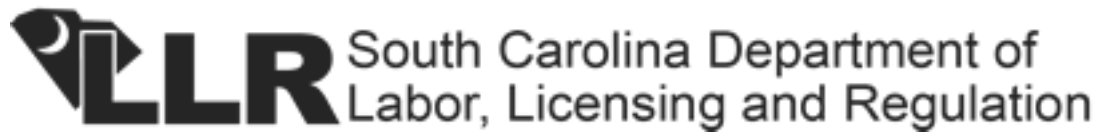


**FY 2018**  
**Follow-up Federal Annual Monitoring Evaluation (FAME) Report**

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION,  
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH**



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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 and observations from the previous FY 2017 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report. This report also assesses the South Carolina Department of Labor, Licensing, and Regulations (SCDLLR) – Division of Occupational Safety and Health Program's (SC OSHA) progress toward achieving its performance goals established in the fiscal y (FY) 2018 Strategic Management Plan, as well as reviewing the effectiveness of programmatic areas related to enforcement activities, including a summary of an onsite evaluation.

SC OSHA strives to provide as many employers as possible with assistance in achieving voluntary compliance with SC OSHA standards before enforcement measures become necessary and, more importantly, before an employee is injured or killed. Voluntary compliance is encouraged through traditional enforcement methods and supplemented by incentives, education programs, and targeted outreach. Alliances and partnerships are also a part of SC OSHA's resources. In accordance with the requirements of the Government Performance and Results Act (GPRA), South Carolina developed a five-year strategic plan covering the period 2017 through 2021. The five-year strategic plan incorporates the two OSHA goals as its direction. The two overall strategic goals are Goal 1. Ensure and improve workplace safety and health, and Goal 2. Promote a culture of safety and health.

Division restructuring within SC OSHA allowed for a more formalized team approach and made collaboration easier. This team approach facilitated success in reaching many strategic goals. In addition to meeting strategic goals set in 2018, South Carolina has also made enormous strides in accomplishing internal goals such as an improved website, developing new online reporting forms, consultation, training request forms, revising manuals and operational documents, conducting internal audits, and amending internal policies for uniformity. SC OSHA continues to combat issues of hiring and retention. A recent wave of retirees has opened the door for healthy transition, internal promotion and an influx of new and innovative thinking.

The State Plan made progress in addressing the previous two findings and twelve observations from the FY 2017 Comprehensive FAME Report. One of two previously identified findings was adequately addressed and closed. The two findings from FY 2017 FAME concerned the following: documentation related to informal conferences; and the State's percent in compliance. SC OSHA had no new findings identified during FY 2018. However, OSHA continued three observations, as a result of the FY 2017 FAME, and identified one new observation.

In FY 2018, fatalities rose in South Carolina from 25 in FY 2017 to 29 in FY 2018. Specifically, there were 19 construction fatalities, which was an increase of six compared to the same time period last year. Over the last year, SC OSHA has continued to focus attention and resources on the most prevalent types of workplace injuries, illnesses and fatalities (e. g., falls, electrocutions, struck-by equipment, and crushed by/caught between equipment hazards) through construction blitz focused inspections. SC OSHA also reviews the annual high hazard planning guide for targeting hazards in specific industries. As a result of this practice, they have seen a reduction in the number of injuries and illnesses in these high hazard industries.

According to the 2017 estimates from the Survey of Occupational Injuries and Illnesses, South Carolina workers for all industries including state and local government experienced nonfatal workplace injuries and illnesses at a total recordable case (TRC) incidence rate of 2.8 cases per 100 equivalent full-time workers. Private industry in the state TRC incidence rate remained relatively unchanged at 2.5. The state and local government’s TRC incidence rate was 4.2 in 2017 compared to 4.4 in 2016. South Carolina continues to be one of the few states with rates below the national average. SC OSHA will continue working to develop strategies that can further reduce these rates during the next year.

### SOUTH CAROLINA DATA

#### Total Recordable Cases (TRC) and Days Away Restricted and Transferred (DART) Rate Comparison\*

CY 2017*	South Carolina		National Average		Comparison
<i>TRC Rate</i>	2.5	2.8*	2.8	3.1*	<i>10% Lower than National Average*</i>
<i>DART Rate</i>	1.4	1.6*	1.5	1.6*	<i>Same as the National Average*</i>

\*All industries, including state and local government.

\*CY = Calendar Year

## II. State Plan Background

The South Carolina Occupational Safety and Health State Plan was one of the first programs approved by the U.S. Department of Labor per the guidelines of the Occupational Safety and Health Act of 1970. This was accomplished on November 30, 1972, and final approval was granted in 1987. In 1994, the South Carolina Department of Labor was eliminated as part of the reorganization of the state government, and the SCDLLR was created. During this review period, Emily H. Farr was the director of SCDLLR, and Kristina Baker was the Deputy Director. SCDLLR is divided into the following three divisions: Labor; Fire and Life Safety; and Professional and Occupational Licensing. The Office of OSHA, within the Division of Labor, is responsible for management and operation of the State Plan.

Gwen Thomas was selected as the new State Plan Manager for the SC OSHA program during the last two-quarters of this review period. The SC OSHA program new State Plan Manager oversees the following: training; safety and health compliance; technical support and standards; the Web Integrated Management Information System; and the South Carolina Bureau of Labor Statistics. The SC OSHA Consultation Manager oversees the Office of Voluntary Programs (OVP), which include the South Carolina Palmetto Star Program, safety and health training and compliance assistance. The Office of Technical Support and Standards provides information to assist the public in complying with standards. The office also supports the enforcement program with compliance guidance by providing guidance for internal and external use. In addition, the Office reviews new OSHA standards and directives to determine whether SC OSHA should adopt them. Kristina Baker, Deputy Director, oversees the Whistleblower 11(c) laws and the informal conference hearing officer. In South Carolina, state and local government agencies and workers

are afforded the same rights, responsibilities, and coverage as those in the private sector. OVP administers a 21(d) grant providing the private sector with onsite consultative services.

The table below shows SC OSHA’s funding levels from FY 2014 through FY 2018:

<b>FY 2014-2018 Funding History</b>					
<b>Fiscal Year</b>	<b>Federal Award (\$)</b>	<b>State Plan Match (\$)</b>	<b>100% State Funds (\$)</b>	<b>Total Funding (\$)</b>	<b>% of State Plan Contribution</b>
<b>2018</b>	2,054,700	2,054,700	-	4,109,400	50%
<b>2017</b>	2,054,700	2,054,700	-	4,109,400	50%
<b>2016</b>	2,054,700	2,054,700	-	4,109,400	50%
<b>2015</b>	1,788,902	1,788,902	-	3,577,804	50%
<b>2014</b>	1,734,200	1,734,200	-	3,468,400	50%

The table below shows the number of SC OSHA’s full-time and part-time staff as of the end of FY 2018:

<b>23(g) Grant Positions</b>	<b>FY 2018 Staffing</b>						
	<b>Allocated FTE* Funded 50/50</b>	<b>Allocated FTE 100% State Plan Funded</b>	<b>Allocated FTE 100% Federal Plan Funded</b>	<b>Total</b>	<b>50/50 Funded FTE On Board as of 03/31/18</b>	<b>100% State Plan Funded FTE On Board as of 7/1/18</b>	<b>100% Federal Plan Funded FTE On Board as of 07/1/18</b>
Managers/ Supervisors (Administrative)	3.50			3.50	2.00		
First Line Supervisors (Program)	4.00			4.00	4.00		
Safety Compliance Officers	23.95			23.95	20.95		
Health Compliance Officers	8.90			8.90	7.90		
Retaliation Investigator	1.00						
State and Local Government Safety Consultants	0.10			0.10	0.10		
- State and Local Government Health Consultants	0.10			0.10	0.10		
Compliance Assistance Specialist	5.80			5.80	5.80		

Trainers	5.00						
Clerical/Admin/ Data Systems	5.15			5.15	4.15		
Other ( <i>all positions not counted elsewhere</i> )	1.00			1.00	1.00		
<b>Total 23(g) FTEs</b>	<b>58.50</b>	<b>0.00</b>		<b>58.50</b>	<b>52.00</b>	<b>0.00</b>	

\*FTE=Full-Time Equivalent

## New Issues

### Maximum Penalties

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 SC State Plan has not yet completed the legislative changes to increase maximum penalties. Therefore, if the State Plan has does not take significant steps to adopt during FY 2019, this issue may be a finding in the FY 2019 Comprehensive FAME Report.

### Electronic Recordkeeping

On May 12, 2016, OSHA published the Final Rule to Improve Tracking of Workplace Injuries and Illnesses. The rule amended the regulations on recording and reporting occupational injuries and illnesses to require employers with 250 or more employees to submit injury and illness Forms 300, 300A, and 301 to OSHA electronically through the Injury Tracking Application (ITA) on an annual basis. The electronic reporting requirement for all state and local government and private sector employers of South Carolina became effective on May 25, 2018. The regulation had to go before the SC General Assembly before it was passed.

Subsequently, OSHA rescinded the requirement to submit electronically Forms 300 and 301 (NPRM on July 30, 2018, final rule on January 25, 2019)

## III. Assessment of State Plan Progress and Performance

### A. Data and Methodology

Kurt A. Petermeyer, Regional Administrator, Region IV, Atlanta, Georgia, directed the preparation of this report covering the period of October 1, 2017, through September 30, 2018. This is the follow-up year and as such, OSHA did not perform the level of case file review associated with a comprehensive FAME. This strategy allows the State Plan to focus on correcting deficiencies

identified in the most recent comprehensive FAME. The report was compiled using information gained from South Carolina's State OSHA Annual Report for FY 2018, interviews with the South Carolina staff, as well as the State Activity Mandated Measures (SAMM) and State Indicator Report (SIR) reports for FY 2018.

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)**

SC OSHA made progress in addressing the previous two findings and twelve observations from the FY 2017 Comprehensive FAME Report. This follow-up FAME Report contains one finding (one continued) and five observations (three continued and one new). One finding was completed and nine observations were closed. Appendix A describes the new and continued findings and recommendations. Appendix B describes observations subject to continued monitoring and the related federal monitoring plan. Appendix C describes the status of each FY 2017 recommendation in detail.

#### Continued Findings

**Finding FY 2018-01 (previous Finding FY 2017-01):** The percentage of health (65.42%) and safety inspections (49.54%) that were in-compliance was higher than the FRL of 28.88% to 43.32% for health and 23.92% to 35.88% for safety.

**Status-Continued:** For FY 2018, the FRL for percent in compliance (SAMM 9) is +/- 20% of a three-year national average, which equals a range of 23.92% to 35.88% for safety and 28.88% to 43.32% for health. In FY 2018, the percent in-compliance was still substantially higher than the FRL and a cause for concern. SC OSHA aims to reduce this upward trend and as such, has provided training for CSHOs to ensure that all potential violations are addressed. This finding is continued as Finding FY 2018-01, but it will be amended to reflect the new SAMM data from FY2018. This finding remains open.

**Finding FY 2018-02 (previous FY 2017-02):** Case files did not provide documentation of the rationale to support or explain the reason changes were made to the violations and penalties during informal conferences.

**Status-Completed:** Informal conference notes regarding changes to citations, penalties, and justification of the results of the conference will be typed and inserted into the file in a logical, organized, and uniformed format. Corrective action complete, awaiting verification.

## **OBSERVATIONS**

### Closed FY 2017 Observations

**Observation FY 2017-OB-02:** Complaint inspections and investigations were initiated in 13.17 days, not within the federal review level (FRL) of seven, and five calendar days, respectively. Even though there is a downward trend, the State Plan is still above the FRL for SAMM 1a of 7 days. In FY 2017, it took SC OSHA an average of 11.20 workdays to initiate a complaint inspection, and in FY 2016, it took SC OSHA an average of 13.17 workdays to initiate a complaint inspection, an improvement over FY 2015. SC OSHA should ensure that formal and non-formal complaints are processed timely and effectively by requiring the appropriate fields to be updated in the database.

**Status-Closed:** In FY 2018, SC OSHA initiated inspections in an average of 9.89 days and investigations in 4.72 days (SAMM 1a and 2a). OSHA was still outside the FRL for inspections, but below the negotiated goal for investigations. SAMM 1a and 2a calculate the number of days between complaint receipt date and the first action. Under this formula, longer response times may be caused by incomplete complaints. SAMM 1b is for informational purposes only and is not a mandated measure, but it calculates number of days between the date the office deems the complaint to be valid and the first action date. Under SAMM 1b, SC OSHA had an average of 5.17 days, which was within the negotiated goal of 7 days. Since SC OSHA was just above the FRL for SAMM 1a, and SAMM 1b shows that incomplete complaints may be the reason for longer response times under SAMM 1a, this issue does not continue to warrant focused monitoring and this observation is closed.

**Observation FY 2017-OB-04:** The percent of programmed inspections with serious, willful, or repeat violations issued was significantly lower than the national average, 78.29% vs. 81.93% for safety and 0% vs. 69.06% for health (SIR data). SC OSHA should determine the cause of the low number of programmed inspections with serious, willful, or repeat violations, and implement corrective actions to ensure serious hazards are identified and eliminated.

**Status-Closed:** The FY 2018 SIR data for South Carolina indicates that the percent of not in compliance private sector programmed inspections with a serious, willful or repeat (SWRU) violation is 67.39% Safety and 85.71% for health. The national data for FY 2018 is at 85.8% for safety and 71.68% for health. SC OSHA is just below the national average for safety and above for health. During FY 2018, SC OSHA was able to increase the number of programmed health inspections including program inspections in the construction industry. This observation is closed.



**Observation FY 2017-OB-05:** Violations were misclassified as low severity rather than medium or high severity. Violations are also incorrectly rated as low probability rather than greater probability.

**Status-Closed:** CSHOs have been trained according to the FOM and internal policy and procedures on how to calculate the appropriate severity and probability for each violation. Charts and tables have been developed and used for uniformity. This observation is closed.

**Observation FY 2017-OB-06:** In four case files reviewed, similar OTS violations were grouped as one OTS violation. Combining OTS violations may support a serious classification.

**Status-Closed:** CSHOs have been trained according to the FOM and internal policy and procedures. This observation is closed.

**Observation FY 2017-OB-07:** SC OSHA should conduct additional training for supervisors and implement management controls to assure that adequate abatement certification is received for each violation, and that the abatement information is maintained in the case file.

**Status-Closed:** Training for supervisors and office staff has been conducted on the abatement certification for case files. A memorandum for the record is placed into the file for the results. This observation is closed.

**Observation FY 2017-OB-09:** For discrimination complaints that are withdrawn, SC OSHA's case files should include either a written request for withdrawal from the complainant or a copy of a withdrawal confirmation sent to the complainant.

**Status-Closed:** Training has been conducted on how to administratively close the case files and the complainant is provided this information. The training was conducted on January 24-25, 2019. This observation is closed.

**Observation FY 2017-OB-10:** In cases where the investigator is having difficulty reaching the Complainant, a letter should be sent to the Complainant's last known address, explaining that if he/she fails to contact the investigator within 10-days of the receipt of the letter, the matter may be closed. This documentation should be maintained in the case file for accountability.

**Status-Closed:** Case files are closed and a memorandum for the record is placed in the file. Training was conducted with staff; an additional copy of memorandum will be placed in the file. This observation is closed.

**Observation FY 2017-OB-11:** Complainant should be provided with a closing conference.

**Status-Closed:** Training was conducted with staff. Documentation will now be contained in the case file. This observation is closed.

**Observation FY 2017-OB-12:** SC OSHA should seek to accurately and timely enter complaint information into the IMIS database for purposes of case tracking.

**Status-Closed:** Training was conducted with staff. Documentation will now be contained in the case file. This observation is closed.

#### Continued FY 2018 Observations

**Observation FY 2018-OB-01 (previous FY 2017-OB-01):** SC OSHA does not have a training curriculum for all in-house training to support the implementation of their training directive.

**Status-Continued:** SC OSHA is finalizing a training curriculum, and it is under final review. This observation will be continued.

**Observation FY 2018-OB-02 (previous FY 2017-OB-03):** SC OSHA does not have a tracking system to ensure that all communications with the NOK are completed. The information to be tracked includes, but is not limited to, written correspondence at the beginning and end of an investigation; a letter informing the NOK of the fatality investigation results; and a letter informing NOK of any changes to the citation, as the result of an informal conference; formal settlement agreement or litigation, as well as hearing dates and other pertinent information

**Status-Continued:** The next of kin (NOK) is contacted and a letter is sent to the NOK that states if they wish to obtain more information they may contact SC OSHA and the case file information would be provided. The letter also includes telephone and other contact information the Deputy Director to be contacted directly. Files will be notated with additional contact including any request for additional information and contact with the Deputy Director. This observation will be continued.

**Observation FY 2018-OB-03 (previous FY 2017-OB-08):** SC OSHA should ensure that complainants concur with having the matter administratively closed. If such concurrence is not forthcoming, and there is insufficient evidence to proceed with an investigation, the matter should be closed and appeal rights given.

**Status-Continued:** Discussions are ongoing between regional and national whistleblower staff, regarding this observation. Training has been conducted and rationale has been given on why this should be done. SC OSHA is evaluating the necessity for a change based on its employees/employers and applicable state laws. This observation will be continued.

#### New FY 2018 Observations

**Observation FY 2018-OB-04:** The average number of serious, willful, repeat and unclassified violations issued per inspection was 1.38 violations per inspection. This is 24% below the national average of 1.82 (SAMM 5).

**Federal Monitoring Plan:** OSHA will continue to monitor the SC OSHA State Plan during FY 2019 to identify possible causes of this disparity and to ensure that hazards are appropriately recognized.

**Discussion:** The FRL SAMM 5, average number of violations per inspection is +/- 20% of 1.82, which is the number negotiated by OSHA and the State Plan through the grant application. Therefore, the FRL range is 1.46 to 2.18 for serious, willful, repeat and unclassified (SWRU) violations. The SC OSHA is at 1.38 (SWRU) violations per inspection, which is below the FRL. OSHA will monitor the situation as an observation.

### **C. State Activity Mandated Measures (SAMM) Highlights**

Each SAMM has an agreed upon FRL, which can be either a single number, or a range of numbers above and below the national average. State Plan SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan's FY 2018 State Activity Mandated Measures (SAMM) Report and includes the FRLs for each measure. There were also some deviations where SC OSHA operated outside the further review levels for some of the SAMMs. Where deviations or outliers were identified, the data was closely monitored by OSHA and discussed with the State Plan at quarterly meetings. SC OSHA was outside the FRL on the following SAMMs:

#### **SAMM 7 – Planned v. Actual Inspections – Safety/Health**

Discussion of State Plan data and FRL: The percent planned v. actual inspections – safety and health, increased in FY 2018. However, SC OSHA continues to be below of the Further Review Level of +/- 5% of the negotiated goal of 510 safety and 168 health, which equals a range of 484.50 to 535.50 for safety and 159.60 to 176.40 for health. The State Plan conducted 523 inspections (399 safety and 124 health), 83% of the planned number of 678 inspections.

Explanation: SC OSHA fell below the FRL for the number of both safety and health inspections. This activity measure is directly linked to the high turnover rate and the loss of experienced compliance safety and health officers (CSHOs). In addition, the State Plan experienced a significant hurricane during the week of September 10, 2018. The last three weeks in September required a diversion of resources due to response to Hurricane Florence. Since SC OSHA has shown an increase in their inspection activity (SAMM 7), OSHA will continue to monitor the situation.

#### **SAMM 8 – Average current serious penalty in private sector - total (1 to greater than 250 workers)**

Discussion of State Plan data and FRL: The FRL for SAMM 8, total average current penalty per serious violation (1 to greater than 250 employees) is +/- 25% of the three-year national average of \$2,603.32, which equals a range of \$1,952.49 to \$3,254.15. The South Carolina State Plan's total average current penalty per serious violation (1 to greater than 250 employees) is \$1,217.10, which is substantially lower than the FRL, which is cause for concern.

Explanation: SC OSHA is below the FRL on average current serious penalties and OSHA will continue to work with SC OSHA on this issue. South Carolina has not increased its maximum penalties per the Bipartisan Budget Bill, which has resulted in the State Plan's penalties being so far below the FRL.

## **SAMM 11 – Average Lapse Time**

Discussion of State Plan Data and FRL: SC OSHA initiated and completed safety inspections within an average of 57.84 days, which was outside the FRL range of 36.96 to 55.44. SC OSHA initiated and completed health inspections within an average of 49.88 days, which was well within the Further Review Level range of 45.25 to 67.87 days.

Explanation: Since this is the first year that SC OSHA was outside the FRL for safety on SAMM 11, OSHA will continue to monitor the situation.

## **SAMM 12 - Percent Penalty Retained**

Discussion of State Plan Data and FRL: SAMM 12 reflected that SC OSHA maintained only 53.76% of issued penalty during case settlement, which is below the further review level of 66.81% (+/-15% of the three-year national average or a range of 56.79% to 76.83%).

Explanation: During the informal conference, the designated representative has the authority to reduce penalties up to 50%, through an informal settlement agreement for qualified employers wanting to be proactive with regard to worker safety and health. Qualifications will be based on company inspection history. All amendments must be based upon supportive facts, which are well documented. This will continue to be closely monitored.

**During FY 2018, SC OSHA experienced technical difficulties accessing and inputting data into WebIMIS. The problem has been rectified, appropriate staff have been trained and data is being accurately entered for FY 2019. However, as a result of the issues during FY 2018, the following numbers are based on self-reported (no IMIS data available) open and closure dates for 87 complaints received and 42 cases completed in FY2018:**

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

Discussion of State Plan data and FRL: SC OSHA completed 38% of their discrimination investigations within 90 days.

Explanation: This activity measure is above 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 this SAMM is of +/- 20% of 24%, which equals a range of 19.2% to 28.8%. The State Plan's percent of retaliation cases that are meritorious for this measure is 0%, which is below the acceptable low range for the FRL.

Explanation: OSHA will continue to work with SC OSHA on this issue.

## **SAMM 16 - Average number of calendar days to complete an 11(c) investigation**

Discussion of State Plan data and FRL: The FRL for this SAMM is fixed at 90 days. The average number of days to complete all investigations, which includes cases before 2018, was 300 days and

was above the FRL.

Explanation: The average number of days to complete cases opened in FY 2018 (53 days), was significantly better than the national average of 277 days.

## Appendix A – New and Continued Findings and Recommendations

### FY 2018 South Carolina Follow-up FAME Report

FY 2018-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#
Finding FY 2018-01	The percentage of health (65.42%) and safety inspections (49.54%) that were in-compliance was higher than the FRL of 28.88% to 43.32% for health and 23.92% to 35.88% for safety.	Ensure inspection resources are spent in workplaces that are exposing workers to hazards by implementing corrective action in the most hazardous work sites.	Finding FY 2017-01
Finding FY 2018-02	Case files did not provide documentation of the rationale to support or explain the reason changes were made to the violations and penalties during informal conferences.	SC OSHA should ensure that informal conference notes documenting changes made to the citations and/or penalties are legible, organized and in include the justification in the case file and documentation is received following. <i>Corrective action complete, awaiting verification</i>	Finding FY 2017-02

## Appendix B – Observations Subject to Continued Monitoring

### FY 2018 South Carolina Follow-up FAME Report

Observation # FY 20XX-OB-#	Observation# FY 20XX-OB-# or FY 20XX-#	Observation	Federal Monitoring Plan	Current Status
<i>FY 2018-OB-01</i>	<i>FY 2017-OB-01</i>	SC OSHA does not have training curriculums for all in-house training to support the implementation of their training directive.	SC OSHA is finalizing training curriculum. Under final review.	Continued
	<i>FY 2016-OB-01 FY 2017-OB-02</i>	Complaint inspections and investigations were initiated in 13.17 days, not within the FRL of seven, and five calendar days, respectively. Even though there is a downward trend, the State Plan is still above the FRL for SAMM 1a of 7 days. In FY 2017, it took SC OSHA an average of 11.20 workdays to initiate a complaint inspection and in FY 2016, it took SC OSHA an average of 13.17 workdays to initiate a complaint inspection, an improvement over FY 2015. SC OSHA should ensure that formal and non-formal complaints are processed timely and effectively by requiring the appropriate fields to be updated in the database.		Closed
<i>FY 2018-OB-02</i>	<i>FY 2017-OB-03</i>	SC OSHA does not have a tracking system to ensure that all communications with the NOK are completed. The information to be tracked includes, but is not limited to, written correspondence at the beginning and end of an investigation; a letter informing the NOK of the fatality investigation results; and a letter informing NOK of any changes to the citation, as the result of an informal conference, Formal Settlement Agreement, or litigation, as well as hearing dates and other pertinent information.	The next of kin (NOK) is contacted and a letter is sent to the NOK that states if they wish to obtain more information they may contact SC OSHA and the case file information would be provided. The letter also includes telephone and other contact information the Deputy Director to be contacted directly. Files will be notated with additional contact including any request for additional information and contact with the Deputy Director.	Continued
	<i>FY 2017-OB-04</i>	The percent of programmed inspections with serious, willful, or repeat violations issued was significantly lower than the national average,		Closed

## Appendix B – Observations Subject to Continued Monitoring

### FY 2018 South Carolina Follow-up FAME Report

		78.29% vs. 81.93% for safety and 0% vs 69.06% for health (SIR data). SC OSHA should determine the cause of the low number of programmed inspections with serious, willful, or repeat violations, and implement corrective actions to ensure serious hazards are identified and eliminated.		
	<i>FY 2017-OB-05</i>	Violations were misclassified as low severity rather than medium or high severity. Violations are also incorrectly rated as low probability rather than greater probability.		Closed
	<i>FY 2017-OB-06</i>	In four case files reviewed, similar OTS violations were grouped as one OTS violation. Combining OTS violations may support a serious classification.		Closed
	<i>FY 2017-OB-07</i>	SC OSHA should conduct additional training for supervisors and implement management controls to assure that adequate abatement certification is received for each violation, and that the abatement information is maintained in the case file.		Closed
<i>FY 2018-OB-03</i>	<i>FY 2017-OB-08</i>	SC OSHA should ensure that complainants concur with having the matter administratively closed. If such concurrence is not forthcoming, and there is insufficient evidence to proceed with an investigation, the matter should be closed and appeal rights given.	Discussions are ongoing between regional and national WB staff, regarding this observation. Training has been conducted and rationale has been given, as to why this should be done. SC OSHA is evaluating the necessity for a change based on its own employees/employers and applicable state laws.	Continued
	<i>FY 2017-OB-09</i>	For retaliation complaints that are withdrawn, SC OSHA’s case files should include either a written request for withdrawal from the complainant or a copy of a withdrawal confirmation sent to the complainant.		Closed
	<i>FY 2017-OB-10</i>	In cases where the investigator is having difficulty reaching the Complainant, a letter		Closed



## Appendix B – Observations Subject to Continued Monitoring

### FY 2018 South Carolina Follow-up FAME Report

		should be sent to the Complainant’s last known address, explaining that if he/she fails to contact the investigator within 10-days of the receipt of the letter, the matter may be closed. This documentation should be maintained in the case file for accountability.		
	<i>FY 2017-OB-11</i>	Complainant should be provided a closing conference.		Closed
	<i>FY 2017-OB-12</i>	SC OSHA should seek to accurately and timely enter complaint information into the IMIS database for purposes of case tracking.		Closed
<i>FY 2018-OB-04</i>		The average number of serious, willful, repeat and unclassified violations issued per inspection was 1.38 violations per inspection. This is 24% below the national average of 1.82 (SAMM 5).	OSHA will continue to monitor the SC OSHA State Plan during FY 2019.	New

## Appendix C - Status of FY 2017 Findings and Recommendations

### FY 2018 South Carolina Follow-up FAME Report

FY 2017-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
Finding FY 2017-01	The percentage of health (46.18%) and safety inspections (63.38%) that were in-compliance was higher than the FRL of 23.62% to 35.44% for safety and 28.62% to 42.94% for health.	Ensure inspection resources are spent in workplaces that are exposing workers to hazards by implementing corrective action in the most hazardous work sites.	Inspections are conducted according to SC OSHA's high hazard planning guide and the number of unprogrammed inspections received. SC OSHA will review the NAICS that are being assigned and determine which industries warrant enforcement, based on industry incidence rates. SC OSHA will also continue to provide additional training to CSHO's to ensure that all potential violations are being addressed.	6/18/18	Continued
Finding FY 2017-02	Case files did not provide documentation of the rationale to support or explain the reason changes were made to the violations and penalties during informal conferences.	SC OSHA should ensure that informal conference notes documenting changes made to the citations and/or penalties are legible, organized and in include the justification in the case file and documentation is received following.	Informal conference notes regarding changes to citations, penalties, and justification of the results of the conference will be typed and inserted into the file in a logical, organized, and uniformed format.	6/18/18	Awaiting verification

**Appendix D – FY 2018 State Activity Mandated Measures (SAMM) Report**  
 FY 2018 South Carolina Follow-up FAME Report

<b>U.S. Department of Labor</b>				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: South Carolina - OSHA			FY 2018	
<b>SAMM Number</b>	<b>SAMM Name</b>	<b>State Plan Data</b>	<b>Further Review Level</b>	<b>Notes</b>
<b>1a</b>	Average number of work days to initiate complaint inspections (state formula)	9.89	7	The further review level is negotiated by OSHA and the State Plan.
<b>1b</b>	Average number of work days to initiate complaint inspections (federal formula)	5.17	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>2a</b>	Average number of work days to initiate complaint investigations (state formula)	4.72	5	The further review level is negotiated by OSHA and the State Plan.
<b>2b</b>	Average number of work days to initiate complaint investigations (federal formula)	4.41	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>3</b>	Percent of complaints and referrals responded to within one workday (imminent danger)	100%	100%	The further review level is fixed for all State Plans.
<b>4</b>	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.

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

### FY 2018 South Carolina Follow-up FAME Report

<b>5</b>	Average number of violations per inspection with violations by violation type	SWRU: 1.38	+/- 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: 0.57	+/- 20% of Other: 0.98	
<b>6</b>	Percent of total inspections in state and local government workplaces	3.25%	+/- 5% of 2.36%	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 2.24% to 2.48%.
<b>7</b>	Planned v. actual inspections – safety/health	S: 399	+/- 5% of S: 510	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 484.50 to 535.50 for safety and from 159.60 to 176.40 for health.
		H: 124	+/- 5% of H: 168	
<b>8</b>	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,217.10	+/- 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)	\$871.18	+/- 25% of \$1,765.19	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,323.89 to \$2,206.49.
	b. Average current serious penalty in private sector (26-100 workers)	\$1,174.99	+/- 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)	\$1,811.67	+/- 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)	\$2,360.29	+/- 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.

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

### FY 2018 South Carolina Follow-up FAME Report

<b>9</b>	Percent in compliance	S: 49.54%	+/- 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: 65.42%	+/- 20% of H: 36.10%	
<b>10</b>	Percent of work-related fatalities responded to in one workday	100%	100%	The further review level is fixed for all State Plans.
<b>11</b>	Average lapse time	S: 57.84	+/- 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: 49.88	+/- 20% of H: 56.56	
<b>12</b>	Percent penalty retained	53.76%	+/- 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%.
<b>13</b>	Percent of initial inspections with worker walk around representation or worker interview	100%	100%	The further review level is fixed for all State Plans.
<b>14</b>	Percent of 11(c) investigations completed within 90 days	0%	100%	The further review level is fixed for all State Plans.
<b>15</b>	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%.
<b>16</b>	Average number of calendar days to complete an 11(c) investigation	0	90	The further review level is fixed for all State Plans.
<b>17</b>	Percent of enforcement presence	0.62%	+/- 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%.

# **South Carolina**

## **State OSHA Annual Report (SOAR)**

October 1, 2017 – September 30, 2018

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**Fiscal Year 2018**



**Appendix E – FY 2018 State OSHA Annual Report (SOAR)**  
FY 2018 South Carolina Follow-up FAME Report

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

### FY 2018 South Carolina Follow-up FAME Report

#### Executive Summary

The State OSHA program is administered by the Director of the South Carolina Department of Labor, Licensing and Regulation. The Department of Labor, Licensing and Regulation is divided into divisions of Labor, Fire and Life Safety, and Professional and Occupational Licensing. The South Carolina Occupational Safety and Health Administration (SC OSHA) program has the distinction of being one of the first programs approved by the United States Department of Labor in accordance with the guidelines of the Occupational Safety and Health Act of 1970. SC OSHA was initiated on November 30, 1972.

The SC OSHA plan has been considered fully operational since 1974. This status was recognized in 1975, when the Commissioner for the South Carolina Department of Labor and the OSHA Regional Administrator in Atlanta, Georgia, signed an “Operational Status Agreement”. The agreement suspended the concurrent jurisdiction exercised by federal officials in all areas covered by the state plan. This was closely followed by “certification” in 1976, when South Carolina OSHA completed all developmental steps as outlined in its plan and as required by the United States Department of Labor.

On December 15, 1987, the South Carolina OSHA program received 18(e) determination (final approval). Final approval of the South Carolina State Plan represented a judgment, after extensive evaluation, that the South Carolina Department of Labor was administering its state plan in an effective manner, and resulted in formal relinquishment of concurrent federal authority to enforce occupational safety and health standards in areas covered by the state.

The State OSHA Annual Report (SOAR) for fiscal year 2018 provides a summary of South Carolina OSHA activities and results for the strategic plan, grant commitments, and other program accomplishments. The strategic goals have provided the focus for SC OSHA’s compliance, training, outreach and education, legal, and administrative programs. During fiscal year (FY) 2018, SC OSHA continued activities directly related to the five-year strategic plan for FY 2017-2021.

The SC OSHA annual report documents progress toward achieving the SC OSHA strategic vision of an agency that promotes workplace safety and health by motivating employers, and employees to be actively involved in preventing hazards, which lead to reduced injuries and illnesses on the job.

The role of SC OSHA is to enforce safety and health regulations for employers who are not in compliance with the rules and regulations through enforcement efforts, and to provide compliance assistance through targeted outreach, education, and training and to emphasize increased awareness for South Carolinians on the importance of a safety and health culture.

SC OSHA strives to provide as many employers as possible with assistance in achieving voluntary compliance with SC OSHA standards before enforcement measures become necessary, and more importantly, before an employee is injured or killed. Traditional enforcement methods are supplemented by incentive and education programs and targeted outreach that encourage voluntary compliance. Alliances and partnerships are also a part of SC OSHA’s resources.



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

### FY 2018 South Carolina Follow-up FAME Report

In accordance with the requirements of the Government Performance and Results Act (GPRA), South Carolina developed a five-year strategic plan covering the period 2017 through 2021. The five-year strategic plan incorporates the two OSHA goals as its direction. The two overall strategic goals are:

**Goal 1.** Ensure and improve workplace safety and health.

**Goal 2.** Promote a culture of safety and health.

The Fiscal Year (FY) 2018 Annual Performance Plan developed by SC OSHA was intended to support the overall goals of the five-year strategic plan. The 2018 performance plan included specific performance goals designed to produce measurable progress toward realization of SC OSHA's strategic goals. The performance goals include:

- Reducing fatalities and occupational injuries in construction;
- Reducing injuries, illnesses and fatalities in selected high hazard industries with a goal of removing the industry from the high hazard list due to decreased injury and illness rates;
- Improving communication and interaction with high-risk worker organizations regarding workplace safety and health;
- Identifying employers who have the potential to successfully participate in and/or renew their status in the SC Voluntary Protection Program (SC VPP); and,
- Effective responses to mandates so workers are provided full protection under SC OSHA by timely issuance of citations, so that hazards could be corrected quickly, and by timely response to work related fatality/catastrophe reports.

This annual report for SC OSHA Enforcement reflects the integrated approach to achieving goals, which were outlined in the new SC OSHA Strategic Plan.

### **Jurisdiction**

The South Carolina OSHA Program exercises jurisdiction over all private, state, and local government employers and employees except:

- private sector marine terminals,
- employment on military bases,
- private sector employment at Area D of the Savannah River Site,
- Three Rivers Solid Waste Authority,
- federal government employers and employees, and
- The U.S. Postal Service (USPS), including USPS employees, contract employees and contractor-operated facilities engaged in USPS mail operations.

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

### **FY 2018 South Carolina Follow-up FAME Report**

#### **Regulations and Standards**

States must set job safety and health standards that are “at least as effective as” comparable OSHA standards. Most states adopt standards identical to OSHA standards.

South Carolina OSHA has the statutory authority to promulgate safety and health standards in response to specific state conditions that would warrant such action. In South Carolina, the adoption of OSHA promulgated standards is a streamlined process that allows for almost immediate adoption. South Carolina adopted all OSHA standards in FY 2018.

#### **Compliance Programs**

The South Carolina Occupational Safety and Health Act requires South Carolina employers to provide their employees with safe and healthy work sites that are free from recognized hazards which may cause injuries and illnesses to workers. The SC Office of Occupational Safety and Health conducts inspections of businesses to ensure compliance with the law utilizing a staff of 17 safety compliance officers and 10 health compliance officers.

#### **Outreach and Education Programs**

##### **Consultation**

The South Carolina Consultation Program is a cooperative approach to solving safety and health programs in the workplace. As a voluntary activity, it is neither automatic nor expected. The employer must request it. The obligation for the employer is a commitment to correct, in a timely manner, all safety and health hazards that are found during the consultation visit. In addition to helping employers identify and correct specific hazards, consultants provide guidance in establishing or improving an effective safety and health program and offering training and education for the employer, supervisors and employees.

Primarily targeted for smaller businesses in higher hazard industries or with especially hazardous operations, the safety and health consultation program is completely separate from the compliance effort. In addition, no citations are issued or penalties proposed. The service is confidential, too. The name of the employer, and any information about the workplace, plus any unsafe or unhealthy working conditions the consultant uncovers, will not be reported routinely to the SC OSHA compliance staff.

##### **Training**

OSHA’s Outreach and Education program provides a variety of training programs and presentations designed to reduce or eliminate safety and health hazards in the workplace. Training is available to employers and employees of both the public and private sector upon request and can occur at a location selected by the employer (requiring the participation of twelve or more employees) or as a result of participation in one of the regional

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

### **FY 2018 South Carolina Follow-up FAME Report**

training programs coordinated by the training staff. General industry, health, and construction areas are covered in the training curriculum. Examples of training programs offered include:

- The OSHA inspection process
- Bloodborne pathogens
- Lockout/Tag out (LOTO)
- Trenching/excavation
- Hazard communication
- SC SMART- Safety Management Accident Reduction Training
- Fall protection
- Personal protective equipment
- Violence in the workplace
- Scaffolding (construction)
- Permit required confined spaces
- Industrial trucks (forklifts)
- OSHA recordkeeping

### **Recognition Programs**

South Carolina has a designation for two types of recognition programs: Palmetto Star Program and the Safety and Health Achievement Recognition Program (SHARP).

#### **Palmetto Star Program**

This voluntary program provides recognition to qualified employers who exceed the requirements of the Occupational Safety and Health Act of 1970 in providing their workers with a safe and healthy workplace. Any employer in the North American Industry Classification System (NAICS) 31-33 may choose to apply.

Palmetto Star sites are not expected to be perfect, but they are expected to effectively protect their workers from the hazards of the workplace through their safety and health systems. A Palmetto Star site is one that has proven it can to function independently of OSHA and is self-sufficient in its ability to control hazards at the work site.

To qualify, an applicant must demonstrate management's commitment to safety, assess hazards that may be present within the workplace, maintain a system for hazard correction and control, provide employees safety and health training, and assure employee participation in safety and health programs. Finally, the company must have a total injury/illness incident rate and a total lost workday incident rate that is 50 percent or below the state average for the applicant's industry for each of the last three years.

The SC OSHA Deputy Director demines approval for participation. . By approving an application for participation in the Palmetto Star, OSHA recognizes that the applicant is providing, at a minimum, the basic elements of ongoing, systematic protection of workers at the site.

## **Appendix E – FY 2018 State OSHA Annual Report (SOAR)** FY 2018 South Carolina Follow-up FAME Report

### **Safety and Health Achievement Recognition Program (SHARP)**

The SHARP program is designed to provide incentives and support to employers that implement and continuously improve their safety and health management systems at their work sites. The standards required to get into the SHARP are less stringent than that of the Palmetto Star program. It is a good alternative for a smaller company that may not have the resources to become a Star site or as a stepping-stone to becoming a Star. Acceptance into SHARP by SC OSHA is an achievement of status that makes companies stand out among their peers as a model for workplace safety and health. SHARP participants are exempt from SC OSHA programmed inspections.

Requirements for participation in the SHARP program are:

- Receive a full-service safety and health consultation visit and a comprehensive review of safety and health management systems. In addition, all hazards found by the consultant(s) must be corrected.
- Receive a score of at least two on all 50 basic attributes of Form 33. Additionally, all “stretch items” of Form 33 must be scored. “Stretch items” are those safety and health attributes above the basic attributes of a foundational safety and health management system, such as employee participation in hazard prevention and control activities within the work site.
- Agree to notify the Office of Outreach and Education and request a subsequent on-site consultation visit when changes in working conditions or work processes occur that may introduce new hazards into the workplace.
- Include a total injury/illness incident rate and a total lost workday incident rate that is below the state average for the applicant's industry for the previous year.
- Submit a request for SHARP participation.

### **Youth Safety Outreach Program**

To promote a culture of safety and health in the youth of South Carolina, the Office of Outreach and Education provides South Carolina high school students attending Career Centers with OSHA General Industry Safety Training.

During Fiscal Year 2018, the outreach program provided safety training to students at three high school career centers in Greenville SC. Students were trained and certified in the OSHA 10 hour class. This certification gives the students an advantage when entering the workforce. General safety awareness training was provided for students on career paths that do not require an OSHA 10 certification. This training helps students working at manufacturing facilities, in vocational education pathways, or for students that seek general safety knowledge which will benefit students as well as potential employers. With safety awareness training, students enter the workforce with safety knowledge that will empower students to assist employers in building a safety culture. This safety culture will lower the injury and illness rates and in turn, lower worker compensation rates and increase productivity. In addition, this training will also assist the schools fulfilling the South Carolina Department of Education requirement for OSHA Awareness Training, OSHA 10 and OSHA 30 training requirements, as stated in the Career and

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### FY 2018 South Carolina Follow-up FAME Report

Technology Education Manufacturing Course Standards for Introduction to Manufacturing, Welding, Mechatronics, Machine Technology, and Electronics.

### Overview of Fiscal Year 2018

The South Carolina Department of Labor, Licensing, and Regulation is authorized to use “other agency funds”, through a proviso, to provide matching funds for federal grant funds received for OSHA programming. SC OSHA continues to use funding efficiently and effectively to achieve its goal of safe and healthy work sites.

As with many OSHA programs across the country, SC OSHA continues to combat issues of hiring and retention. A recent wave of retirees has opened the door for healthy transition, internal promotion and an influx of new and innovative thinking.

Fiscal year 2018 was a very productive year for South Carolina OSHA. Division restructuring allowed for a more formalized team approach and made collaboration easier. This team approach facilitated success in reaching our strategic goals and many of our strategies. In addition to meeting our strategic goals set in 2018, we have also made enormous strides in accomplishing internal goals such as an improved website, developing new online reporting forms, consultation, and training request forms, revising manuals and operational documents, conducting internal audits, and amending internal policies for uniformity.

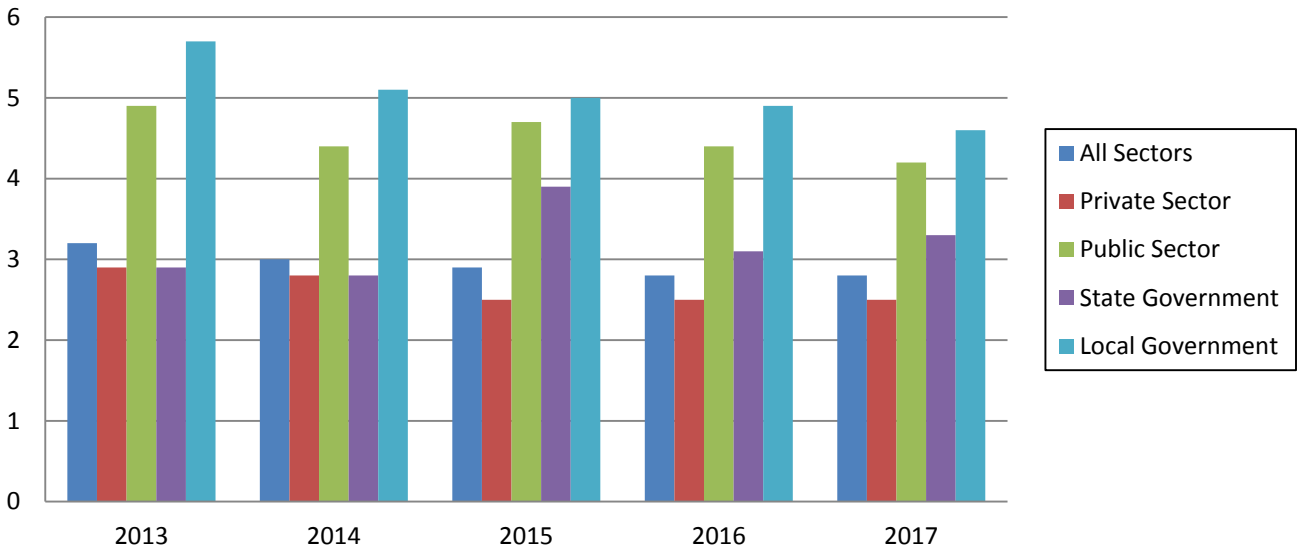
### State Demographic Profile

<b>Sector</b>	<b>Establishments</b>	<b>Employees</b>
Total Private Industry	<b>126,943</b>	<b>1,682,165</b>
Total Public Sector	<b>3,091</b>	<b>313,637</b>

According to the 2017 estimates from the Survey of Occupational Injuries and Illnesses, South Carolina workers for all industries including state and local government experienced nonfatal workplace injuries and illnesses at a total recordable case (TRC) incidence rate of 2.8 cases per 100 equivalent full-time workers. Private industry in the state TRC incidence rate remained relatively unchanged at 2.5. The state’s public sector TRC incidence rate was 4.2 in 2017 compared to 4.4 in 2016. South Carolina continues to be one of the few states with rates below the national average. SC OSHA will continue working to develop strategies that can further reduce these rates during the next year.

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## SC Occupational Injury and Illness Incidence Rate



### SC Occupational Injury and Illness Incidence Rates

	2013	2014	2015	2016	2017
<b>TRC (All)</b>	<b>3.2</b>	<b>3.0</b>	<b>2.9</b>	<b>2.8</b>	<b>2.8</b>
<b>Private Sector</b>	<b>2.9</b>	<b>2.8</b>	<b>2.5</b>	<b>2.5</b>	<b>2.5</b>
<b>Public Sector</b>	<b>4.9</b>	<b>4.4</b>	<b>4.7</b>	<b>4.4</b>	<b>4.2</b>

### Total Recordable Cases (TRC) and Days Away Restricted and Transferred (DART) Rate Comparison\*

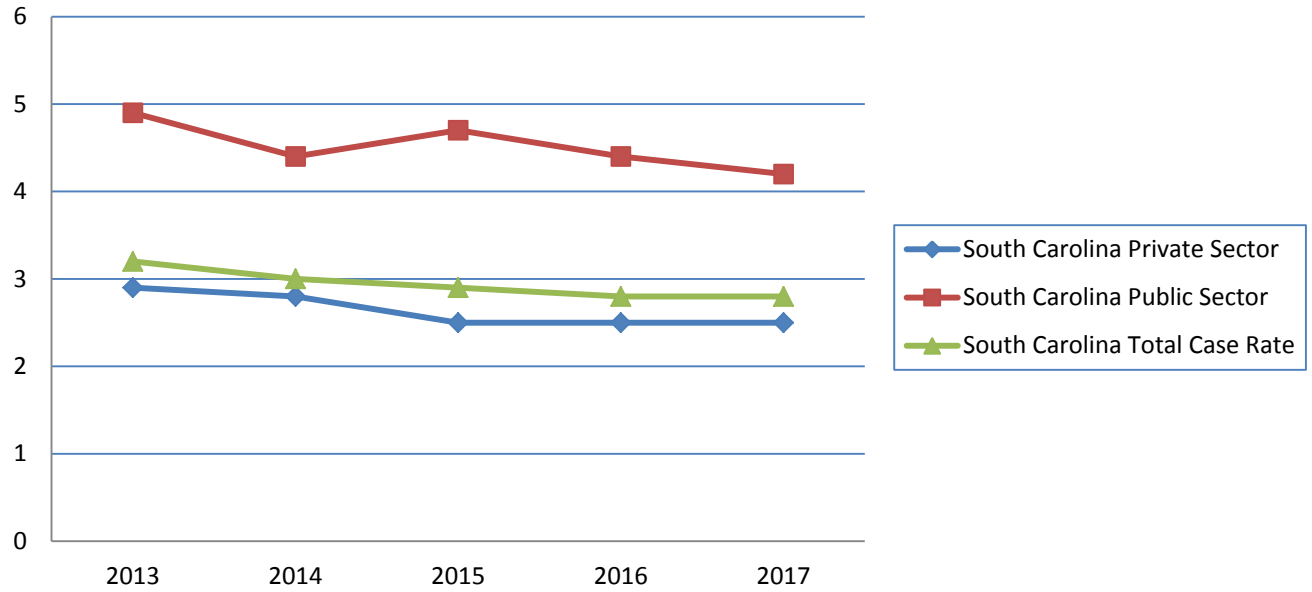
<b>CY 2017*</b>	<b>South Carolina</b>		<b>National Average</b>		<b>Comparison</b>
<b>TRC Rate</b>	<b>2.5</b>	<b>2.8*</b>	<b>2.8</b>	<b>3.1*</b>	<i>10% Lower than National Average*</i>
<b>DART Rate</b>	<b>1.4</b>	<b>1.6*</b>	<b>1.5</b>	<b>1.6*</b>	<i>Same as the National Average*</i>

\*All industries, including state and local government.  
 CY = Calendar Year

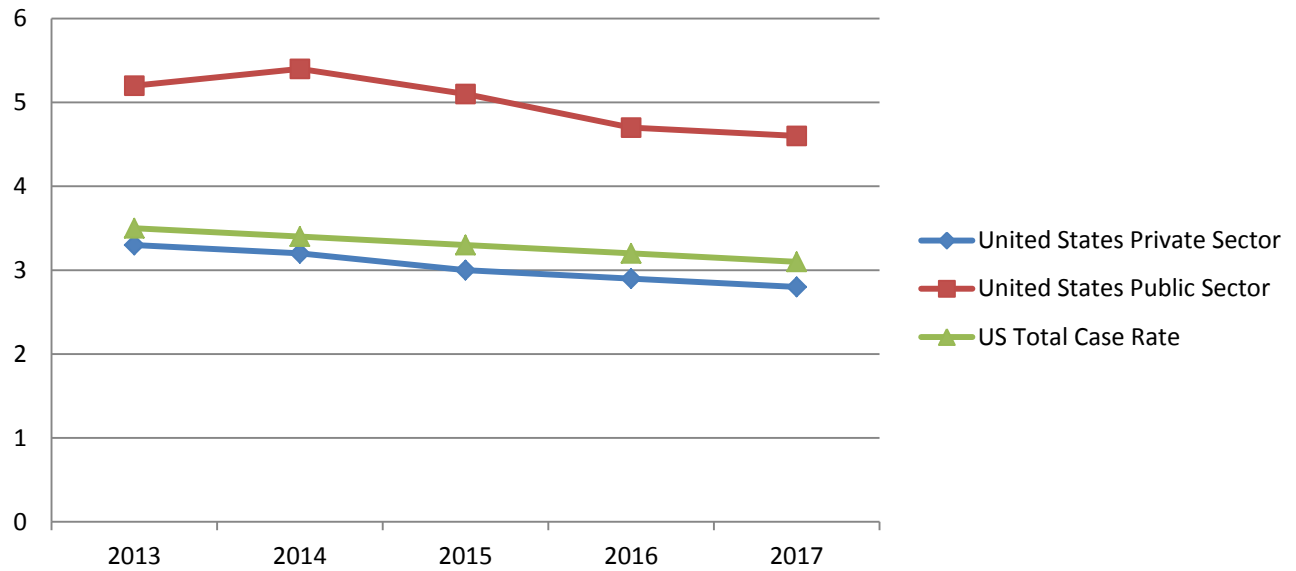
## Appendix E – FY 2018 State OSHA Annual Report (SOAR)

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### SC Occupational Injury and Illness Incidence Rates



### US Occupational Injury and Illness Incidence Rates



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

### FY 2018 South Carolina Follow-up FAME Report

## Areas of Emphasis and Accomplishments

### Outreach and Education

During fiscal year 2018, South Carolina OSHA's Outreach and Education (O & E) program conducted 686 consultation site visits and identified 3,249 safety and health hazards. Six hundred sixty-two (662) of these visits resulted in the development of safety and health programs and improvements to existing safety and health programs. The consultation division received an overall customer satisfaction rating of 100 percent from the companies they visited.

The Office of Outreach and Education has continued to work with employers throughout the state to explore new initiatives to improve workplace safety and health. South Carolina O & E began the South Carolina Occupational Safety Health Administration Outreach Initiative to provide South Carolina high school students with basic safety orientation. This training helps students that are working at manufacturing facilities, following vocational education pathways, or just looking to obtain general safety knowledge that will benefit the student as well as potential employers. With this safety awareness training, the student will enter the workforce with safety knowledge that will empower the student to help employers build a safety culture which will lower the injury and illness rates and in turn will lower workers compensation rates and increase productivity. In addition, this will also help the schools to fulfill the South Carolina Department of Education requirement for OSHA 10 training. Some of the benefits of this program are, students will enter the workforce with safety and worker's rights knowledge, receive instruction from major area companies, which builds relationships with the companies, and employers are obtaining employees that can step into the workplace and build upon their existing safety culture.

From October 23, 2017 through February 28, 2018, the Office of Recognition Programs and Outreach returned to Golden Strip Career Center, J. Harley Bonds and Enoree Career Centers to continue the Youth Safety Awareness Training Initiative. With the assistance of fifteen (15) VPP sites, a total of six hundred eighty-two (682) students received OSHA 10 certification and three hundred ninety-one (391) students received General Safety Awareness Training.

In March 2018, South Carolina O & E held a safety conference in cooperation with the South Carolina Manufacturers Alliance and the National Safety Council. It was very well attended.

There are currently 40 active VPP "Palmetto Star" sites. During fiscal year 2018, there were 17 VPP re-evaluations. There were four Safety and Health Achievement Recognition Program (SHARP) sites recertified during this fiscal year, bringing the program to a total of seven sites. South Carolina OSHA is working with new companies to potentially become SHARP sites. A great deal of emphasis has been put into this program to encourage companies to participate.

- OSHA's Outreach and Education (O & E) trainers conducted a total of 384 classes for public and private sector employers during fiscal year 2018.
- 9,629 South Carolina workers received training in South Carolina.



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FY 2018 South Carolina Follow-up FAME Report

### Statistical Training Information FY 2018

Private sector employers trained	570
Private sector employees trained	3,477
Public sector employers trained	805
Public sector employees trained	4,777
Total number of workers that received training	9,629

The training division continues to reach out to employers and employees through organizations and associations. Training conducted at these meetings resulted in several individual training requests by companies. Some of the groups South Carolina O &E worked with include:

SC Association of Counties, SC Manufactures Alliance, NC State OTI Outreach Center, SC Department of Transportation, Horry Georgetown Technical College, SC Dietary Managers Association, SC Metal Finishers Association, Low Country and Piedmont ASSE, Professional Construction Estimators Association, SC Masonry Contractors Association, SC Asphalt Association and the Home Builders Association.

### OSHA Standards

The South Carolina OSHA Standards Office provides accurate and consistent safety and health standard interpretations and compliance assistance to the public and South Carolina OSHA staff.

The Standards Office also reviews all OSHA documents; recommends action to the OSHA administrator, such as standard changes and directives for state adoption; maintains tracking logs, drafts interpretive memorandums or directives, and coordinates all public hearings for standard promulgation and amendment adoptions. There was one public standard adoption hearing held during fiscal year 2018.

The standards office serves as support staff to the South Carolina OSHA Program by promulgating OSHA regulations, responding to OSHA inquiries, and providing interpretations of OSHA standards and regulations to compliance staff, employers, and employees who desire to eliminate safety and health hazards in their workplaces. Electrical hazards, machine guarding problems, bloodborne pathogens, recordkeeping requirements and respiratory protection are examples of conditions for which information and assistance are frequently requested.

The standards office also evaluates and provides guidance on OSHA standards and directives promulgated by OSHA, which may be adopted in South Carolina. The standards office provides training for South Carolina OSHA personnel on new or amended standards. This office also evaluates the validity of requests for temporary and permanent variances from OSHA standards and facilitates public hearings, as needed.

There are two positions within the standards office. These positions are the safety standards

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### FY 2018 South Carolina Follow-up FAME Report

officer and health standards officer. Currently, the South Carolina OSHA Standards Office is fully staffed.

South Carolina Standards Office personnel spend the greatest amount of their time providing compliance assistance. Personnel respond to volumes of customer requests in the forms of phone calls, letters, e-mails, and walk-ins. The following chart represents the number of individual safety and health standard inquiries answered by the standards division during fiscal year 2018:

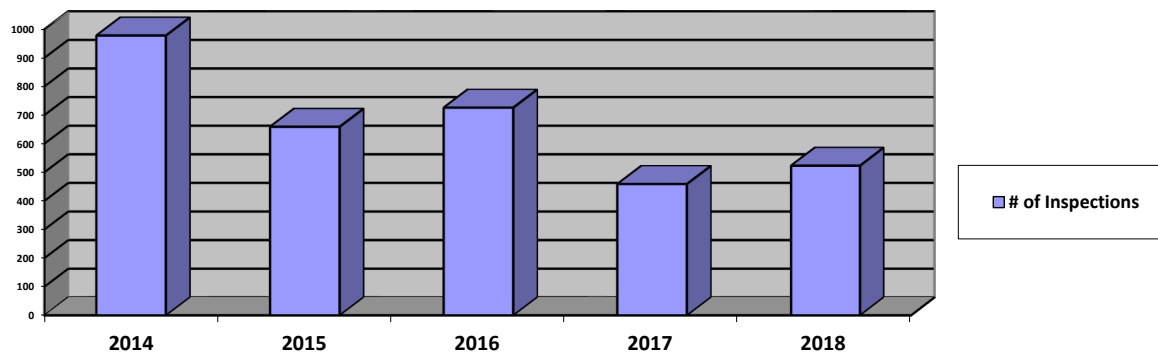
### Statistical Standards Information FY 2018

Requests for Information	Number of Calls / Responses
Standards Information	441
Technical Information and Advice	200
Standards Interpretation	186
General Information	334
Referrals	501
Letters	10
E-mails	529
<b>Total</b>	<b>2,201</b>

### OSHA Compliance

South Carolina OSHA Compliance conducted 523 inspections resulting in 563 violations being issued during fiscal year 2018. Seventy-seven percent of the citations issued were serious in nature. Additionally, four (4) repeat violations were issued. During fiscal year 2018, SC OSHA conducted 27 fatality investigations.

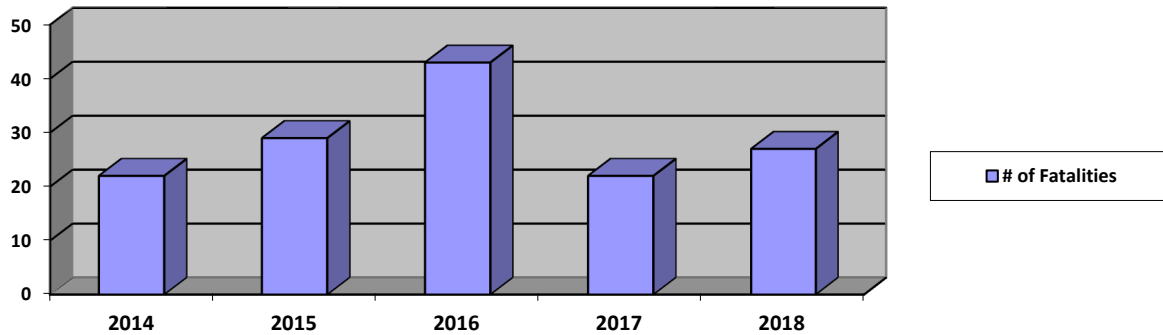
### Compliance Inspections



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#### Fatalities



The construction safety compliance division conducted 164 inspections during the fiscal year. One hundred sixty-four (164) citations were issued with 519 instances for a serious violation rate of 77.8%. SC OSHA conducted construction focus inspections in areas with increased fatalities. The construction focus inspections relied on all available resources within OSHA. OSHA Compliance and the Outreach and Education Offices collaborated to conduct inspections in areas with heavy construction activity. The focus was placed on the two leading causes of fatalities in our state; falls from elevation and struck-by hazards.

The health compliance division conducted 129 inspections during the fiscal year. One hundred twenty-seven citations were issued with 262 instances. Three inspections were conducted under the Process Safety Management (PSM) covered chemical facilities emphasis program and the Occupational Exposure to Lead emphasis program, respectively. SC OSHA conducted four (4) inspections for Hexavalent Chromium and one inspection related to combustible dust.

The general industry safety compliance division conducted 230 inspections during the fiscal year. Two hundred seventy-four citations were issued with 763 instances resulting in a serious rate of 78%. Using South Carolina BLS data, the safety compliance division focused on the following industries: Ship & Boat Building (3366), Architectural & Structural Metals (3323), Other Fabricated Metal (3329), Aerospace Product and Parts (3364), HVAC and Commercial Refrigeration Equipment (3334), Bakeries and Tortilla Mfg. (3118), Plastics Products (3261) and Machine Shops (3327). Machine guarding violations continue to lead the way as the most cited violations in these industries.

#### Fiscal Year 2018

1. During the period of October 1, 2017 through September 30, 2018, South Carolina OSHA implemented and/or was actively engaged in emphasis initiatives involving industries with high injury and illness rates within the State of South Carolina.

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SC OSHA Emphasis/Initiatives	Inspections	# of Citations Issued/Instances	# of Employees
Lead	3	10/12	24
PSM Facilities	3	0/0	795
Combustible Dust	1	1/8	5
Hexavalent Chromium	4	23/29	151
Residential Construction	45	53/276	264
Trenching and Excavation	6	23/106	49
Plain View Hazards	6	8/10	38
Temporary Worker	60	51/75	3817
MSD Hazards	1	0/0	51
NAICS 3323 Architectural & Structural Metals	4	10/11	54
NAICS 3327 Machine Shops	3	10/13	94
NAICS 3329 Other Fabricated Metal	6	7/26	372
NAICS 3364 Aerospace Product and Parts Mfg.	1	36/105	12
NAICS 3366 Ship & Boat Building	2	18/47	275
NAICS 3334 HVAC and Commercial Refrigeration Equipment	2	10/13	54
NAICS 3118 Bakeries and Tortilla Mfg.	1	0/0	210
NAICS 3261 Plastic Products	18	41/97	1761

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#### 2. Fatalities, Catastrophes, Accidents.

Accident Reporting		
Fatalities		27
Catastrophes		0
Severe Injury Report (SIR)		355

#### 3. Safety and Health complaints received, inspected and investigated.

Complaints		
Safety and Health Complaints Received		996
Inspections Accomplished		122
Investigations (Mail/Phone/Fax)		874

#### 4. Whistleblower complaints received, investigated, settled, administratively screened and/or referred to another agency.

During the period of October 1, 2017 through September 30, 2018, South Carolina OSHA received and opened 87 Section 11(c) discrimination complaints. South Carolina OSHA worked diligently to address the backlog of cases from prior years, so during that same period, 105 cases were closed (42 of the FY 2018 cases and 63 cases from prior years). The status of the Section 11(c) cases and the percentages of total cases they represent are presented below:

<u>STATUS</u>	<u>NUMBER OF CASES</u>	<u>PERCENTAGE</u>
<b>Dismissed – Complaint Not Timely</b>	10	9.5%
<b>Dismissed – Non-Cooperation by Complainant</b>	31	29.5%
<b>Dismissed - Non-Merit</b>	25	23.8%

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<b>Dismissed – Precluded by Workers’ Compensation settlement</b>	0	0%
<b>Dismissed – Public Sector Employee</b>	3	2.9%
<b>Dismissed – Settled</b>	2	1.9%
<b>Referred to DOL-OSHA</b>	2	1.9%
<b>Settlement - Merit</b>	0	0%
<b>Settlement Prior to Completed Investigation</b>	4	3.8%
<b>Withdrawn</b>	6	5.7%
<b>Litigated</b>	0	0%
<b>No Adverse Action</b>	2	1.9%
<b>No Protected Activity</b>	19	18%
<b>Duplicate Entry</b>	1	1%
<b>Total Cases Closed:</b>	105	

### Informal Conferences

The Informal Conference Office provides an avenue for employers to settle cases and reach a better understanding of the citations received after an inspection. This office also maintains inspection files and handles Freedom of Information Act (FOIA) requests for SC OSHA records. In the past year, 88 informal conferences were requested. Fifty-three (53) informal conferences were scheduled for discussion of the citations, with five moving forward to formally contest. The remaining 35 informal conferences regarding penalty and/or abatement were conducted over the phone. There was one onsite visit, as part of the informal conference, to provide technical assistance with abatement.

One hundred seventy-seven (177) FOIA requests were filled. All outstanding requests have been acknowledged and are waiting for file documents to become releasable.

The file room clerk position description was revised to reflect a full-time position. In past years, the position was a split position with SC OSHA’s Office of Outreach and Education.

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#### **South Carolina OSHA Information System (SC OIS)**

The OSHA Information System (OIS) is into its third year. The system continues with some growing pains, such as outages and periodic lack of availability for some modules. Overall, the system and our interface are functioning well. The South Carolina OSHA Information System, also known as “The South Carolina OSHA Redesign and Enhancement” (SCORE) is into its ninth year of operation and continues to provide a significant cost avoidance through the reduction of paper files. During FY 2018, SCORE obviated the need to keep and maintain paper inspection reports for 523 inspections and 686 consultation visits. Those inspections and consultation visits generated 1,209 inspection and consultation reports, citations, etc. South Carolina OIS not only provides an efficient means of data entry and secure storage, it also allows South Carolina OSHA to retrieve and analyze that data instantaneously. The development of a system-to-system interface between SC OIS and the federal OIS system allows SC OSHA to conduct its own data management while providing the required data to OSHA on a daily basis.

#### **Training Division**

The following training activities have taken place at South Carolina OSHA:

1. Nine new CSHOs began training in January of 2018 with initial compliance training in-house, legal aspects training, in-house and discipline specific standards training at OSHA Training Institute (OTI) in Chicago (health, safety and construction). Their release date to the field is on target for the first part of January 2019.
2. Four OSHA sponsored webinars were attended for group viewing; Respirable Silica (2), Beryllium, and Workplace Violence were the topics. Many of the provided learning webinars broadcast live are now available for CSHOs to take remotely when they are out of town. These attendance hours are all maintained in individual employee training files.
3. South Carolina OSHA held 11 training sessions for approximately 17 hours of compliance training on topics such as, but not limited to, trenching and excavation, machine guarding, hazard communication, electrical, and means of egress.
4. The South Carolina OSH Standards office also provided training on respirators, recordkeeping, electronic submission of the 300 Logs and sub article training for a total of 20 hours of training.
5. South Carolina OSHA also hosted an OTI road course to train 16 CSHOs and 4 supervisors for three days on Class #1310 Investigative Interviewing Techniques.
6. Employees also attended other core curriculum class training at OTI in Chicago, OSHA outreach classes throughout the state, and Outreach and Education sponsored training at VPP sites for topics such as, but not limited to, Applied Spray Finishing, Whistleblower Investigations & Fundamentals, Construction, and Confined Spaces.

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#### **Summary**

South Carolina OSHA continues to operate an effective state OSHA program. SC OSHA reviews the annual high hazard planning guide for targeting hazards in specific industries. As a result of this practice, we have seen a reduction in the number of injuries and illnesses in these high hazard industries. SC OSHA has developed a strategic management plan with outcome goals that are consistent with OSHA activity. As well as specific outcome measures, the plan includes activity goals for all components of the state program. Strategies are altered and activities increased or decreased to further enhance program performance.

Over the last year, SC OSHA has continued to identify and reduce the number of worker injuries, illnesses and fatalities in construction by focusing attention and resources on the most prevalent types of workplace injuries and illnesses. (e. g., falls, electrocutions, struck-by equipment, and crushed by/caught between equipment hazards) through construction blitz focused inspections.

The South Carolina OSHA plan was again able to successfully participate and partner with the SC Manufacturers Alliance to sponsor the Southeastern Workforce Protection Conference, which was held in March of 2018. The eighth annual Southeastern Workforce Protection Conference is scheduled for March 2019. Through partnership in conferences, forums and training courses, SC OSHA continues to work with associations, employers and other groups to promote SC OSHA's Outreach and Education services. Services are provided by the O & E division to promote a positive safety and health environment to ensure a safe and healthy workplace for employees in South Carolina.

SC OSHA continues to develop and provide safety and health training programs on new or amended standards for OSHA staff members and companies.

South Carolina OSHA received comments and recommendations from the Enhanced Federal Annual Monitoring Evaluation (EFAME) report. Upon review of the responses from OSHA, there were recommendations to improve the program, but only minor deficiencies were noted. These deficiencies have been resolved and measures have been implemented to review outcomes and make adjustments as needed.



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### SC OSHA Goals and Strategies

<b>1.1 Area of Emphasis</b>	<b>On-site Consultation</b>
1.1 SC OSHA 5-Year Outcome Goal	FY 2018 - Target 20 High Hazard NAICS Industries.
1.2 SC OSHA Annual Outcome Goal	FY 2018- Conduct a minimum of 30 inspections in targeted High Hazard Industries
Division Participation	Compliance; Consultative Services; Education, Training and Technical Assistance
Indicator	Reduction of Injuries and illnesses in the targeted industries and sites
Source of Data	BLS Survey Data, High Hazard Planning Guide, SCORE, Internal Tracking
Baseline	2014 Data
Results	The goal of conducting a minimum of 30 inspections in targeted high hazard industries was not met for the one-year period.

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<b>1.2 Area of Emphasis</b>	<b>On-site Consultation</b>
1.2 SC OSHA 5-Year Outcome Goal	FY 2018- Target Industries for OSHA Courtesy Inspections where potential exposures to OSHA National Emphasis Program (NEP) Air Contaminants Exist. The targeted air contaminants are Hexavalent Chromium, Crystalline Silica, Asbestos, Lead, and Isocyanates.
1.3 SC OSHA Annual Outcome Goal	FY 2018- Consultation will target 20 employers for NEP air contaminant inspections. Each NEP includes lists of the industries where these air contaminant exposures are likely to occur and substance specific inspection instructions. Consultants will use the NEPs for inspection guidance.
Division Participation	Compliance; Consultative Services; Education, Training and Technical Assistance
Indicator	Identify and reduce or eliminate incidences of adverse health effects associated with NEP air contaminant exposures. Heighten employer awareness of the high degree of hazard associated with NEP air contaminants allowing substitution of safer alternatives when possible.
Source of Data	SCORE, Internal Tracking
Baseline	2014 Data
Results	The goal of targeting 20 employers for NEP air contaminant inspections was met for the one year period.

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<b>1.3 Area of Emphasis</b>	<b>On-site Consultation</b>
1.3 SC OSHA 5-Year Outcome Goal	Target Fall protection, trenching and excavation hazards on construction sites.
1.3 SC OSHA Annual Outcome Goal	FY 2018 – Construction consultants will emphasize these measures on all relevant inspections where these hazards are present.
Division Participation	Compliance; Consultative Services; Education, Training and Technical Assistance
Indicator	Decrease both injuries and fatalities caused by falls and trenching and excavation
Source of Data	BLS Survey Data, SCORE, Internal Tracking
Baseline	2014 Data
Results	Construction consultants emphasizing these measures on all relevant inspections where these hazards were present was met for the one year period.

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<b>1.4 Area of Emphasis</b>	<b>On-site Consultation</b>
1.4 SC OSHA 5-Year Outcome Goal	<b>Develop and implement emphasis programs that will address hazards to SC workers.</b>
1.4 SC OSHA Annual Outcome Goal	FY 2018– The consultation manager will assist in the emphasis programs as designated by the Administrator. Companies will be contacted in those emphasis areas and attempt to get consent to do a consultative visit.
Division Participation	Compliance; Consultative Services; Education, Training and Technical Assistance
Indicator	Companies which have been selected for emphasis will receive special attention in order to bring them into compliance with OSHA Safety and Health rules.
Source of Data	BLS Survey Data, SCORE, Internal Tracking
Baseline	2014 Data
Results	The goal of companies being contacted in emphasis areas and attempts being made to get consent to do consultative visits was met for the one year period.

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<b>1.5 Area of Emphasis</b>	<b>General Industry Safety and Health</b>
1.5 SC OSHA 5-Year Outcome Goal	Reduction in Injury and Illness rates in General Industry safety and health by 5%.
1.5 SC OSHA Annual Outcome Goal	FY 2018 – Reduction in Injury and Illness rates in General Industry safety and health by 1%.
Division Participation	Compliance, Consultative Services; Education, Training and Technical Assistance
Indicator	Develop training programs for new hazards new targeted industries, as needed. Reduce the injury and illness rate for the top five industries as listed in the high hazard planning guide.
Source of Data	SCORE, BLS Survey Data, CFOI Data
Baseline	2014 Data
Results	The goal of reducing Injury and Illness rates in General Industry safety and health by 1% was not met for the one-year period.

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<b>1.6 Area of Emphasis</b>	<b>Construction Industry</b>
1.6 SC OSHA 5-Year Outcome Goal	Reduction in Injury and Illness rates in Construction Industry by 5%.
1.7 SC OSHA Annual Outcome Goal	FY 2018 – Reduction in Injury and Illness rates in Construction Industry by 1%.
Division Participation	Compliance, Consultative Services; Education, Training and Technical Assistance
Indicator	Develop training programs for new hazards new targeted industries, as needed. Reduce the injury and illness rate for the top five (5) industries as listed in the high hazard planning guide.
Source of Data	SCORE, BLS Survey Data, CFOI Data
Baseline	2014 Data
Results	The goal of reducing Injury and Illness rates in the Construction Industry by 1% was not met for the one-year period.

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<b>2.1 Area of Emphasis</b>	<b>On-site Consultation</b>
2.1 SC OSHA 5-Year Outcome Goal	Promote and increase the number of SHARP sites.
2.1 SC OSHA Annual Outcome Goal	FY 2018 – Increase the number of SHARP sites in SC by 1 per year.
Division Participation	Consultative Services; Education, Training and Technical Assistance; Director’s Office
Indicator	Safer workplaces because of a better safety culture at the SHARP sites.
Source of Data Baseline	SCORE, VPP and SHARP Tracker, Internal Tracking
Baseline	2014 Data
Results	The goal of increasing the number of SHARP sites in SC by 1 per year was not met for the one-year period.

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<b>2.2 Area of Emphasis</b>	<b>On-site Consultation</b>
2.2 SC OSHA 5-Year Outcome Goal	Promote Consultation programs within the state to increase awareness.
2.2 SC OSHA Annual Outcome Goal	FY 2018 – Consultation Manager and the Outreach Coordinator will conduct a minimum of 5 outreach speeches per year
Division Participation	Consultative Services; Education, Training and Technical Assistance; Technical Support and Standards, Director’s Office
Indicator	More companies will learn about SC OSHA Consultation and use those services to create a safer workplace.
Source of Data	SCORE, VPP and SHARP Tracker, Internal Tracking
Baseline	2014 Data
Results	The goal of the Consultation Manager and the Outreach Coordinator will conducting a minimum of 5 outreach speeches per year has been exceeded.



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<b>2.3 Area of Emphasis</b>	<b>On-site Consultation</b>
2.3 SC OSHA 5-Year Outcome Goal	<b>Develop new outreach initiatives such as publications, seminars, regional training opportunities, and focused inspections.</b>
2.3 SC OSHA Annual Outcome Goal	FY 2018 – The consultation will group will develop quick cards and other brochures for seasonal hazards such as heat stress and Hurricanes as well as for emphasis industries such as the construction industry. Consultation will participate in regional training with other groups such as ASSE, ACG, and various professional organizations.
Division Participation	Compliance; Consultative Services; Education, Training and Technical Assistance
Indicator	More employees will be able to be reached with essential hazard information. New construction employers in our state will have knowledge of OVP services early in process to help prevent injuries and illnesses
Source of Data	SCORE, Internal Tracking
Baseline	2014 Data
Results	The goal of the consultation group developing quick cards and other brochures for seasonal hazards such as heat stress and hurricanes was met. This was instrumental for emphasis in the construction industry and when participating in regional training with other groups such as ASSE, ACG, and other various professional organizations. This goal was met for the one-year period.

<b>2.4 Area of</b>	<b>On-site Consultation</b>
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<b>Emphasis</b>	
2.4 SC OSHA 5-Year Outcome Goal	<b>Increase outreach for public understanding of safety and health as a value in businesses</b> <b>a. Through technical assistance and communication, encouragement in the development of written safety and health programs for all industries.</b>
2.4 SC OSHA Annual Outcome Goal	FY 2018 – All consultation visits include a review of the employers safety and health program if they have one and if not they will be given material and a short training session on how to develop a written safety and health system. The goal is to assist all employers in developing a written safety and health system.  Through the use of our website and outreach materials, we will make more companies aware of the value of a safety and health program and increase implementation in the workplace.
Division Participation	Consultative Services; Education, Training and Technical Assistance
Source of Data	SCORE, Internal Tracking
Baseline	<u>2014</u>
Results	The goal of all consultation visits including a review of the employer’s safety and health program if they have one, and if not provide material and a short training session on how to develop a written safety and health system was met for the one year period.