety Manager				Feb 14, 2011 - Feb 14, 2016
18	Liberty Paper, Inc.		763-261-6106 or 763-301-0809 (cell)	110	2631	322130	Feb 14, 2016 - Feb 14, 2018 2YRR
			johnmartin@libertypaper.com				Feb 14, 2018 - Feb 14, 2021

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14	Monsanto Company - Soybean Production	29770 U.S. Hwy. 71 Redwood Falls, MN 56283	Dana Jacobs Site Lead 507-644-2108 dustin.randall.woodford@monsanto.com Dustin Woodford - VPP Contact benjamin.t.zychalski@monsanto.com	35	713	115114	July 25, 2008 - July 25, 2011 July 25, 2011 - July 25, 2016 July 25, 2016 - July 25, 2021
15	Aveda Corporation	4000 Pheasant Ridge Drive NE Blaine, MN 55449-7106	Kim Y oakum Safety and Risk Mgmt Manager 763-951-4252 kyoakum@aveda.com	647	2844	325620	Dec 17, 2008 - Dec 17, 2011 Dec 17, 2011 - Dec 17, 2016 Dec 17, 2016 - Dec 17, 2021
16	Aveda Services, Inc. - Midwest Distribution Center	3860 Pheasant Ridge Drive NE Blaine, MN 55449-7106	Kim Y oakum Safety and Risk Mgmt Manager 763-951-4252 kyoakum@aveda.com	194	4225	493110	Dec 17, 2008 - Dec 17, 2011 Dec 17, 2011 - Dec 17, 2013 2yr RR plan based on elevated rts Dec 17, 2011 - Dec 17, 2016 Dec 17, 2016 - Dec 17, 2021
17	Trident Seafoods Corporation	1348 Hwy 10 S P.O. Box 440 Motley, MN 56466	Scott Bacher Safety & risk manager 218-352-2323 sbacher@tridentseafoods.com	350	2092	311712	Feb 6, 2009 - Feb 6, 2012 Feb 6, 2012 - Feb 6, 2013 Feb 6, 2012 - Feb 6, 2017 Feb 6, 2017 - Feb 6, 2020
18	Danfoss Power Solutions	3500 Annapolis Lane N Plymouth, MN 55447	Emily Freihammer Senior Quality Engineer, EHS 763-694-2190 efreihammer@danfoss.com	140	3629	335999	Jun 17, 2011 - Jun 17, 2014 Jun 17, 2014 - Jun 17, 2019
19	Monsanto - Stanton	2440 Hwy 19 Blvd Stanton, MN 55018	Becky Sockness Kevin Barrett kabarr@monsanto.com 507-263-6937 - Becky benjamin.t.zychalski@monsanto.com	14	723	115114	Aug 1, 2012 - Aug 1, 2015 Aug 1, 2015 - Aug 1, 2020
20	The Sherwin Williams Company (formerly The Valspar Corporation - Headquarters and VAST Campus)	1101 South 3rd Street Minneapolis, MN 55415	Mark Friske EHS Manager 612-375-7370 mark.friske@sherwin.com	413	2851	325510	Jan. 1, 2013 - Jan. 1, 2016 Jan. 1, 2016 - Jan. 1, 2021
21	Monsanto - Glyndon	11486 12th Ave S Glyndon, MN 56547	Keith Jackson Site Manager keith.l.jackson@monsanto.com 218-498-0267 Daphne Horton - Admin	15	723	115114	Feb 15, 2013 - Feb 15, 2016 Feb 15, 2016 - Feb 15, 2021
22	Norbord Minnesota, LLC	4409 Northwood Road NW Solway, MN 56678	Dean Bentler Safety Coordinator dean.bentler@norbord.com 218-751-2023	141	2436	321219	July 1, 2013 - July 1, 2016 July 1, 2016 - July 1, 2021
23	NuStar Energy - Roseville Terminal	2288 County Road C West Roseville, MN 55133	Mike Moore SR Operations Manager 651-636-1780 mike.moore@NuStarEnergy.com Bill Turner, HSE Specialist 316-721-7072 bill.turner@nustarenergy.com	11	4226	493190	Oct 15, 2013 - Oct 15, 2016 Oct 15, 2016 - Oct 15, 2021
24	NuStar Energy - Moorhead Terminal	1101 SE Main Avenue Moorhead, MN 56560	Mike Moore SR Operations Manager 651-636-1780 mike.moore@NuStarEnergy.com Bill Turner, HSE Specialist 316-721-7072 bill.turner@nustarenergy.com	5	4226	493190	Oct 15, 2013 - Oct 15, 2016 Oct 15, 2016 - Oct 15, 2021
25	NuStar Energy - Sauk Centre Terminal	1833 Beltline Road Sauk Centre, MN 56378	Mike Moore SR Operations Manager 651-636-1780 mike.moore@NuStarEnergy.com Bill Turner, HSE Specialist 316-721-7072 bill.turner@nustarenergy.com	3	4226	493190	Oct 15, 2013 - Oct 15, 2016 Oct 15, 2016 - Oct 15, 2021
26	Nyco, Inc.	10730 Briggs Drive, Suite B Inver Grove Heights, MN 55077	Brantley Grekoff Project Manager 612-325-7280 brantley_grekoff@nycoinc.us	53	1799	238290	May 1, 2014 - May 1, 2017 May 1, 2017 - May 1, 2022
27	Delta Air Lines - Minneapolis Reservations Customer Engagement Center	7500 Airline Drive Minneapolis, MN 55450	Chris Besener-Boulton Customer Experience Manager 612-266-5080 christi.besenerboulton@delta.com	426	7389	561599	May 27, 2014 - May 27, 2017 May 27, 2017 - May 27, 2022
28	Firmenich - New Ulm	100 North Valley Street New Ulm, MN 56073-1601	Jenny Backer Health and Safety Manager 507-233-7466 jennifer.wirz-backer@firmenich.com	90	2023	311514	June 1, 2014 - June 1, 2017 June 1, 2017 - June 1, 2020
29	Bosch Security Systems	12000 Portland Ave Burnsville, MN 55337	Jim Stroud EHS Administrator 952-736-3877 jim.stroud@us.bosch.com	135	3669	334290	Dec 1, 2014 - Dec 1, 2017 Dec 1, 2017 - Dec 1, 2022
30	Cintas Corporation - Location 470	11500 95th Ave N Maple Grove, MN 55369	Brad Beyer General Manager 763-391-5266 beyer2@cintas.com	106	7218	812332	Feb 15, 2015 - Feb 15, 2018 Feb 15, 2018 - Feb 15, 2023

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31	Sysco Asian Foods	1300 L'Orient St St. Paul, MN 55117	Joe Lolich Safety Manager lolich.joe@asianfoods.com 651-558-2534	155	5141	424410	Jan 22, 2016 - Jan 22, 2019
32	Cintas FAS - Brooklyn Park	8703 Brooklyn Blvd Brooklyn Park, MN 55445	Bill Montealegre General Manager (763) 657-8192 or (651)253-8192 cell montealegre@cintas.com	42	5047	423450	May 10, 2017 - May 10, 2020
33	Cintas - Eagan	3375 Mike Collins Drive Eagan, MN 55121	Brad Newton, General Manager 651-454-0560 newtonb@cintas.com	148	7218	812332	February 1, 2018 - February 1, 2021
34	Delta Air Lines, Inc. - Iron Range Reservations - Customer Engagement Center	601 Iron Drive Chisholm, MN 55719	Ken Ness Customer Experience Manager 218-254-7511 kenneth.s.ness@delta.com Pam Joki (replacing Shelly Sullivan) 218-254-7719 pamela.joki@delta.com Greg Olson Operations Supervisor 612-436-4152 greg.olson@nrgenergy.com	434	4729	561599	January 5, 2018 - January 5, 2021
35	NRG Energy Center Minneapolis, LLC	816 4th Ave South Minneapolis, MN 55404	Operations Supervisor 612-436-4152 greg.olson@nrgenergy.com	36	4961	221330	Sept 1, 2015 - Sept 1, 2018 Merit Extended full 3-years Sept 18, 2018 - Sept 18, 2021

Goal 2.1.f –

Increase Alliances by 1 in FFY18 (projected in Consultation's FFY2018 CAPP, see footnote 2, pg. 6).

Overall, 1 new Alliance was initiated with a public sector entity.

An Alliance was initiated with the MN Municipal Utilities Association (MMUA) to conduct worker exposure assessments, for respirable crystalline silica, for various road maintenance and repair tasks, and other tasks deemed to have potential for significant exposure. The Alliance has completed exposure assessments for nine municipalities, focusing on street sweeping operations and one mowing task.

Alliances remain with the MN State Colleges and Universities and Riverland College – a campus-specific Alliance. The State-wide Alliance continues to initiate hazard survey and safety management assistance for campuses and campus safety representatives. The campus-specific Alliance focused on safety and health in the theater department, generating hazard awareness and development of written policy to dictate safety and health for the department.

Goal 2.2 -

In FFY18, maintain the total number of people participating in outreach (4,063).

MNOSHA established a baseline of 4,063 participants per year for outreach training sessions covering various subject areas. IN FFY 2018, MNOSHA Compliance conducted 87 presentations to 2,641 participants. MNOSHA continued to utilize its Safety Investigator III and IV positions in its outreach efforts throughout the state. Ninety-eight (98) percent of outreach presentations were in emphasis industries, including construction with a focus in excavation and confined spaces in construction. Six outreach training sessions were presented, specific to the new silica standard, to over 500 employer representatives.

Each year, MNOSHA Compliance has five leading organizations that request outreach services: Midwest Center for Occupational Health and Safety; Associated General Contractors of Minnesota; Associated Building Contractors; American Society of Safety Engineers; and Minnesota Safety Council. In these leading areas, MNOSHA did 58 outreach presentations to over 1,751 participants.

In addition, MNOSHA conducted five Construction Seminars in FFY 2018. The Construction Seminar was developed to assist members of the construction industry responsible for worksite safety to stay current with MNOSHA standards. The Construction Seminar provides a forum for members of the construction trades and their employers to discuss issues and experiences with the speaker, their peers, and MNOSHA investigators. MNOSHA continues to work with the Construction Seminar Focus Group to select safety topics and presenters for each event. Topics are discussed and voted on by each member and then approved by MNOSHA's management team. The committee is comprised of various representatives from the construction industry, including insurance loss control representatives, company safety directors, and safety consultants who volunteer their time and expertise. In total, the Construction Seminar presentations attracted 229 participants. Topics Included: Fall Protection; Cranes and Rigging; The Good, the Bad and the Ugly; Asbestos in Construction; and, Respiratory Protection.

MNOSHA continued its strong working relationship with the Minnesota Safety Council. MNOSHA continues to participate in major safety conferences throughout the state, including staffing information booths at three separate exhibitions in FFY 2018. All were well attended, with significant attendance and interest at the MNOSHA booth.

MNOSHA provided presentations at the local American Industrial Hygiene Association and American Society of Safety Engineers (ASSE) with 131 participants in attendance.

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MNOSHA continues to look for opportunities to conduct presentations in the area of outreach for youth. Five presentations targeting youth were conducted in FFY 2018 with 141 youth in attendance.

New or revised publications during the fiscal year included: MNOSHA Fatality Investigation Summary for FFY 2018; MNOSHA Serious Injury Investigation Summary for FFY 2018; and, MNOSHA Most Frequently Cited Standards for FFY 2018.

The Minnesota Dept. of Labor and Industry's new website was launched during FFY 2018. The site was designed to contain more relevant and streamlined content that is easier to access from more devices.

In addition to the specific publications, MNOSHA continues to publish its newsletter, Safety Lines. Some of the topics covered in articles this past year included: Heat stress; the Excavation Safety Stand-Down; Safe + Sound Week; safety equipment recall; safety in the grain industry; crystalline silica; walking-working surfaces; teen workers; most frequently cited standards; MNOSHA Consultation's work with the Mexican Consulate and other Latino groups; MNOSHA's outreach efforts, including the Construction Seminar; Voluntary protection programs (i.e., MNSTAR and MNSHARP) and partnerships; MNOSHA Compliance and Consultation year in review; Workers Compensation statistics, including the annual safety report from Research and Statistics; and, MNOSHA Answers Frequently Asked Questions.

Goal 2.3

Homeland Security (Current practice; ongoing)

The MNOSHA Compliance program continued to participate on the State Emergency Response Plan. The Minnesota Emergency Operations Plan was reviewed in January 2018. During FFY 2018, a MNOSHA supervisor attended four meetings of the Emergency Response Preparedness Committee. A MNOSHA supervisor attended federal Homeland Security conference calls and is nearing completion of the Basic Emergency Management Certificate Learning Program.

MNOSHA, and the entire Department of Labor and Industry, is working to finalize a review and update of our Continuation of Operations Plan (COOP).

Goal 2.4 -

In FFY18, maintain response time and/or service level to stakeholders.

Each business day, MNOSHA has two safety and health professionals on duty to answer questions received primarily through phone calls and emails. During FFY 2018, MNOSHA responded to 4,518 phone calls and 2,205 written requests for assistance, primarily emails. A majority of these inquiries are answered within one day. Of the phone calls received during FFY 2018, 43% were from employers, 34% employees, 2% consultants and the rest were from other individuals requesting safety and health information. Most information is provided to callers during the initial phone call, while others are directed to the MNOSHA or federal OSHA websites, or another state agency for assistance. The information requested covers a wide variety of topics which is why MNOSHA continues to use investigative staff to answer a majority of the calls.

During FFY 2018, MNOSHA received 1,249 workplace safety and health employee complaints. And 296 or 24% of the total complaints resulted in an onsite inspection with an average of 3.5 days response time. The remaining complaints were handled via MNOSHA's phone/fax system (non-formal complaint).

MNOSHA also provides a variety of safety and health information on its website, including printable handouts. The MNOSHA website site also provides links to other websites where safety and health regulations can be accessed. In total, there were 46,419 hits to the MNOSHA web page.

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GOAL SUMMARIES - SOAR for FFY2018

Minnesota Occupational Safety and Health (MNOSHA) Compliance (cont'd)

SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Goal 3

Strengthen and improve MNOSHA's infrastructure

How Progress in Achieving this Goal Could Be Assessed	Baseline 9/30/13	FFY 18 Target	FFY 18 Results
1. Review rules annually for effectiveness: ongoing evaluation, development of rules, standards, guidelines and procedures.	Current practice	Ongoing	See comments following chart. [3.1]
2. Workforce development and retention plan	Current practice	Ongoing evaluation and updates as necessary.	See comments following chart. [3.2]
3. Monitor and improve systems and processes to ensure the business needs of MNOSHA, the requirements of Federal OSHA, and the services provided to stakeholders, are met.	Current practice	1) Ongoing- Evaluate consistency and quality of inspection files re: abatement 2) Technology and equipment analysis.	See comments following chart.** [3.3]

GOAL 3 – Comments

Goal 3.1 -

In FFY18: Conduct Annual Review of Rules/Standards, Guidelines and Procedures, ongoing

The MNOSHA Compliance Directives Coordination Team (DCT) is charged with coordinating and managing the MNOSHA internal information system. The DCT consists of three MNOSHA management analysts, and both a MNOSHA director and supervisor. This group monitors federal standard/policy activity and coordinates updates to all relevant MNOSHA standards, directives, and policies accordingly. MNOSHA adopts federal standards by reference and/or develops Minnesota-specific standards when necessary to support MNOSHA program goals.

Federal standards adopted in FFY 2018: "Improve Tracking of Workplace Injuries and Illnesses; Final rule" and "Occupational Exposure to Beryllium; Final rule."

Minnesota Rules adopted in FFY 2018: "Minnesota Rules 5205.0010, Adoption of Federal Occupational Safety and Health Standards by Reference," was updated with the above federal entry. Also, MNOSHA repealed several Minnesota Rules relating to *walking-working in general industry*, and *confined spaces in construction* because the federal standards for both were adopted and are now effective in Minnesota.

The annual review of Agency rules resulted in no additional MNOSHA obsolete or duplicative rules needing repeal in FFY 2018.

Of the 16 MNOSHA directive issuances in FFY 2018, all were existing directives that were revised, either as part of the scheduled review, or as needed. The amended directives included those pertaining to: scheduling, state-plan monitoring, MNSTAR, records retention, and outreach.

Goal 3.2 -

FFY18: Workforce development and retention plan: Ongoing evaluation and updates as necessary.

In FFY 2018, MNOSHA continued to maintain consistency and quality throughout the organization's field staff. Goals identified in FFY 2015 and continued in FFY 2018 are:

- To assure that MNOSHA has an adequate workforce to ensure that worksites are complying with MNOSHA safety and health regulations; and
- To assure that MNOSHA continues to be an organization that is recognized as a "best-in-class" state plan state.

Results from updating the Workforce Development Plan in FFY 2013 showed that MNOSHA staff in a number of leadership positions with significant years' experience may be retiring. These departures reduce MNOSHA's institutional knowledge and memory. This will potentially create leadership challenges in supporting and managing the many different approaches and situations of work/life balance for employees. As MNOSHA's workforce shifts to newer and younger employees, there will be an increasing need to invest in career planning for these workers to build their proficiency in their jobs. This will increase the need to assess skills, abilities, and competencies, and provide training accordingly.

During FFY2018, MNOSHA was able to leave a vacant Director spot open while other MNOSHA Management filled temporary positions. James Krueger was in a temporary assignment as the Workplace Safety Programs Director and Nancy Zentgraf was in a temporary assignment as the MNOSHA Enforcement Director. The

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Training and Outreach Director position was left open/unfilled. Ryan Nosan assumed the duties of Internal Training while Ron Anderson assumed the duties of outreach and Jeff Isakson assumed the duties of MNOSHA Partnerships. These temporary positions and assignments allowed Workplace Safety Program staff to grow, understand, and manage/supervise different areas, while learning roles of colleagues. This can make MNOSHA stronger and more versatile, while allowing the newer staff to discuss and learn from more experienced MNOSHA staff.

During FFY2018, the MNOSHA Enforcement Director attended the State of Minnesota Career Fair at the Senate Building in St Paul, MN. This event was well attended and celebrated the work of all state agencies including MNOSHA. The event was used to recruit and retain a talented and a diverse workforce. The MNOSHA Director met with many potential job seekers to share MNOSHA's overall mission, and promote MNOSHA as an employer of choice.

MNOSHA has created specialized training in select industries such as foundries, grain handling, asbestos, combustible dust, HAZWOPER recertification, health care, PSM, traffic controls, and window washing. Each of these areas have had team leaders that assume the role as "expert" in this area and also work with various stakeholders to ensure that communication is maintained between MNOSHA staff and the various stakeholders. These team leads gain knowledge on leadership and how to work with significant stakeholders in the state of Minnesota.

During FFY 2018, MNOSHA trained its staff on: Right-to-know, including GHS; Discrimination; and, OSHA Injury Tracking Application. In addition, MNOSHA has been able to retain field staff that have significant safety and health consulting experience, and retain 2 investigators who speak fluent Spanish. MNOSHA has extremely dedicated and experienced staff, including 6 Industrial Hygienists with 15+ years of experience, including two CIHs, and 11 Safety Investigators with 10+ years of experience.

Goal 3.3 -

FFY18: Monitor and improve systems and processes to ensure the business needs of MNOSHA, the requirements of Federal OSHA, and the services provided to stakeholders are met: 1) Ongoing- Evaluate consistency and quality of inspection files re: abatement, 2) Technology & Equipment Analysis

1) Regularly scheduled SI4/IH3 staff meetings are conducted and day to day issues are discussed. Consistency of inspection files and inspection review is discussed at each meeting to ensure quality reports are being generated and possible abatement is discussed. Deficiencies are communicated back to staff through their supervisor.

In addition, the SI4/IH3 group communicates with staff, discusses, and answers abatement questions, among other things. At the informal conference each SI4/IH3 discuss abatement and ensure abatement documentation is received prior to settling a case.

2) MNOSHA compliance continues to evaluate and identify the most cost effective technology and equipment for use by the Division. In FFY 2018, new desktop computers and monitors were received for all employees. MNOSHA also added 30 sampling pumps to continue to update its sampling arsenal.

In regard to cell phones, MNOSHA evaluated the potential use of state cell phones for all MNOSHA staff, and determined the monthly cost was not feasible in FFY 2018. As a result, MNOSHA purchased state cell phones only for its field inspection management staff. This allows all management to deal with stakeholder issues without utilizing their personal cell phone.

During FFY18, the MNOSHA website was redesigned to go from a desktop friendly model to a more mobile-device friendly model that allows stakeholders to utilize the website with ease and versatility.

****In addition to the previously-designated Goal 3.3 targets for FFY 2018, MNOSHA managed two other important and time-intensive projects that improve systems and processes within MNOSHA's infrastructure, beginning with tasks associated with renovation of its office space, which is projected for completion in FFY 2019. In preparation for the renovation, MNOSHA began reducing its paper filing system according to MNOSHA directives ADM 3.20 Records Retention and ADM 3.7 Data Practices. Focus was shifted to electronic filing for easier access and consolidation of space. Space was further analyzed to find ways to streamline and utilize technology going forward.**

****Also in FFY 2018--after adopting the Federal OSHA General Industry Walking-Working Surfaces and Fall Protection Standards in FFY 2017--MNOSHA began the very time-intensive project of evaluating all of its internal directives which are specifically associated with the newly adopted standard, and eliminating or updating information in applicable directives. In addition, MNOSHA updated its MOOSE system to reflect newly created SAVES for new standards, and also eliminated duplications. This major change also required the repeal of several Minnesota Rules that had been enforced prior to this adoption.**

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SOAR for FFY2018

- Minnesota Occupational Safety & Health Compliance (OSH) SPECIAL ACCOMPLISHMENTS

In addition to traditional compliance activities, MNOSHA also concentrates efforts in other areas aimed at assisting employers to make their workplaces safer and healthier. Some achievements for FFY 2018 include:

MNOSHA Excavation Stand-down

MNOSHA held the second Excavation Stand-down April 16 through April 20, 2018. Excavation safety was the topic because of the many hazards associated when working in excavations/trenches and the number of fatalities in Minnesota and the country. The purpose was to raise awareness among employers and workers about preventing excavation accidents. There were at least 9 companies and 106 employees who participated in the Stand-down by requesting a certificate of participation on MNOSHA's website. MNOSHA plans to continue with this focus on excavation safety.

Loggers' Safety Education Program (LogSafe)

This program is 100% state-funded and administered by the WSC unit. The LogSafe training provides safety training throughout the state for logging employers. The training was contracted to the Minnesota Logger Education Program, for CYs 2017 and 2018 and then extended through CY 2019. The goal of the program is to help reduce injuries and illnesses in the logging industry through onsite consultation services, outreach and training seminars. In order to receive workers' compensation premium rebates from the Targeted Industry Fund, logger employers must maintain current workers' compensation and they and their employees must have attended, during the previous year, a logging safety seminar sponsored or approved by the WSC unit. The training sessions conducted included CPR/first aid applicable to logging, ergonomics, worksite safety, shop safety, emergency preparedness, and injury/fatality trends.

In January 2017, the consultant position dedicated to LogSafe was vacated due to a retirement. The position has since not been filled. Logging employers can still submit a request for consultation services.

Workplace Violence Prevention Program

This program helps employers and employees reduce the incidence of violence in their workplaces by providing onsite consultation, training seminars, and general information. The program focus is on providing technical assistance to workplaces at higher risk of violence. There has been continued work on workplace violence prevention in public sector and healthcare, with specific topic areas on program development, threat assessment, and de-escalation of violent situations. In addition, Active Shooter training was organized. The Workplace Violence Prevention Program is a 100% state-funded program and is administered by safety consultants within the WSC unit.

Ongoing occurrences of workplace violence incidents in healthcare, public sector, and other work facilities has maintained continued interest for ongoing technical assistance in the form of onsite evaluations and formal training. In FFY 2018, 16 formal training / program assistance sessions were held with various public sector entities and conference attendees. Three conferences were attended providing information and outreach on workplace violence prevention and other services of Workplace Safety Consultation.

A workplace violence prevention consultant continues to serve on an advisory board for the Midwest Center for Occupational Health and Safety, Education and Research Center.

Safety Grants Program

This 100% state-funded program, which is administered by the WSC unit, awards funds up to \$10,000 for qualifying employers on projects designed to reduce the risk of injury and illness to their employees. Qualified applicants must be able to match the grant money awarded and must use the award to complete a project that reduces the risk of injury or illness to employees.

During SFY 2018, 296 grant applications were reviewed. The program awarded \$1,074,110 to 165 applicants representing private sector employers (e.g., health care, construction, logging, manufacturing, and service employers) and public sector employers (e.g., schools, health care facilities, and municipalities). Examples of items purchased included: construction fall protection, trenching/excavation cave-in protection & prevention, safe patient handling equipment, tools & equipment for silica dust exposure control, material handling and other tools & equipment to minimize exposure to ergonomic risk factors, security equipment, ventilation systems, mechanized logging equipment, machine guarding, PPE, permit-required confined space entry equipment, and road construction zone safety equipment.

Ergonomics Program

WSC has retained an ergonomics program coordinator, with a CPE credential. Safe patient handling (SPH) in healthcare and emergency services continues to be an area of significant involvement. Additional work on-site

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consultative services were provided at various acute and long-term healthcare facilities, medical lab, manufacturing, and state office facilities. Public sector employers received 13 initial consultation visits, along with 11 training and assistance visits. In addition, 15 interventions were completed for public sector employers that included formal training, outreach, and technical assistance. Visits included assessment in ergonomic risks, as well as assistance with other hazards and mandated health programs. Training topics included: ergonomic risk factors, work-station assessment, SPH, OSHA update/overview, PPE, HazCom, and injury/illness recordkeeping.

The DLI webpage redesign limited inclusion of new materials onto the ergonomics and safe patient handling webpages. With the redesign complete, the ergonomics and SPH webpages will be updated, as needed, to include relevant information as it becomes available. Sample programs and links to outside sites are available.

Alliances representing long-term care and hospital facilities has continued, with ongoing networking meetings that provide a venue for participating facility representatives to discuss SPH and other safety and health issues. Meetings have focused on SPH program implementation for various areas and tasks, through real-world case issues brought up by participants; discussing barriers that hinder SPH methods, best practices and other issues related to SPH and other areas of safety and health. The groups successfully network through these meetings and via email, to continue discussions and idea-sharing.

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SOAR for FFY2018 Minnesota Occupational Safety & Health Compliance (OSH) MANDATED ACTIVITIES

Compliance:

Activities mandated under the Occupational Safety and Health Act are considered core elements of Minnesota's occupational safety and health program. The accomplishment of these core elements is tied to achievement of the State's strategic goals. Many mandated activities are "strategic tools" used to achieve outcome and performance goals.

"Mandated activities" include program assurances and state activity measures. Fundamental program requirements that are an integral part of the MNOSHA program are assured through an annual commitment included as part of the 23(g) grant application.

Program assurances include:

- ▶ Unannounced, targeted inspections, including prohibition against advance notice;
- ▶ First instance sanctions;
- ▶ A system to adjudicate contestations;
- ▶ Ensuring abatement of potentially harmful or fatal conditions;
- ▶ Prompt and effective standards setting and allocation of sufficient resources;
- ▶ Counteraction of imminent dangers;
- ▶ Responses to complaints;
- ▶ Fatality/catastrophe investigations;
- ▶ Ensuring employees:
 - * Protection against, and investigation of, discrimination
 - * Access to health and safety information
 - * Information on their rights and obligations under the Act
 - * Access to information on their exposure to toxic or harmful agents
- ▶ Coverage of public employees;
- ▶ Recordkeeping and reporting;
- ▶ Voluntary compliance activities.

Mandated activities are tracked on a quarterly basis using the SAMM (State Activity Measures) Report which compares State activity data to an established reference point. A comparison of MNOSHA activity measures for FFY 16, FFY17, and FFY18 is provided in the tables on pp. 17-18.

Notable improvement was seen in these mandated activities in FFY18:

- Days to initiate complaint inspections increased to 3.55 days, but remains significantly lower than the goal of 9 days.
- Percent of total inspections in public sector increased in FFY18, and remains above the goal of 3%.
- Percent of work-related fatalities responded to in 1 work day, remains at 100%.
- Percent of complaints & referrals responded to within 1 workday (imminent danger), was 100%.

Consultation

Mandated activities are tracked on a quarterly basis using the MARC (Mandated Activities Report for Consultation) and the CAPP (Consultation Annual Performance Plan) Report which compares State consultation data to an established reference point. Some specific performance measures that are monitored (and any corresponding targets/requirements):

- Percent of initial visits in high hazards establishments (not less than 90%);
- Percent of initial visits to smaller businesses (not less than 90%);
- Percent of visits where consultant conferred with employee (100%);
- Percent of serious hazards verified corrected in a timely manner, <= 14 days of latest correction due date (100%);
- Percent of serious hazards verified corrected in original time or on-site (65%).

The MNOSHA Public Sector Consultation program met CAPP total visit projections and met all but one MARC performance measure for FFY 2018:

- Percent of initial visits in high hazard establishment...91.78
- Percent of initial visits to businesses with <250 employees at the establishment...87.67%
- Percent of initial visits to businesses with <500 employees controlled by employer...98.63%
- Percent of visits where Consultant conferred with Employees100%
- Percent of serious hazards corrected timely...100%
- Percent of serious hazards verified corrected (in original time or on-site)...97.06%

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COMPARISON OF FFY16, FFY17, and FFY18 ACTIVITY MEASURES MNOSHA Compliance

Performance Measure	FFY16	FFY17	FFY18	Comments
Average number of work days to initiate complaint inspections (state formula)	4.01	3.38	3.55	The average number of days to initiate a complaint inspection increased in FFY18 but remains well below the established goal of 9 days.
Average number of work days to initiate complaint inspections	3.47	2.36	3.22	(Federal formula)
Average number of work days to initiate complaint investigations (state formula)	0.33	0.95	1.0	The average number of days to initiate a complaint investigation increased in FFY18 but remains below the established goal of 2 days.
Average number of work days to initiate complaint investigations	0.33	0.81	0.91	(Federal formula)
Percent of complaints & referrals responded to within 1 workday (imminent danger)	60	98.86	100	All imminent danger complaints were responded to within one day.
Number of denials where entry not obtained	0	0	0	Entry was obtained for all denials in FFY18.
Average violations per inspection with violations – Serious/willful/repeat	1.78	1.86	1.79	The number of SWR citations decreased from FFY17. MNOSHA continues to follow its training plan to assist investigative staff in identifying hazards.
Average violations per inspection with violations– Other	0.69	0.70	0.80	The number of other citations increased in FFY18. MNOSHA continues to follow its training plan to assist investigative staff in identifying hazards.
Percent of total inspections in public sector	4.90	5.11	5.21	The percent of programmed public sector inspections remains above the goal of 3%.
Inspections - Safety	1517	1446	1444	The number of safety inspections remained about the same in FFY18 but met the fiscal year goal.
Inspections - Health	462	412	398	The number of health inspections decreased from FFY17 but remains above the fiscal year goal.
Average current penalty per serious violation (Private Sector Only) Total 1– 50+ EEs	857.93	1010.19	1006.08	The overall average current penalty remained about the same in FFY18.
Average current penalty per serious violation (Private Sector Only) 1-25 EEs	594.20	783.03	620.76	The average penalty for this size employer decreased from FFY17.
Average current penalty per serious violation (Private Sector Only) 26-100 EEs	652.07	728.26	759.73	The average penalty for this size employer increased from FFY17.
Average current penalty per serious violation (Private Sector Only) 101-250 EEs	1293.43	1748.91	2295.30	The average penalty for this size employer increased significantly from FFY17.
Average current penalty per serious violation (Private Sector Only) 251+ EEs	2528.64	2186.70	2207.16	The average penalty for the largest employers increased slightly in FFY18.
Percent in compliance – Safety	26.24	34.38	36.32	The percent in compliance safety inspections increased in FFY18.
Percent in compliance – Health	36.14	43.04	39.69	The percent in compliance health inspections decreased in FFY18.

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% of work-related fatalities responded to in 1 work day	100	100	100	All fatalities were responded to within one day.
Average lapse time from opening conference date to issue date – Safety	14.76	18.64	18.78	Safety lapse time remained about the same in FFY18.
Average lapse time from opening conference date to issue date - Health	18.45	24.91	25.00	Health lapse time remained about the same in FFY18.
Percent penalty retained	90.64	89.44	86.44	The percent penalty retained decreased in FFY18.
% of initial inspections with employee walk around representation	100	100	100	The percent of inspections with walk around representation remained at 100%.
Percent of 11(c) investigations completed within 90 days	35	46	49	MNOSHA continued to work on the backlogged cases as well as the increase in new cases. The percent completed increased in FFY18.
Percent of 11(c) complaints that are meritorious	15	12	11	MNOSHA's percent meritorious cases remained about the same.
Average number calendar days to complete 11(c) investigations	225	126	137	The average number of days increased from FFY17. The discrimination unit continues to work on the backlogged cases.

Data Source: SAMM report by Federal OSHA November 2018.