

**FY 2017**  
**Follow-up Federal Annual Monitoring Evaluation (FAME) Report**

**Virgin Islands Division of Occupational Safety and Health (VIDOSH)**



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## I. Executive Summary

The purpose of this Federal Annual Monitoring Evaluation (FAME) report is to assess the Virgin Islands Division of Occupational Safety and Health (VIDOSH) program's progress in Fiscal Year (FY) 2017, and its progress in resolving outstanding findings identified during previous FAMES.

At the end of FY 2017, the Virgin Islands' two other main islands, St. John and St. Thomas, were devastated by Hurricane Irma. Fourteen days later, Hurricane Maria hit St. Croix, the largest island. These storms unleashed powerful winds and heavy rainfall, tearing off roofs, downing trees, and decimating the communications and power grid across the island. According to the Department of Homeland Security, these Category 4 hurricanes left the Virgin Islands in "total devastation." As of November 2017, the Virgin Islands' Power and Water Authority continued its efforts to restore electricity and reconstruct its power grid, bringing back power to more than 16,000 residents. One worker fatality occurred on September 12, 2017, when a lineman (part of a hurricane restoration crew working in the Sugar Estate area) was electrocuted.

Due to the devastating effects of Hurricanes Irma and Maria, the VIDOSH program could not perform normal enforcement activities for months. Instead, VIDOSH took a grassroots approach, driving around the island where it was possible to identify hazards and conduct more than 20 interventions and compliance assistance activities. These efforts reached over 600 state and local government workers and removed at least 15 workers from hazards. Shortly after Hurricane Maria struck, Region II began conducting daily hurricane planning and situation report ("sitrep") teleconference calls with designated Regional Office staff and the director of the VIDOSH program. The purpose of the calls was to discuss/obtain information regarding current status and operations occurring in the Virgin Islands. VIDOSH provided information during these calls regarding the restoration of power, communications, transportation, and structures. As of January 2018, these teleconference calls continued to be conducted on a weekly basis with VIDOSH participation.

Although the FAME cycle designates FY 2017 as a comprehensive year where full on-site case file reviews are conducted by OSHA, due to the destructive effects of the hurricanes that destroyed much of the Virgin Islands, OSHA determined that it was appropriate to conduct a follow-up FAME for the second year in a row. Additional time was needed for VI to continue its reconstruction efforts and recovery.

VIDOSH made progress to address two of the previous eight findings identified in the FY 2016 FAME report. VIDOSH submitted the remaining certification package appendices to Region II and responded timely to federal standards and Federal Program Changes (FPCs). However, it is pertinent that VIDOSH take a more active role in managing its program, including reporting required activities on a consistent basis without significant oversight from OSHA. Without the Region's reminders and continual follow-up, it is unlikely that VIDOSH would have met its FY 2016 mandatory grant activities within the required timeframe by the end of the fiscal year. Until VIDOSH takes a more proactive approach to administering its program, Region II will need to continue to closely monitor its activities to ensure that mandatory deadlines are met. In summary, this report contains a total of six findings and six observations.

## II. State Plan Background

### Historical Background

The Virgin Islands State Plan was initially approved on August 31, 1973, completed all of the State Plan developmental steps, and was certified as structurally complete on September 22, 1981. Pursuant to Section 18(e) of the OSH Act and procedures at 29 CFR 1902, OSHA determined that the Virgin Islands program met all requirements and, in actual operation, was "at least as effective" as the federal program. Effective April 17, 1984, the Virgin Islands State plan was granted final approval, and OSHA relinquished federal enforcement authority (49 FR 16766). The Virgin Islands' Department of Labor (VIDOL) is the designated agency for administering the OSHA funded enforcement program in the Virgin Islands through its Virgin Islands Division of Occupational Safety and Health (VIDOSH).

On November 13, 1995, OSHA announced that the Virgin Islands State Plan was no longer "at least as effective as" OSHA and other 18(e) requirements were no longer being met. In response to this finding, the Virgin Islands Commissioner of Labor agreed to voluntarily relinquish the State Plan's final approval status under Section 18(e), to the reassertion of concurrent OSHA enforcement authority and jurisdiction, and to undertake necessary corrective action to regain final approval status (60 FR 56950).

The 1995 decision to reinstate concurrent jurisdiction allowed OSHA to exercise concurrent enforcement authority to assure worker protection, while allowing the Virgin Islands time and assistance to improve its performance. However, between 1995 and 2003, VIDOSH was unable to institute improvements to its staffing and operational performance. A series of meetings between the Region and then Virgin Islands Governor Charles W. Turnbull was initiated to discuss these outstanding performance issues and next steps.

Pursuant to Governor Turnbull's May 12, 2003 letter, OSHA revised 29 CFR 1952 and 29 CFR 1956 in July 2013 to reflect the Virgin Islands' decision to exclude private sector employment from coverage under the plan while retaining coverage of state and local government employment, and to reflect the new status of the plan as one that applies to the state and local government workers only. State Plan coverage of all private sector employers and employees was terminated effective July 1, 2003 and OSHA resumed full jurisdiction over private sector employment in the Virgin Islands. This action made it possible for OSHA to devote its resources to providing safety and health protection in Virgin Islands workplaces, rather than expending its resources in a possibly lengthy and complex proceeding under 29 CFR 1955 to formally terminate State Plan approval.

The agreement allowed the Virgin Islands to qualify for enhanced funding under a provision of the Omnibus Insular Areas Act of 1977 (48 U.S.C. Section 1469 (d)), which authorizes OSHA to waive the requirement for Territorial matching funds for grant amounts under \$200,000. A new subpart H to 29 CFR part 1956 was added and codified the Virgin Islands State Plan as a developmental plan under 29 CFR part 1956, to allow the Territory to make certain adjustments to its state and local government employee program structure, and to revise its State Plan document to reflect its more limited scope. This change also terminated the private sector consultation services that were provided under the 23(g) grant funding. To address this, OSHA provided funding for a new 21(d) private sector consultation program for the Virgin Islands.

## Current Background

The Virgin Islands State Plan is currently administered by VIDOSH which is part of VIDOL. VIDOL Commissioner Catherine Hendry oversees VIDOSH which has offices on St. Croix and St. Thomas. These offices cover all safety and health enforcement and consultation activities for state and local government workers in the Virgin Islands. All private sector and federal government agency complaints are forwarded to OSHA's Puerto Rico Area Office for appropriate action. The VI-OSH Act provides for the adoption of federal standards applicable to state and local government, with issuance on the effective date specified in the federal standard. The VI-OSH Act contains provisions for the issuance of failure-to-abate monetary penalties for those state and local government employers found not to be in compliance with applicable standards on a first instance basis. VIDOSH's review procedures are handled through a hearing examiner with the right to appeal to the Commissioner of Labor and the Virgin Islands Superior Court in lieu of the Review Commission as is the case in the federal program. The table below shows VIDOSH's funding history over the past five years:

<b>VIDOSH's FY 2013-2017 Funding History</b>						
<b>Fiscal Year</b>	<b>(\$) Federal Award</b>	<b>(\$) State Match*</b>	<b>(\$)100% State Funds</b>	<b>(\$)Total Funding</b>	<b>% of State Plan Contribution</b>	<b>Deobligated Funds</b>
2017	\$195,700	0	\$509,949	\$705,649	72%	N/A
2016	\$195,700	0	\$504,092	\$699,792	72%	\$39,140
2015	\$195,700	0	\$504,092	\$699,792	72%	N/A
2014	\$194,800	0	\$463,637	\$658,437	72%	N/A
2013	\$193,700	\$2,100	\$422,990	\$616,690	69%	N/A

\*An agreement was reached on July 1, 2003 between OSHA and the Virgin Islands that resulted in the Virgin Islands qualifying for enhanced funding under a provision of the Omnibus Insular Areas Act of 1977 (48 U.S.C. Section 1469 (d)) which authorizes OSHA to waive the requirement for territorial matching funds for grant amounts under \$200,000.

In the FY 2017 State Plan 23(g) grant application, VIDOSH allocated two safety compliance officers, one health compliance officer, and one consultant. As of July 31, 2017, VIDOSH had one safety compliance officer, one health compliance officer, and one consultant onboard. Therefore, aside from one safety compliance FTE position, VIDOSH is fully staffed.

On October 1, 2014 (beginning FY 2015), due to its history of unsatisfactory program performance, OSHA designated the VI State Plan as a high-risk grantee which places conditions on its grant. These conditions include OSHA assigning mandatory grant activities and deadlines to VIDOSH. VIDOSH's high-risk designation was continued in FY 2017. Four mandatory grant activities and supplementing deadlines were assigned to VIDOSH to be completed during the FY 2017 performance period. To be considered for removal of the high-risk grantee designation, VIDOSH had to successfully complete these four mandatory activities by September 30, 2017:

- 1) Meet inspection goals
- 2) Meet abatement schedule
- 3) Revise the developmental steps for draft certification package submission
- 4) Reduce the safety and health lapse time to within 20% of the national reference

In accordance with 2 CFR 200.338, OSHA withholds cash payments by putting a hold on VIDOSH's Payment Management System (PMS) account. Pending review of each specific

mandatory activity, along with the related supportive documentation and the completion schedule, OSHA Region II notifies VIDOSH if the activity has been met satisfactorily on schedule and approves payment.

As of the end of FY 2017, the VIDOSH program had made progress to address its mandatory activities; however, the program administration's autonomy remained problematic. OSHA determined that until VIDOSH can display a proactive approach to administering its program, high-risk designation for the VI State Plan is appropriate. Part of this proactive approach includes meeting mandatory deadlines independently of OSHA's constant oversight and follow-up.

### **Major New Issues**

Following the effects of Hurricanes Irma and Maria that occurred at the beginning of September 2017, the VIDOSH program was unable to resume its normal operations. Recognizing VIDOSH's current challenges, OSHA delayed the start of the mandatory requirements until the territory was functional and able to return to normal enforcement activities in February 2018. Region II developed a revised addendum of milestones/mandatory activities for the remainder of the FY 2018 performance period.

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

### **A. Data and Methodology**

OSHA established a two-year cycle for the FAME process. FY 2017 is a comprehensive year; however, in light of the recent hurricanes that destroyed much of the Virgin Islands, the National Office and Region II agreed that OSHA would not perform an on-site case file review, but instead focus on deficiencies identified in the FY 2016 Follow-up FAME Report. The analyses and conclusions described in this report are based on information obtained from a variety of monitoring sources, including:

- State Activity Mandated Measures Report (Appendix D)
- State Information Report (SIR)
- 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**

VIDOSH made progress to address the previous eight findings identified in the FY 2016 Follow-up FAME Report resulting in two findings being completed. This follow-up FAME report contained six findings and six observations (all continued). Appendix A describes the continued findings and recommendations. Appendix B describes observations and the related federal monitoring plans. Appendix C describes the status of each FY 2016 recommendation in detail.

## Completed Findings

### **Finding FY 2016-01: *State Plan Developmental Steps***

An agreed-upon timeline was established for the completion of the developmental steps needed to prepare a certification package for OSHA approval, which includes mandatory sections, appendices, and amendments. VIDOSH has not submitted all of the information needed (three sections) for certification package review in accordance with the timeline.

**Status:** VIDOSH submitted the required appendices to Region II to reflect its limited state and local government scope per the established timeline. This item is completed.

### **Finding FY 2016-07: *Federal Program Changes (FPCs) and Federal Standards***

VIDOSH's adoption and/or promulgation of federal standards and FPCs are not timely. At the end of the FY 2016 performance period, VIDOSH responded late and/or had not promulgated 29 FPCs and federal standards since 2012.

**Status:** VIDOSH's adoption and/or promulgation to all federal standards and FPCs were up-to-date as of the end of the performance period, with the exception of the Electronic Reporting Rule which OSHA is currently working with VIDOSH to complete. This item is completed.

## Continued Findings

### **Finding FY 2017-01 (Finding FY 2016-02): *OSHA Information System (OIS)***

VIDOSH conducted 47 inspections during the 3<sup>rd</sup> and 4<sup>th</sup> quarter of FY 2016. Fourteen (30%) of the 47 case files were closed in OIS and available for review. VIDOSH did not utilize OIS system reports to ensure proper monitoring and closure of case files.

**Status:** Following the effects of Hurricanes Irma and Maria, the VIDOSH program was unable to resume its normal operations through the end of FY 2017. VIDOSH conducted 80 (94%) of the projected goal of 85 inspections. Since VIDOSH did not close a majority of these cases in OIS, OSHA was unable to determine the number of case files closed and available for review. This remains open and is continued as Finding FY 2017-01.

### **Finding FY 2017-02 (Finding FY 2016-03): *Lapse Time***

In FY 2016, VIDOSH's average lapse time for citations was calculated at 77.77 days for safety – an increase from 52.04 days in FY 2015, and above the one-year OIS national rate of 45.16 days; the health lapse time was calculated at 108.43 days – an increase from 99.20 days in FY 2015, and above the one-year OIS national rate of 57.28 days.

**Status:** Following the effects of Hurricanes Irma and Maria, the VIDOSH program was unable to resume its normal operations through the end of FY 2017. In FY 2017, the average lapse time (SAMM 11) for citations was calculated at 35 days for safety – a decrease from 77.77 days in FY 2016 which is below the two-year national average of 45.29 days. The health lapse time was calculated at 58.11 days – a decrease from 108.43 days in FY 2016, but still above the two-year national average of 56.03 days. This finding is continued as Finding FY 2017-02, but will be amended to reflect the new SAMM data from FY 2017. This finding remains open.

**Finding FY 2017-03 (Finding FY 2016-04): *Notification to the Complainant***

In FY 2016, five of the nine (56%) complaint case files reviewed lacked documentation that the complainant had been notified of the results of the inspection.

**Status:** An on-site case file review is necessary to gather the facts needed to evaluate progress on this item. This finding remains open and will be a focus during the next on-site case file review.

**Finding FY 2017-04 (Finding FY 2016-05): *Adequate Verification or Evidence of Abatement***

In FY 2016, VIDOSH accepted abatement responses from employers and closed the cases without adequate evidence in three of the nine (33%) case files reviewed. VIDOSH is accepting statements from employers such as: “a water heater will be required,” blank training records, and “workers being removed from the premises/hazard” without documentation of how the employer abated the hazards.

**Status:** An on-site case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding remains open and will be a focus during the next on-site case file review and remains open.

**Finding FY 2017-05 (Finding FY 2016-06): *Overdue Abatement***

In FY 2016, VIDOSH had 14 case files where citations were issued that had open abatement of cited hazards. Four of these inspections had open abatement over 90 days, seven had open abatement over 60 days, and the remaining three had open abatement over 50 days. Not protecting workers from identified hazards by verifying abatement has been an on-going, continuous trend by VIDOSH for years.

**Status:** An on-site case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding remains open and will be a focus during the next on-site case file review.

**Finding FY 2017-06 (Finding FY 2016-08): *Consultation Case File Procedure***

In FY 2016, all (100%) consultation case files reviewed showed that the written report to the employer was issued more than 20 calendar days after the closing conference date.

**Status:** An on-site case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding remains open and will be a focus during the next on-site case file review.

New FY 2017 Findings

There were no new findings identified in FY 2017.

Closed FY 2017 Observations

There were no closed observations identified in FY 2017.



## Continued FY 2017 Observations

### **Observation FY 2017-OB-01 (FY 2016-OB-01): *Inadequate Evidence to Support Violations***

In FY 2016, adequate evidence to support violations was found in all three (100%) of the case files with violations reviewed. Since only three of the 14 (21%) case files had violations, this observation will be continued.

**Status:** An on-site case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be continued and will be a focus during the next on-site case file review.

### **Observation FY 2017-OB-02 (FY 2016-OB-02): *Appropriateness of Violation Classification***

In FY 2016, violations were properly classified in all three (100%) of the case files with violations reviewed. Since only three of the 14 (21%) case files had violations, OSHA converted this finding to an observation.

**Status:** An on-site case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be continued and will be a focus during the next on-site case file review.

### **Observation FY 2017-OB-03 (FY 2016-OB-03): *Worker Notification of Inspection Results***

In FY 2016, twelve of the 14 case files reviewed had unions. Of those 12 case files, three (25%) lacked documentation that the union was notified of the inspection results, and if citations were issued, were provided with a copy of the citations.

**Status:** An on-site case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be continued and will be a focus during the next on-site case file review.

### **Observation FY 2017-OB-04 (FY 2016-OB-04): *Informal Conferences***

In FY 2016, due to no employers requesting an informal conference during the performance period, OSHA will monitor this issue during the next two FAME cycles.

**Status:** An on-site case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be continued and will be a focus during the next on-site case file review.

### **Observation FY 2017-OB-05 (FY 2016-OB-05): *Workplace Retaliation***

In FY 2016, due to no allegations of workplace retaliation being made during this performance period, OSHA will monitor the issue during the next two FAME cycles.

**Status:** An on-site case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be continued and will be a focus during the next on-site case file review.

**Observation FY 2017-OB-06 (FY 2016-OB-06): *Complaint About State Program Administration (CASPA)***

In FY 2016, due to no CASPAs being received during the performance period, OSHA will monitor the issue during the next two FAME cycles.

**Status:** An on-site case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be continued and will be a focus during the next on-site case file review.

New FY 2017 Observations

No new observations were identified in FY 2017.

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

Prior to Hurricane Irma and Maria's destruction, VIDOSH had completed 80 inspections in FY 2017 which was 94% of its inspection goal. In FY 2017, safety staff conducted 31 inspections (52% of the goal) four more than conducted during FY 2016. The health staff conducted 49 inspections (196% of their goal) (SAMM#7). VIDOSH's average for serious/willful/repeat (S/W/R) violations per inspection was 2.81 – substantially above the two-year national average of 1.83. VIDOSH's average for other-than-serious violations per inspection was 0.85 – slightly below the two-year national average of 0.99 (SAMM# 5). In addition, VIDOSH's average lapse time (or the average number of calendar days from opening conference to citation issuance) for safety significantly decreased from 77.77 days in FY 2016 to 35 days in FY 2017 and was below the two-year national average of 45.29 days. VIDOSH's health lapse time improved from 108.43 days in FY 2016 to 58.11 days in FY 2017 – slightly above the two-year national average of 56.03 days (SAMM#11).

**Electronic Reporting Rule**

On May 12, 2016, OSHA published the Final Rule to Improve Tracking of Workplace Injuries and Illnesses, effective January 1, 2017. The rule required all affected employers to submit 300A log summaries in OSHA's Injury Tracking Application (ITA) by the specified due date of July 1, 2017. This deadline was subsequently pushed back to December 15, 2017.

In its Fall 2017 Regulatory Agenda, OSHA announced that it intends to issue a proposal to reconsider, revise, or remove provisions of the Improve Tracking of Workplace Injuries and Illnesses final rule, 81 FR 29624 (May 12, 2016).

State Plans were required to adopt an "at least as effective as" rule within six months of promulgation, by November 14, 2016. However, given OSHA's intent to issue a proposed rule to reconsider, revise or remove provisions of the Improve Tracking of Workplace Injuries and Illnesses rule, a number of State Plans, including VIDOSH, have delayed adoption until this additional rulemaking is complete.

## Appendix A – New and Continued Findings and Recommendations

### FY 2017 VIDOSH State Plan Follow-up FAME Report

FY 2017-#	Finding	Recommendation	FY 2016-#
FY 2017-01	<i>OSHA Information System (OIS)</i> VIDOSH conducted 80 (94%) of the projected goal of 85 inspections. OSHA was unable to determine the number of case files closed and available for review.	VIDOSH must utilize OIS reports as a tool to both effectively manage both the program and work product of its staff. This ensures proper monitoring and closure of case files in accordance with adopted policy in VIDOSH's Field Operations Manual (FOM).	FY 2016-02
FY 2017-02	<i>Lapse Time</i> In FY 2017, the average lapse time (SAMM 11) for citations was calculated at 35 days for safety – a decrease from 77.77 days in FY 2016 which is below the two-year national average of 45.29 days. The health lapse time was calculated at 58.11 days – a decrease from 108.43 days in FY 2016, but still above the two-year national average of 56.03 days.	VIDOSH must utilize OIS reports as a tool to both effectively manage both the program and work product of its staff. This ensures proper monitoring and closure of case files in accordance with adopted policy in VIDOSH's FOM.	FY 2016-03
FY 2017-03	<i>Notification to the Complainant</i> In FY 2016, five of the nine (56%) complaint case files reviewed lacked documentation that the complainant had been notified of the results of the inspection.*	VIDOSH must ensure case files include all required forms and all letters or communications related to the complaint in accordance with VIDOSH's FOM.	FY2016-04
FY 2017-04	<i>Adequate Verification or Evidence of Abatement</i> In FY 2016, VIDOSH accepted abatement responses from employers and closed the cases without adequate evidence in three of the nine (33%) case files reviewed.*	VIDOSH must utilize strategies such as follow-up inspections, FTA citations, and 29 CFR 1903.19 provisions to ensure that abatement of cited hazards is achieved in a timely manner, and improve case file documentation of abatement.	FY 2016-05
FY 2017-05	<i>Overdue Abatement</i> In FY 2016, VIDOSH had 14 case files where citations were issued that have open abatement of cited hazards. Four of these inspections had open abatement over 90 days, seven had open abatement over 60 days, and the remaining three had open abatement over 50 days.*	VIDOSH must utilize strategies such as follow-up inspections, FTA citations, and 29 CFR 1903.19 provisions to ensure that abatement of cited hazards is achieved in a timely manner, and improve case file documentation of abatement.	FY 2016-06
FY 2017-06	<i>Consultation Case File Procedure</i> In FY 2016, all (100%) consultation case files reviewed showed that the written report to the employer was issued more than 20 calendar days after the closing conference date.*	VIDOSH must ensure consultation case files are completed in accordance with the VIDOSH Consultation Policies and Procedures Manual (CPPM).	FY 2016-08

\*Note: An on-site case file review is necessary to evaluate progress on this finding. This finding will be a focus during the next comprehensive on-site case file review.

## Appendix B – Observations and Federal Monitoring Plans

### FY 2017 VIDOSH State Plan Follow-up FAME Report

Observation # FY 2017-OB-#	Observation# FY 2016-OB-#	Observation	Federal Monitoring Plan	Current Status
FY 2017-OB-01	FY 2016-OB-01 FY 2015-OB-01	<i>Inadequate Evidence to Support Violations</i> In FY 2016, adequate evidence to support violations was found in all three (100%) of the case files with violations reviewed. Since only three of the 14 (21%) case files had violations.*	In FY 2018, a limited number of case files will be selected randomly and reviewed to determine if this item was addressed.	Continued
FY 2017-OB-02	FY 2016-OB-02 FY 2015-05	<i>Appropriateness of Violation Classification</i> In FY 2016, violations were properly classified in all three (100%) of the case files with violations reviewed. Since only three of the 14 (21%) case files had violations, OSHA converted this finding to an observation.*	In FY 2018, a limited number of case files will be selected randomly and reviewed to determine if this item was addressed.	Continued
FY 2017-OB-03	FY 2016-OB-3 FY 2015-08	<i>Worker Notification of Inspection Results</i> In FY 2016, twelve of the 14 case files reviewed had unions. Of those 12 case files, three (25%) lacked documentation that the union was notified of the inspection results and if citations were issued, were provided with a copy of the citations.*	In FY 2018, a limited number of case files will be selected randomly and reviewed to determine if this item was addressed.	Continued
FY 2017-OB-04	FY 2016-OB-04 FY 2015-09	<i>Informal Conferences</i> In FY 2016, due to no employers requesting an informal conference during the performance period, OSHA will monitor this issue during the next two FAME cycles.*	In FY 2018, a limited number of case files will be selected randomly and reviewed to determine if this item was addressed.	Continued
FY 2017-OB-05	FY 2016-OB-05 FY 2015-11	<i>Workplace Retaliation</i> In FY 2016, due to no workplace retaliation allegations being made during the performance period, OSHA will monitor the issue during the next two FAME cycles.*	In FY 2018, a limited number of case files will be selected randomly and reviewed to determine if this item was addressed.	Continued
FY 2017-OB-06	FY 2016-OB-06 FY 2015-12	<i>Complaint About State Program Administration (CASPA)</i> In FY 2016, due to no CASPAs being made during the performance period, OSHA will monitor the issue during the next two FAME cycles.*	In FY 2018, a limited number of case files will be selected randomly and reviewed to determine if this item was addressed.	Continued

\*Note: An on-site case file review is necessary to evaluate progress on this observation. This observation will be a focus during the next comprehensive on-site case file review.

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

### FY 2017 VIDOSH State Plan Follow-up FAME Report

FY 2016-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2016-01	<p><i>State Plan Developmental Steps</i> An agreed-upon timeline was established for the completion of the developmental steps needed for a certification package which includes mandatory sections, appendices, and amendments. VIDOSH has not submitted all of the information needed (three sections) in accordance with the timeline.</p>	VIDOSH must submit all mandatory information needed for completion of the draft certification package to reflect its State Plan's limited state and local government scope within the agreed-upon timeline.	VIDOSH submitted the required appendices to Region II to reflect its limited state and local government scope per the established timeline.	July 31, 2017	Completed
FY 2016-02	<p><i>OSHA Information System (OIS)</i> VIDOSH conducted 47 inspections during the 3<sup>rd</sup> and 4<sup>th</sup> quarter of FY 2016. Fourteen (30%) of these case files were closed and available for review. VIDOSH did not utilize OIS system reports to ensure proper monitoring and closure of case files.</p>	VIDOSH must utilize OIS reports as a tool to both effectively manage both the program and work product of its staff. This ensures proper monitoring and closure of case files in accordance with adopted policy in VIDOSH's Field Operations Manual (FOM).	OIS reports will be generated and distributed to VIDOSH staff on a weekly basis, and the VIDOSH director will utilize these reports to monitor the work and ensure case files are closed in a timely manner.	Not Completed	Open (March 15, 2017)

**Appendix C - Status of FY 2016 Findings and Recommendations**  
**FY 2017 VIDOSH State Plan Follow-up FAME Report**

FY 2016-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2016-03	<p><i>Lapse Time</i>            In FY 2016, VIDOSH’s average lapse time for citations was calculated at 77.77 days for safety – an increase from 52.04 days in FY 2015, but still above the one-year OIS national rate of 45.16 days. The health lapse time was calculated at 108.43 days – an increase from 99.20 days in FY 2015, but still above the one year OIS national rate of 57.28 days.</p>	<p>VIDOSH must utilize OIS reports as a tool to both effectively manage both the program and work product of its staff. This ensures proper monitoring and closure of case files in accordance with adopted policy in VIDOSH’s FOM.</p>	<p>OIS reports will be generated and distributed to VIDOSH staff on a weekly basis, and the VIDOSH director will utilize these reports to monitor the work and ensure case files are closed in a timely manner.</p>	Not Completed	Open (March 15, 2017)
FY 2016-04	<p><i>Notification to the Complainant</i>            Five of the nine (56%) complaint case files reviewed lacked documentation that the complainant had been notified of the results of the inspection.</p>	<p>VIDOSH must ensure case files include all required forms and all letters or communications related to the complaint in accordance with VIDOSH’s FOM.</p>	<p>During case file reviews, the VIDOSH director will be responsible for ensuring that all required forms/letters or communications relating to a complaint are properly documented in the case file. In addition, VIDOSH staff will receive training regarding notification requirements following an inspection.</p>	Not Completed	Open (March 15, 2017)

**Appendix C - Status of FY 2016 Findings and Recommendations**  
**FY 2017 VIDOSH State Plan Follow-up FAME Report**

FY 2016-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2016-05	<p><i>Adequate Verification or Evidence of Abatement</i>  VIDOSH accepted abatement responses from employers and closed the cases without adequate evidence in three of the nine (33%) case files reviewed.</p>	<p>VIDOSH must utilize strategies such as follow-up inspections, FTA citations, and 29 CFR 1903.19 provisions to ensure that abatement of cited hazards is achieved in a timely manner, and improve case file documentation of abatement.</p>	<p>OIS reports will be generated and distributed to VIDOSH staff on a weekly basis, and the VIDOSH director will utilize these reports to monitor the work and ensure that adequate verification/evidence of abatement is obtained from employers. Follow-up inspections will be conducted and FTAs will be issued when abatement is not received.</p>	Not Completed	Open (March 15, 2017)
FY 2016-06	<p><i>Overdue Abatement</i>  As per the FY 2016 23(g) Grant Addendum, a timeline was established for the completion of abatement. As of September 30, 2016, VIDOSH had 14 case files where citations were issued that have open abatement of cited hazards. Four of these inspections had open abatement over 90 days, seven had open abatement over 60 days and the remaining three had open abatement over 50 days.</p>	<p>VIDOSH must utilize strategies such as follow-up inspections, FTA citations, and 29 CFR 1903.19 provisions to ensure that abatement of cited hazards is achieved in a timely manner, and improve case file documentation of abatement.</p>	<p>OIS reports will be generated and distributed to VIDOSH staff on a weekly basis, and the VIDOSH director will utilize these reports to monitor the work and ensure that adequate verification/evidence of abatement is obtained from employers. Follow-up inspections will be conducted and FTAs will be issued when abatement is not received. Case files with overdue abatement will be channeled to the VIDOL commissioner for further action.</p>	Not Completed	Open (March 15, 2017)

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

### FY 2017 VIDOSH State Plan Follow-up FAME Report

FY 2016-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2016-07	<i>Federal Program Changes (FPCs) and Federal Standards</i> VIDOSH's adoption and/or promulgation of federal standards and FPCs are not timely. At the end of the FY 2016 performance period, VIDOSH responded late and/or had not promulgated 29 FPCs and federal standards since 2012.	VIDOSH needs to respond to all standards and FPCs within the established timeframe.	VIDOSH's adoption and/or promulgation to all federal standards and FPCs were up-to-date as of the end of the performance period, with the exception of the Electronic Reporting Rule which OSHA is currently working with VIDOSH to complete.	September 30, 2017	Completed
FY 2016-08	<i>Consultation Case File Procedure</i> All (100%) consultation case files reviewed showed that the written report to the employer was issued more than 20 calendar days after the closing conference date.	VIDOSH must ensure consultation case files are completed in accordance with the VIDOSH Consultation Policies and Procedures Manual (CPPM).	VIDOSH will ensure that consultation case file written reports to the employer are issued according to its CPPM.	Not Completed	Open (March 15, 2017)



**Appendix D – FY 2017 State Activity Mandated Measures (SAMM) Report**  
 FY 2017 VIDOSH Follow-up FAME Report

<b>U.S. Department of Labor</b>				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Virgin Islands – VIDOSH			FY 2017	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
<b>1a</b>	Average number of work days to initiate complaint inspections (state formula)	11.04	5	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)	8.88	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>2a</b>	Average number of work days to initiate complaint investigations (state formula)	0.33	1	The further review level is negotiated by OSHA and the State Plan.
<b>2b</b>	Average number of work days to initiate complaint investigations (federal formula)	0.00	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)	N/A	100%	The further review level is fixed for all State Plans.  N/A – The State Plan did not receive any imminent danger complaints or referrals in FY 2017.
<b>4</b>	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
<b>5</b>	Average number of violations per inspection with violations by violation type	SWRU: 2.81	+/- 20% of SWRU: 1.83	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 1.46 to 2.20 for SWRU and from 0.79 to 1.19 for OTS.
		Other: 0.85	+/- 20% of Other: 0.99	

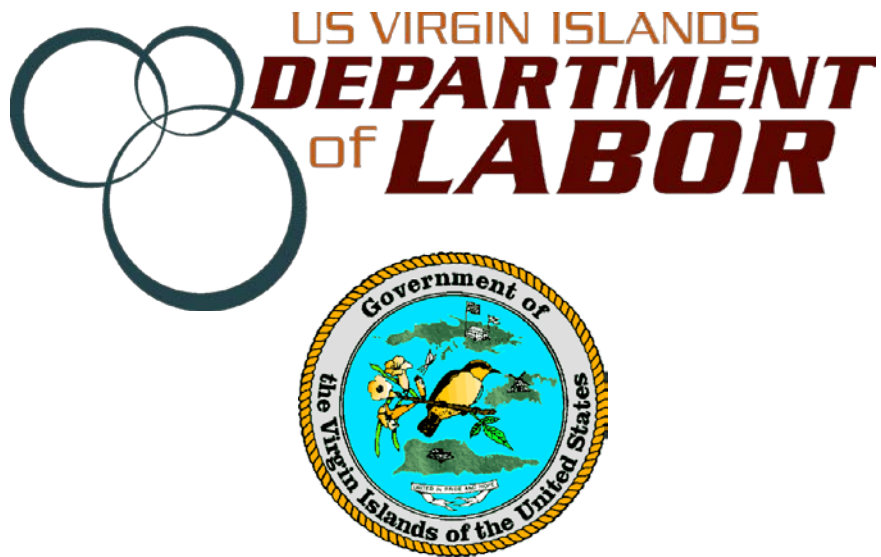
**Appendix D – FY 2017 State Activity Mandated Measures (SAMM) Report**  
 FY 2017 VIDOSH Follow-up FAME Report

SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
<b>6</b>	Percent of total inspections in state and local government workplaces	100%	100%	Since this is a State and Local Government State Plan, all inspections are in state and local government workplaces.
<b>7</b>	Planned v. actual inspections – safety/health	S: 31	+/- 5% of S: 60	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 57 to 63 for safety and from 23.75 to 26.25 for health.
		H: 49	+/- 5% of H: 25	
<b>8</b>	Average current serious penalty in private sector - total (1 to greater than 250 workers)	N/A	+/- 25% of \$2,516.80	N/A – This is a State and Local Government State Plan.  The further review level is based on a two-year national average.
	<b>a.</b> Average current serious penalty in private sector (1-25 workers)	N/A	+/- 25% of \$1,706.10	N/A – This is a State and Local Government State Plan.  The further review level is based on a two-year national average.
	<b>b.</b> Average current serious penalty in private sector (26-100 workers)	N/A	+/- 25% of \$2,867.94	N/A – This is a State and Local Government State Plan.  The further review level is based on a two-year national average.
	<b>c.</b> Average current serious penalty in private sector (101-250 workers)	N/A	+/- 25% of \$3,952.26	N/A – This is a State and Local Government State Plan.  The further review level is based on a two-year national average.
	<b>d.</b> Average current serious penalty in private sector (greater than 250 workers)	N/A	+/- 25% of \$5,063.48	N/A – This is a State and Local Government State Plan.  The further review level is based on a two-year national average.
<b>9</b>	Percent in compliance	S: 21.05%	+/- 20% of S: 29.53%	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 23.62% to 35.44% for safety and from 28.62% to 42.94% for health.
		H: 17.65%	+/- 20% of H: 35.78%	

**Appendix D – FY 2017 State Activity Mandated Measures (SAMM) Report**  
 FY 2017 VIDOSH Follow-up FAME Report

SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
<b>10</b>	Percent of work-related fatalities responded to in one workday	N/A	100%	The further review level is fixed for all State Plans.  N/A – The State Plan did not have any work-related fatalities in FY 2017.
<b>11</b>	Average lapse time	S: 35.00	+/- 20% of S: 45.29	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 36.23 to 54.35 for safety and from 44.82 to 67.24 for health.
		H: 58.11	+/- 20% of H: 56.03	
<b>12</b>	Percent penalty retained	100%	+/- 15% of 67.44%	The further review level is based on a two-year national average. The range of acceptable data not requiring further review is from 57.32% to 77.56%.
<b>13</b>	Percent of initial inspections with worker walk around representation or worker interview	96.25%	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 25%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 20% to 30%.
<b>16</b>	Average number of calendar days to complete an 11(c) investigation	0	90	The further review level is fixed for all State Plans.
<b>17</b>	Percent of enforcement presence	N/A	+/- 25% of 1.26%	N/A – This is a State and Local Government State Plan and is not held to this SAMM.  The further review level is based on a two-year national average.

**Appendix E – FY 2017 State OSHA Annual Report (SOAR)**  
FY 2017 VIDOSH Follow-up FAME Report



**VIDOSH**

**STATE OSHA ANNUAL 2017  
REPORT  
(FY 2017 SOAR)**

**US Virgin Islands Department of Labor  
VI Division of Occupational Safety and Health - VIDOSH  
(State and Local Government Only)**

*December 19<sup>th</sup>, 2017*

**Catherine Hendry, Esq  
Commissioner**

**Wean Farrell  
Assistant Commissioner**

**Dean R. Andrews  
Director, VIDOSH**

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

## FY 2017 VIDOSH Follow-up FAME Report

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

### **FY 2017 VIDOSH Follow-up FAME Report**

#### **INTRODUCTION**

##### **PURPOSE OF STATE PROGRAM, HISTORY AND BACKGROUND**

The mission of the Virgin Islands Division of Occupational Safety and Health (VIDOSH) is to implement the mandates of the Federal (OSH) Act, and to ensure a safe and healthful working environment for all employees and employers within its jurisdiction. This means to ensure as much as practicable, that employees within the state and local government agencies work in an environment free from hazards, any other foreseeable potential hazards and risks to their safety and health. The VIDOSH Program intends to ensure that this protection is provided to all state and local government employees in the Virgin Islands, along with appointed employer representatives. This performance will involve the application of standards, enforcement of occupational regulations and providing technical assistance to all state and local government employees.

The Virgin Islands State Plan is currently administered by VIDOSH which is part of the U.S. Virgin Islands Department of Labor (VIDOL). VIDOL. The State Plan has offices on the two major islands: St. Croix and St. Thomas. These offices cover all safety and health enforcement and consultation activities for state and local government workers in the Virgin Islands. All private sector and federal government agency complaints are forwarded to the Puerto Rico Occupational Safety and Health Administration (OSHA) Area Office for appropriate action.

The VI-OSH Act contains provisions for the issuance of failure-to-abate monetary penalties for those state and local government employers found not to be in compliance with applicable standards on a first instance basis. VIDOSH's review procedures are handled through a hearing examiner with the right to appeal to the Commissioner of Labor and the Virgin Islands Superior Court in lieu of the Review Commission as is the case in the federal program. The VI-OSH Act provides for the adoption of federal standards applicable to state and local government, with issuance on the effective date specified in the federal standard. The Commissioner for VI Department of Labor publishes adopted standard and procedures as rule or notice for a minimum of three days in local circulation written media and the V.I. Register to notify all impacted stakeholders

Until June 30, 2003, VIDOSH and Federal OSHA had concurrent jurisdiction over safety issues in the private sector, with Puerto Rico Federal OSHA Area Office retaining private sector health and maritime industry coverage. The state and local government workers safety and health issues were covered by VIDOSH, as well as consultative services in both private and state and local government agencies. On July 1<sup>st</sup>, 2003, the Government of the United States Virgin Islands voluntarily withdrew its private sector enforcement coverage while continuing its coverage for state and local government workers, and entered into a new 21(d) private-sector consultation cooperative agreement with Federal OSHA. This was due in large part to the unique geography and performance issues surrounding the Virgin Islands State Plan. In September 2005, the 21(d) private sector consultation program was transferred to the University of the Virgin Islands Community Engagement and Lifelong Learning (UVI-CELL) Division.

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

### FY 2017 VIDOSH Follow-up FAME Report

The Fiscal Year (FY) 2017 State OSHA Annual Report (SOAR) is submitted in accordance with the OSHA requirements to report their progress in accomplishing the previous fiscal year’s Annual Performance Plan (APP) goals. VIDOSH submits this report outlining the Division’s accomplishments and deficiencies. The following information will enable OSHA to include VIDOSH’s information in the Government Performance and Results Act (GPRA) Annual Report to Congress.

#### MANDATED ACTIVITIES

	<b>SAFETY GOAL</b>	<b>SAFETY ACTUAL</b>	<b>HEALTH GOAL</b>	<b>HEALTH ACTUAL</b>	<b>FY17 GOAL</b>	<b>FY17 ACTUAL</b>
<b><u>ENFORCEMENT</u></b> <i>Public Sector Inspections</i>	60	31	25	49	85	80
<b><u>CONSULTATION</u></b> <i>Public Sector Visits</i>	8	3	1	1	9	4

#### FY 2017 VIDOSH Violations Types – one hundred and seventy five (175) violations instances

<b><u>Violations Type Safety</u></b>	<b><u>Violations Type Health</u></b>	<b><u>Violations Type Total</u></b>
Other 35	Other 10	Other 45
Serious 54	Serious 76	Serious 130
Willful 0	Willful 0	Willful 0
Repeat 0	Repeat 0	Repeat 0
SWRU 54	SWRU 76	SWRU 130
<b><u>Total All Violations: 89</u></b>	<b><u>Total All Violations: 86</u></b>	<b><u>Total All Violations: 175</u></b>

VIDOSH’s average number Serious/Willful/Repeat (S/W/R) violations for FY 2017 were 2.81 which is 57% above the National Reference.

VIDOSH made herculean improvements in lapse time averages. Lapse time has plagued the program for years and was identified as a mandatory activity in the addendum attached to the FY 2017 grant. VIDOSH implemented various measures (i.e. utilizations of OIS reports and management of compliance officer’s duties) resulted in the progress of reducing both the safety and the health lapse time.

- VIDOSH reduced the safety lapse time during FY 2017 as follows: Q1-125.00 days, Q2-24.40 days, Q3-26.88 days, and Q4-49.00 days.
- VIDOSH reduced the health lapse time during FY 2017 as follows: Q1-110.91 days, Q2-58.69 days, Q3-16.00 days, and Q4-20.00 days.

The FY 2017 National Reference safety average is 45.36 days and the health average is 54.85 days.

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

### FY 2017 VIDOSH Follow-up FAME Report

The Virgin Islands has put forth a steadfast effort to meet the responsibility of being *as effective as OSHA programs*.

The FY 2017 Mandatory Grant Activities were adhered to and completed. These actions resulted in the continual improvement by VIDOSH. VIDOSH accomplished the following mandatory grant actions:

- **Mandatory Activity #1: VIDOSH completed the monthly grant requirement of seven inspections.**
- **Mandatory Activity # 2: VIDOSH completed the grant requirement of ensuring abatement measures were achieved and the case files were closed according to schedule.**
- **Mandatory Activity #3: VIDOSH submitted a final State Plan certification package to OSHA.**
- **Mandatory Activity #4: VIDOSH's lapse time for safety and health was no higher than 20% of the National Reference for FY 2016.**

### **FY 2017 VIDOSH Inspections**

#### **Safety**

- Safety Accident Partial --1 of 80 inspections; 1% of inspections
- Safety Complaint Partial-- 6 of 80 inspections; 8% of inspections
- Safety Follow-up Comprehensive--6 of 80 inspections; 8% of inspections
- Safety Follow-up Partial--2 of 80 inspections; 3% of inspections
- Safety Program Planned Comprehensive--14 of 80 inspections; 18% of inspections
- Safety Program Planned Partial--1 of 80 inspections; 1% of inspections
- Safety Programmed Other Comprehensive--1 of 80 inspections; 1% of inspections

#### **Health**

- Health Complaint Comprehensive --3 of 80 inspections;4% of inspections
- Health Complaint Partial--24 of 80 inspections; 30% of inspections
- Health Follow-Up Comprehensive—2 of 80 inspections; 3% of inspections
- Health Follow-Up Partial-- 9 of 80 inspections; 11% of inspections
- Health Programmed Planned Comprehensive --1 of 80 inspections; 1% of inspections
- Health Programmed Other Comprehensive --7 of 80 inspections; 9% of inspections
- Health Follow-Up Records Only --1 of 80 inspections; 1% of inspections
- Health Programmed Related Partial--1 of 80 inspections; 1% of inspections
- Health Unprogrammed Other Partial--1 of 80 inspections; 1% of inspections



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

### FY 2017 VIDOSH Follow-up FAME Report

#### FY 2017 VIDOSH Inspection Percentage

VIDOSH has seen some improvement in the stakeholder's involvement during enforcement inspection activities. VIDOSH Compliance Officers, once on site, contact the applicable stakeholders of the active inspection, however, some stakeholder management officials ceased to partake in the inspection activities,

- Inspections with employee involvement during walk around activities – 56 inspections;
- Inspections without employee involvement during the walk around activities –24 inspections;
- Inspections with employee interviews - 75 inspections;
- Inspections without employee interviews five inspections

#### FY 2017 VIDOSH Inspection NAICS Code

Primary NAICS	NAICS Description	Total
221112	Electric Power Generation, Fossil Fuel (E.G., Coal, Oil, Gas)	1
221122	Electric Power Distribution Systems	1
488119	Other Airport Operations	1
488310	Port And Harbor Operations	2
515120	Television Broadcasting	1
519120	Libraries And Archives	2
541110	Offices Of Lawyers	3
541712	Research And Development In The Physical, Engineering, And Life Sciences	1
561310	Employment Placement Agencies And Executive Search Services	1
611110	Elementary And Secondary Schools	12
622110	General Medical And Surgical Hospitals	3
713990	All Other Amusement And Recreation Industries	1
921120	Legislative Bodies	2
921130	Public Finance Activities	4
921190	Other General Government Support	5
922110	Courts	1
922120	Police Protection	3
922130	Legal Counsel And Prosecution	1
922140	Correctional Institutions	2
922160	Fire Protection	3
922190	Other Justice, Public Order, And Safety Activities	1
923120	Administration Of Public Health Programs	2
923130	Administration Of Human Resource Programs	6
923140	Administration Of Veterans' Affairs	2
924110	Administration Of Air And Water Resource And Solid Waste Management	1

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Primary NAICS	NAICS Description Programs	Total
924120	Administration of Conservation Programs	9
925110	Administration of Housing Programs	5
926110	Administration of General Economic Programs	1
926120	Regulation and Administration of Transportation Programs	4
926150	Regulation, Licensing, and Inspection of Miscellaneous	1
<b>Grand Total</b>		<b>82</b>

### Virgin Islands State and Local Government Agencies BLS Injury/Illnesses Reports

#### Highlights

The Overall BLS Non-fatal Injuries and Illnesses rate for US Virgin Islands State and Local Government Agencies CY 2016 Total Recordable Cases (TRC) reflects a rate of 2.5; a 3.8% decrease compared with the 2.6% baseline. The continued decrease is accredited to VIDOSH's strategies; implemented safety and health management measures and increased record keeping awareness by state and local government agencies. Enhanced reporting and outreach activities have contributed to additional accurate reporting activities.

Table II below describes the agencies data from CY 2012 to CY 2015. Seven of the 14 state and local government agencies TRC rates have decreased values.

- Public Administration Agencies CY 2016 TRC reflects 2.1 rate; resulting in a 4.5% decrease compared to the 2.2 baseline.
- The Education and Health Services Agencies CY 2016 TRC reflects a 2.9 rate: resulting in an 11.5 % increase compared to the 2.6 baseline.
- State and Local Government Agencies CY 2016 TRC reflects a 2.5 rate: resulting in a 3.8% decrease compared to the 2.6 baseline.
- State Government Agencies CY 2016 TRC reflects a 2.5 rate: resulting in a 3.8% decrease compared to the 2.6 baseline.
- Service Providing Agencies CY 2016 TRC reflects a 2.5 rate: resulting in a 3.8% decrease compared to the 2.6 baseline.
- Educational Services CY 2016 TRC reflects a 2.2 rate: resulting in a 0% change compared to the 2.2 baseline.
- The Health Care and Social Assistance Agencies CY 2016 TRC reflects a 4.0 rate: resulting in a 4.8% decrease compared to the 4.2 baseline.
- The Hospital Agencies CY 2016 TRC reflects a 4.0 rate: resulting in a 4.8% decrease compared to the 4.2 baseline.

**Table I. US Virgin Islands BLS Non-Fatal Injuries and Illnesses Total Recordable Case (TRC) Rates trends since CY 2012– CY 2016.**

USVI BLS NON-FATAL INJURIES AND ILLNESS	BASELINE CY 2010-2012	TOTAL RECORDABLE CASE RATE	TOTAL RECORDABLE CASE RATE	TOTAL RECORDABLE CASE RATE	TOTAL RECORDABLE CASE RATE	% RATE

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### FY 2017 VIDOSH Follow-up FAME Report

INDUSTRY		2013	2014	2015	2016	%
STATE AND LOCAL GOVERNMENT	2.6	2.5	2.7	2.4	2.5	3.8% Decrease

**Table II. US Virgin Islands BLS Non-Fatal Injuries and Illnesses Total Recordable Case (TRC)**  
Rates trends per Public Sector Industry, since CY 2012 – CY 2016.

USVI BLS NON-FATAL INJURIES AND ILLNESS	BASELINE CY 2010 - 2012	TOTAL RECORDABLE CASE RATE	TOTAL RECORDABLE CASE RATE	TOTAL RECORDABLE CASE RATE	TOTAL RECORDABLE CASE RATE	% Rate
Industry		2013	2014	2015	2016	%
State and Local Government	2.6	2.7	2.4	2.2	2.5	3.8% Decrease
State Government	2.6	2.7	2.4	2.2	2.5	3.8% Decrease
Service Providing	2.6	2.7	2.4	2.2	2.5	3.8% Decrease
Education and Health Services	2.6	3.1	1.4	2.4	2.9	11.5% Increase
Educational Services	2.2	2.3	1.4	1.7	2.2	0%
Educational Services Colleges, Universities and Professional Schools	3	2.3	0.1	❖	4.2	40% Increase
Health Care and Social Assistance	4.2	❖	4.3	3.6	4.0	4.8% Decrease
Hospitals	4.2	4.5	4.3	3.6	4.0	4.8% Decrease
Public Administration	2.2	2	2	1.8	2.1	4.5% Decrease
Executive, legislative and other general government support	0.03	❖	❖	2.4	1.7	❖
Administration of human Resource Programs	※	※	※	1.3	3.2	❖
Justice, Public Order and safety activities	0.76	1.9	1.6	❖	❖	❖
Administrative of Economic		※	※	2.6	2.9	❖
Correctional Institution	※	※	※	❖	❖	❖

BLS Virgin Islands Injuries and Illnesses Data , 2011 2011 2012, 2013 and 2014

❖ = Too low to report

※ = No data reported in the BLS references tables

Baseline is the average of CY 2010. 2011 and 2012

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

FY 2017 VIDOSH Follow-up FAME Report

### State Plan Annual Summary toward Strategic Plan Goals

The Virgin Islands Division of Occupational Safety and Health (VIDOSH) State Plan strategic goals, objectives, and activities is to perform enforcement, education and training thus promoting a safe and healthful workplace, and reducing and preventing injuries and illnesses for all state and local government employees. Strategic goals and objectives defined for both enforcement and consultation interventions are addressed below.

#### FY 2017 VIDOSH Performance Goals

<b>Strategic Goal #1-1: Improve the workplace safety and health for all Public employees in the U.S. Virgin Islands using worker compensation data by focusing on employers with a history of injury and illness related claims.</b>		
<b>Outcome Goal #1-1: Reduce the number of worker injuries, illnesses, and fatalities by reducing occupational hazard exposures in the Public Sector by focusing on public employers experiencing the highest incidence of workers compensation claims.</b>		
<b>Performance Goal #1-1: Reduce the total number of worker compensation claims by 1% per year for five (5) years compared to the baseline.</b>		
Performance Indicator Type	Indicator	Results
<b>Activity Measures</b>	Indicator 1 – Number of Inspections conducted.	31 Safety and 49 Health inspections for a total of 80 Public Sector agency inspections completed
	Indicator 2 – Number of Consultation visits conducted.	4
	Indicator 3 – Number of outreach sessions performed.	7
<b>Intermediate Outcome Measures</b>	Indicator 1 – Number of hazards identified that could result in injuries.	175 violations were issued for all enforcement activities.
<b>Primary Outcome Measures</b>	VIDOSH will collect and analyze Workers Compensation cases from targeted agencies/facilities, for the calendar years 2006, 2007, 2008, 2009 and 2010. VIDOSH will create a baseline rate for the Workers Compensation cases from the above years.	
<b>Comments</b>		

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FY 2017 VIDOSH Follow-up FAME Report

### FY 2017 VIDOSH Performance Goals

<b>Strategic Goal #1-2: Improve the workplace safety and health in the USVI – Department of Health Services agencies/facilities using worker compensation data by focusing on employers with a history of injury and illness related claims.</b>		
<b>Outcome Goal #1-2: Reduce the number of worker injuries, illnesses, and fatalities by reducing occupational hazard exposures by developing and implementing an LEP focusing on healthcare employers experiencing the highest incidence of worker compensation claims.</b>		
<b>Performance Goal #1-2: Reduce the number of worker compensation claims relating to healthcare in the Department of Health Service agencies/facilities by 1% per year for a total of 5% for the five (5) years compared to the baseline.</b>		
Performance Indicator Type	Indicator	Results
<b>Activity Measures</b>	Indicator 1 – Number of Inspections conducted	31 Safety and 49 Health inspections for a total of 80 Public Sector agency inspections completed.
	Indicator 2 – Number of Consultation visits conducted	4
	Indicator 3 – Number of outreach sessions performed	7
<b>Intermediate Outcome Measures</b>	Indicator 1- – Number of citations issued	175 violations were issued for all enforcement activities.
<b>Primary Outcome Measures</b>	VIDOSH will collect and analyze Workers Compensation cases from targeted agencies/facilities, for the calendar years 2006, 2007, 2008, 2009 and 2010. VIDOSH will create a baseline rate for the Workers Compensation cases from the above years.	
<b>Comments</b>		

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

FY 2017 VIDOSH Follow-up FAME Report

### FY 2017 VIDOSH Performance Goals

<p><b>Strategic Goal #2.0: Improve the workplace safety and health for all Public employees in the U.S. Virgin Islands as evidenced by fewer hazards, reduced exposures and fewer injuries, illnesses and fatalities by creating or improving effective safety and health programs to promote a safety and health culture within the U.S. Virgin Islands Public Sector workplaces.</b></p>		
<p><b>Outcome Goal #2.0: To improve worker safety and health by creating or improving safety and health programs that promote a safety and health culture through consultations, training and educational outreach seminars. The effort put forth by VIDOSH will be facilitated with the use of technology.</b></p>		
<p><b>Performance Goal #2.0: Foster the development or enhancement of effective Safety and Health Management Systems (SHIMS) in 50% (10% per year for five (5) years) of Virgin Islands Public Sector agencies during FY 2011-2016.</b></p>		
Performance Indicator Type	Indicator	Results
Activity Measures	Indicator 1 – Percent of workplaces targeted for inspection that have developed and implemented an effective SHIMS	0
	Indicator 2 – Percent of workplaces targeted for inspection that have improved or enhanced their SHIMS	0
	Indicator 3 – Percent of workplaces that have received a consultation visit that have developed and implemented or improved or enhanced their SHIMS	0
Intermediate Outcome Measures	Average score obtained from customer surveys measuring the quality of outreach and training seminars	
	Number of external training and education programs geared toward enhancing agency SHIMS	
Primary Outcome Measures	100% of VIDOSH interventions (inspections, & consultation visits) will include employer/employee involvement.	
Comments	VIDOSH is evaluating effective	

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Performance Indicator Type	Indicator	Results
	means to measure this strategic goal.	

### Promote a Safety and Health culture within the U.S. Virgin Islands State and Local Government Workplaces

#### Outcome Goal Targets

- **Promote a safety and health culture by conducting consultation and compliance assistance activities (e.g., direct interventions, outreach, training, education, seminars, etc.)**

The Virgin Islands State Plan was able to successfully coordinate and participate on two large scale territorial training and outreach activities. VIDOSH participated in several real world incidents providing critical lifesaving guidance impacting the state and local government and private sector employee and the community. Additionally, VIDOSH's consultant and has made a significant impact to the VIDOSH Consultation Program.

#### Outreach Programs and Seminars

##### **FY 2017- May**

##### **VIDOSH Central High School Teacher Student Work Fair**

VIDOSH provided OSHA presentation to the teachers, school employees and the teachers. Topics addressed at the presentation and VIDOSH booth included various OSHA topics (i.e. Personal Protective Equipment (PPE) mold, and VIDOSH services). The training provided the senior students with vital OSHA information prior to seeking summer employment.

*Locations: St Croix*

*Attendees: 150*

*Number of Sessions: 2*

##### **FY 2017- June**

##### **VIDOSH Virgin Islands Legislature Summer Youth Employee Training**

VIDOSH presented OSHA awareness training to the Virgin Islands Legislature summer employees. The training provided key information to the newly hired youth. The subject of the presentation was Introduction to OSHA for young workers.

*Locations: St. Croix,*

*Attendees: 45*

*Number of Sessions: 1*

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#### **FY 2017- June**

##### **VIDOSH--Virgin Islands Fire Services**

VIDOSH provided OSHA presentation to the Virgin Islands Fire Service employees, the topics addressed were Personal Protective Equipment (PPE), respirator protection, work rest cycles and VIDOSH services. The training provided the employees with one on one discussion tailored to their concerns

*Locations: St Croix*

*Attendees: 25 plus*

*Number of Sessions: 1*

#### **FY 2017- August**

##### **VIDOSH--Virgin Islands Department of Personnel-Employee Health Expo**

VIDOSH provided OSHA presentation to the Government of the Virgin Islands employees. Topics addressed at the presentation and VIDOSH booth included various OSHA topics (i.e. Personal Protective Equipment (PPE) mold, stress and VIDOSH services). The training provided the employees with one on one discussion tailored to their concerns

*Locations: St Croix*

*Attendees: 3000 plus*

*Number of Sessions: 2*

#### **FY 2017 - August**

##### **VIDOSH Department of Human Services Head Start Staff Presentation**

VIDOSH conducted an OSHA presentation for Department of Human Services Head Start Staff. The subject of the presentation was an introduction to OSHA. The staff was brief on the know hazards that are present within the environment of early child educational settings. The staff was also briefed on the services provided by VIDOSH.

*Locations: St Croix,*

*Attendees: 50*

*Number of Sessions: 1*

#### **FY 2017 - September**

##### **VIDOSH –Virgin Islands – Hurricane Irma and Maria**

In September 2017, Hurricane Irma directly hit St. Thomas and St. John and a week later Hurricane Maria struck St. Croix. Major destruction from the two Category Five hurricanes occurred on all three islands from these hurricanes. In the wake of the aftermath, the Department of Labor announced on September 12, 2017 that planned workplace safety and health inspections in areas impacted by Hurricane Irma and Hurricane Maria have been halted by OSHA. Normal operations were put on hold to avoid disrupting recovery operations. The hold doesn't apply to inspections prompted by accidents or deaths. VIDOSH immediately began performing interventions and compliance assistance activities. The chart below provides a list of some of the interventions conducted during the remainder of FY 2017.



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#### Intervention—Completed VIDOSH interventions from Operation Irma and Maria

NO.	Establishment	District
1.	VIDHS/VISPR David Canegata Recreational Facility (Shelter)	St Croix District
2.	VIWMA Cotton Valley Dumpsite	St Croix District
3.	VIWMA/Bates Peter Rest Convenience Center	St Croix District
4.	VISPR Cramers Park	St Croix District
5.	VIPD Highway Safety/Bates	St Croix District
6.	VIDPW Hospital Street	St Croix District
7.	VIWMA/Marco Lagoon Pump Station	St Croix District
8.	VIDHS/VISPR David Canegata Recreational Facility (Shelter)	St Croix District
9.	VIDHS/VIDE St. Croix Educational Complex Shelter	St Croix District
10.	JFLH EOC	St Croix District
11.	VI Bureau of Corrections	St Croix District
12.	VIDHS/VIDOH Charles Harwood Special Needs Shelter	St Croix District
13.	VIDE Alexander Henderson POD	St Croix District
14.	VITEMA/VIPP/VIDE/VING Mass Assemble Point	St Croix District
15.	VIDHS/NG/VIPD Convoy Transportation	St Croix District
16.	VIPD Sunny Isles	St Croix District
17.	VIWAPA First Bank Intersection	St Croix District
18.	VIPD Estate St. John & Rattan Road Intersection	St Croix District
19.	VIDE Alexander Henderson POD	St Croix District
20.	VIDPW/FEMA/Army Corps of Engineer Mtg.	St Croix District
21.	VIDE Eulalie R. Rivera POD	St Croix District
22.	VITEMA/VIPP/VIDE/VING Mass Assemble Point	St Croix District
23.	Department of Health-Communicable Disease	St Thomas District
24.	VIFS-Hotel Company	St Thomas District
25.	VIFS Lima Company	St Thomas District
26.	VI Department of Labor	St Thomas District
27.	Department of Public Work	St Thomas District
28.	WAPA-Remote location	St Thomas District
29.	WAPA-Water Distribution	St Thomas District
30.	Waste Management Authority-Mangrove water treatment plant	St Thomas District
31.	Department of Justice-Paternity Division	St Thomas District

Hurricane damage in the Virgin Islands resulted in loss of electricity, minor and/or major roof damage, structural damage, and water intrusion. Shelters, schools, medical clinics and various government facilities were damaged. Mold growth and other indoor hazards are prevalent in many state and local government facilities as well as the possibility of an epidemic based on the limited facilities within the territory (i.e. Dengue Fever, Chikungunya, Zika virus, Leptospirosis).

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VIDOSH designed an online assessment tool that provides hazard assessments/data of facilities on the island.

The Virgin Islands Territorial Emergency Management Agency (VITEMA) Incident Commander, Planner and the Safety Officer (the position filled by VIDOSH Director) created the Operation Irma and Maria Mission. The VIDOSH Director provided safety oversight and input, and filled the senior safety officer role in the JFO (normally filled by a regional/ federal member).

As the Safety Officer, the Director provided support to the Emergency Operations Center/VITEMA, monitored and assessed hazardous and unsafe situations as well as providing daily briefings/updates to FEMA and Federal OSHA. The VIDOSH Director also collaboratively worked with the FEMA Safety Manager to create the Virgin Islands Interagency Safety and Health Committee. This collaboration is a first to date by a state plan. VIDOSH determined that there were three Mission areas (listed below) of potential hazards which could affect the safety and health of workers.

#### **1. Debris Collection**

#### **2. Power Restoration**

#### **3. Critical Infrastructure Restoration**

### **Mission 1 – Debris Collection**

#### **Collect Vegetative Debris**

- a) Evaluation of the known job hazards in the planning of debris mission --removal locations, date, and time completion times. The debris operations are under the control of the public sector Department of Public Works.
- b) Ensuring the workforce and/or equipment meet the regulatory requirements
- c) Adequate staging area safety distances and occupations requirements to include the insurance of the proper regulatory permits.
- d) Observe the total cubic yards being stored on site to prevent spontaneous combustion of the collected debris materials --resulting in occupational hazards
- e) Coordinate with the Public Sector Utilities Department/Agencies ensuring the restoration operations are complied with safely
- f) Provide guidance to the Operation Public Information Officer in providing increased employee safety awareness in many areas (i.e. road closures and incorporating safety practices by utilizing flag man rather than re-routing the whole island by closing roads for pickup at random times and random places).

#### **Burning of Vegetative Debris**

- a) Provided OSHA oversight on the air curtain operations located on the territory debris collection site

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- b) Provide OSHA oversight on the air curtain incinerator operations addressed the known hazards associated with the burning operations
- c) Create a safety plan and Job Hazard Analysis for the debris site to include the incinerator operations

#### **Chipping of Vegetative Debris**

- a) Provided OSHA oversight of the chipping operations in the debris collection site
- b) Ensure measures associated with the plan for chip usage and/or disposal address the potential worker hazards

#### **Household Hazardous Waste (HHW) and White Goods**

- a) Provided OSHA oversight of the household waste and white good operations in the debris collection site
- b) Ensuring collection personnel are aware of the safety and health requirements are adhered to for curbside collection

#### **Mission 2 – Power Restoration**

- a) Provide OSHA oversight on the power restoration operations addressed the known hazards associated
- b) Address the procedures for the energizing of Blue Roof homes—provide OSHA Blue Roof handouts

#### **Mission 3 – Critical Infrastructure Restoration**

- a) Provide OSHA oversight on the operations associated with Government Buildings, Hospital and Care Centers, Data Communication, Schools, Sewer Lines and Pump Station & Treatment Plants, and Roads, Culverts, Bridges.

#### **VIDOSH Staff Training**

- VIDOSH staff didn't attend any formal training during FY2017.

#### **Progress towards Strategic Plan Accomplishment**

##### **Federal Liaison Mentorship**

The VIDOSH Program will seek to build their program to be at least as effective as model state programs in the nation. Key factors in building this program will be to continue to maintain transparent and regular direction from the Federal Program Manager and counterparts. Amidst the FY 2016 Grant Addendum VIDOSH was able demonstrate continued improvement. The improvement was demonstrated by the increase in inspections of high hazard public sector establishments. VIDOSH inspected several of the Virgin Islands Water and Power Authority (WAPA) establishments and Virgin Waste Management Authority (WMA) facilities during FY2017 equating to 3% of the annual grant requirement. Inspections were accomplished on Health, and first responder and emergency establishment

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allotting to 20% of the annual inspection quota. Inspections were accomplished on educational establishment totaling an amount to 18%.

VIDOSH has worked diligently with state and local government agencies to ensure substantial reductions in the lost time due to injuries. These relationships demonstrate commitment to project completion and objectives further supporting VIDOSH effort to be a successful State Plan programs. VIDOL further attendance at Occupational Safety and Health State Plan Association, (OSHSPA) meetings will net valuable information on keeping abreast with safety and health policies and procedures, team participation and learning instrumental practices from other state programs. VIDOSH outreach activities continued with its annual participation in various public sector conferences. Additionally, VIDOSH will increase and conduct-customized conferences to meet the state and local government worker requirements.

#### **Timely Enforcement and Hazard Abatement**

VIDOSH has completed the necessary alliance with high-level Government staff Administrators to make hazard abatement the current administration's priority. VIDOSH made great strides in completing the FY2017 Grant mandate addressing abatement timelines. VIDOSH incorporated the usage of OIS reports and management techniques to ensure abatement was being managed.

VIDOSH uses a combination of three (3) enforcement initiatives to mandate hazard abatement and along with the VI Governor, has made the safety and health of the state and local government employees a priority in his administration. Firstly with the support of the Executive branch, VIDOSH has emphasized to high level administrators and commissioners the importance of being committed to injury reduction and timely hazard abatement. Secondly, VIDOSH will continue to build their outreach and intervention efforts to provide knowledge of standards for safe work practices. Third, VIDOSH will continue to utilize the Operation U-SAFE campaign to address outstanding abatement.

#### **Staffing Responsibility**

VIDOSH did not meet the staffing requirements set forth in FY2017 23g Grant Addendum. VIDOSH has one safety compliance officer position vacant. VIDOSH's current staff includes: one director; two administrative support staff, two safety CSHO's, and one Industrial Hygienist on the enforcement side and one Industrial Hygienist, on the consultation side.

FY 2017 was the second year that the VIDOSH Consultation program was operational. The program had several more visits scheduled but due to hurricane activities these visits were not accomplished. These visits will be scheduled as soon as operations return to normal.

Even though VIDOSH was faced with the FY2017 23g Grant Addendum restrictions and an enforcement staff at 66% capacity (*due to and employee being on extended medical leave*); VIDOSH continued to work toward completing all enforcement efforts. VIDOSH was on track

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to complete the inspection requirements but due to the impact suffered from hurricanes Irma and Maria, these requirements were not met.

#### **Mandated Activities**

1. The VIDOSH Director and IMIS Specialist utilizing the OSHA Information System (OIS) as a monitoring tool to manage program measures pertaining to OPEN, ISSUED, and OUTSTANDING case files resulting in the closure of many older case files. VIDOSH has yielded great results in these areas and the program has seen improvements.
2. VIDOSH's planned inspection schedule provides each CSHO with assigned monthly/quarterly inspection quotas. This was vital in VIDOSH yielding the annual requirement even with 66% staff capability. VIDOSH completed 80 enforcement inspections and four consultations visits for 2017.
3. VIDOSH successfully increased the total number of case files with abatement during FY 2017.
4. VIDOSH ensures as much as practicable, a safe and healthful working environment for all state and local government employers and employees of the U.S. Virgin Islands. VIDOSH's strategic goals, objectives, and activities focused on enforcement, education and training duties.
5. Reviewing the V.I. Public Sector Workers Compensation and BLS data on a quarterly basis, to capture the most frequent injuries and high percentage of injuries by departments and implementing a database as a working tool to perform outreach(s) and to provide VIDOSH the ability to analyze state and local government employee's injuries and illnesses. VIDOSH worked on the measures to utilize the V.I. Workers Compensation Data Base to improve the data and tracking of the Public Sector Injury and Illness.

#### **Operational challenges still faced include:**

VIDOSH staffing vacancies: currently VIDOSH has one vacant CSHO, a soon to be vacant position due to retirement, and one on medical leave. Sixty percent of the CSHO work force will be vacant and/or will become vacant. Even though the forthcoming vacancies are transpiring the mission is still required to be accomplished per the federal grant parameters.

#### **VIDOSH Planned Strategies for FY2018**

- Develop a new FY 2018-2022 Five Year Strategic Plan.
- Analyze and summarize raw data to determine the type of injuries and illnesses along with occupational hazards in order to prioritize inspections per target agency.
- Review CPLs to ensure procedures are being followed.

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- Ensure CSHO's are fully trained on hazard recognition and OIS data training.
- VIDOSH will utilize health and safety mechanisms and develop a model safety and health management program to include customer evaluation measures. VIDOSH plans to develop a process to provide a trained safety and health coordinator within each department/agency.
- VIDOSH will increase its educational program; this will be accomplished through various partnerships. VIDOSH will work with agencies such as the Fire Department, Public Television System, and Department of Education, and Virgin Islands Fire Services.
- VIDOSH will utilize Subject Matter Experts to address educational topics key to safety and health training and outreach. These experts would be used only when VIDOSH does not have the personnel with the expertise to address these topics.

### **Conclusion**

FY 2017, VIDOSH focused on building a state of the art state and local government employee's only safety and health program exceeding all the mandated OSHA requirements. VIDOSH is working continuously with the region in becoming a certified State Plan Program. VIDOSH will continue to work with the Office of the Governor delivering a product providing protection for the state and local government workers and stakeholders. Enforcing failure to abate penalties is now a significant factor in encouraging state and local government employers to abate hazards. VIDOSH will continue to work on promoting a safety and health culture by increasing education and outreach efforts. Through increased awareness and training on Indoor Air Quality; the employees have learned to address the previously unknown hazards. VIDOSH continues to work with government agencies to increase their knowledge of building HVAC maintenance guidelines. VIDOSH plans to continue the effort to have a Scheduled Maintenance Outreach during FY 2017. The addition of consultation activities provides key positive relationships with the government agencies.

As of the end of CY 2017, VIDOSH is still actively involved in the hurricane recovery efforts.

- VIDOSH provided a safety and health hazard recommendation to the Governor Juan F. Luis hospital addressing the removal of the stocked piled medical waste. The recommendation was accepted and implemented by the EPA expediting the removal schedule from 24 months to eight weeks. The expedited schedule will prevent medical waste from becoming a hazard during the upcoming 2018 hurricane season.
- The VIDOSH staff has performed 80 OSHA interventions involving 1200 plus state and local government, private and federal workers.
- Power restoration efforts after 100 day after the category five hurricanes the total power restored is 61.2 percent (St. Croix: 54.9 percent; St Thomas: 65.1 percent; St John: 71.5 percent).

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- An estimated 851,000 cubic yards of vegetative debris in the territory was assessed, more than 463,220 cubic yards have been collected to date. VIDOSH has played an interacted role in the debris site management.
- VIDOSH created a traffic committee to address the hazards on the roadside job sites, debris removal, and power and communication restoration.
- The Coast Guard has identified 459 boats in the U.S. Virgin Islands, (USVI) that were left derelict by the storms—the hazards resolutions were provided to the involved employees demolishing the vessels.

VIDOSH will continue to collaborate with FEMA and other agencies involved in the JFO Inter Agency Safety and Health Committee.