

FY 2018
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) 2018, and its progress in resolving outstanding findings identified during previous FAMEs.

OSHA designated the Virgin Islands State Plan as a high-risk grantee on October 1, 2014 due to its history of unsatisfactory program performance. As part of this designation, VIDOSH was required to complete mandatory activities and submit documentation for OSHA's review and approval prior to withdrawing federal grant monies. Under the high-risk designation, VIDOSH's program performance slowly began improving. However, at the end of FY 2017, due to the aftermath of the hurricanes, OSHA made the decision to allow VIDOSH to drawdown federal funds when needed – one of the previous requirements of their high-designation. Although March 1, 2018 was the projected date for VIDOSH to resume enforcement inspections, VIDOSH did not begin conducting inspections until June 1, 2018. Therefore, OSHA determined that it was appropriate to conduct a follow-up FAME for the third year in a row.

Although no longer withholding VIDOSH's access to federal funding, during the spring of FY 2018, OSHA developed several mandatory program activities for VIDOSH to complete during the remainder of the FY 2018 performance period. As of the end of FY 2018, VIDOSH made progress to address the mandatory activities; however, the program administration's autonomy continued to be a concern. Unfortunately, recent OSHA Information System (OIS) data shows the VIDOSH program is regressing toward the level of low performance that originally led to the FY 2014 high-risk designation. In addition to the data, VIDOSH has not been responsive to requests for information, provided the necessary documentation to OSHA regarding progress on its mandatory activities, and has not displayed a proactive approach to administering its program.

During FY 2018, VIDOSH addressed one of the previous six findings identified in the FY 2017 FAME report. At the end of FY 2018, VIDOSH's lapse time average was within an acceptable Federal Review Level (FRL) range; however, due to VIDOSH's lapse time historically being above +/- 20% the FRL, OSHA converted this finding to an observation for further monitoring during the next performance period. In summary, this report contains a total of five findings and seven 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. The Virgin Islands State Plan was granted final approval on April 17, 1984, 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 Nominee Gary Molloy 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:

VIDOSH's FY 2014-2018 Funding History					
Fiscal Year	(\$) Federal Award	(\$) State Plan Match*	(\$) 100% State Plan Funds	(\$) Total Funding	% of State Plan Contribution
2018	\$195,700	0	\$509,949	\$705,649	72.3%
2017	\$195,700	0	\$509,949	\$705,649	72%
2016	\$195,700	0	\$504,092	\$699,792	72%
2015	\$195,700	0	\$504,092	\$699,792	72%
2014	\$194,800	0	\$463,637	\$658,437	72%

*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.

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 placed conditions on its grant. These conditions included OSHA assigning mandatory grant activities and deadlines to VIDOSH, and hindering VIDOSH's ability to draw down federal funds until OSHA verified that the specific activities were accomplished. Due to hurricane recovery efforts, OSHA delayed the start of these mandatory requirements until the U.S. territory was functional and able to return to normal enforcement activities.

During the spring of FY 2018, OSHA developed a revised addendum of milestones/mandatory activities for VIDOSH to accomplish during the remainder of the performance period. These mandatory activities focused on inspection goals, abatement, and lapse time. VIDOSH was to complete these three mandatory activities in a timely manner as well as and provide supporting documentation to the Regional Office for review and approval.

As of the end of FY 2018, 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 may be appropriate. Part of this proactive approach includes meeting mandatory deadlines independently of OSHA's constant oversight and follow-up.

New Issues

Within the past few years, OSHA has been concerned with VIDOL's inability to properly manage and spend the allocated federal funding that VIDOSH receives annually. Between FY 2015 through FY 2018, VIDOSH program administration lapsed federal funding three out of four FYs. In FY 2015, VIDOSH lapsed \$7,071; \$5,605 in FY 2017; and \$76, 517 in FY 2018 – totaling \$96,

264 in federal funds or almost \$100,000. OSHA is currently in the process of developing a strategy to hold State Plans accountable for consistently lapsing federal funds, including adjusting their award level by the specific amount lapsed.

Electronic Reporting Rule

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. State Plans were required to adopt an “at least as effective” rule by November 14, 2016 or within six months of OSHA’s promulgation.

Subsequently, OSHA rescinded the requirement to submit electronically Forms 300 and 301 (NPRM on July 30, 2018, final rule on January 25, 2019). Initially, a number of State Plans, including VIDOSH delayed adoption of the rule during the rulemaking. Now that this rulemaking has concluded, OSHA expects the VIDOSH State Plan to complete adoption of this rule.

III. Assessment of State Plan Progress and Performance

A. Data and Methodology

OSHA established a two-year cycle for the FAME process. This is a 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 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 (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 addressed one of the previous six findings identified in the FY 2017 Follow-up FAME Report resulting in this findings (lapse time) being converted to an observation. This follow-up FAME report contained five findings (continued) and seven observations (six continued and one new). 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 2017 recommendation in detail.

Completed Findings

There were no completed findings identified in FY 2018.

Continued Findings

Finding FY 2018-01 (Finding FY 2017-01): *OSHA Information System (OIS)*

VIDOSH conducted 47 inspections during the 3rd and 4th 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: The VIDOSH director will generate and distribute OIS reports to staff on a weekly basis to monitor the work and ensure case files are closed in a timely manner.

VIDOSH did not begin enforcement activities until June 1, 2018. Projected goals were updated to reflect the start of enforcement activities from March 1, 2018 to September 30, 2018, and VIDOSH was to perform no less than seven inspections per month for a total of 49 inspections. VIDOSH conducted 36 (27%) inspections between June 1, 2018 and September 30, 2018. OSHA must conduct an on-site review to determine if proper monitoring and closure of case files was accomplished. This finding is awaiting verification and will be a focus of next year's on-site during the FY 2019 comprehensive FAME and remains open.

Finding FY 2018-02 (Finding FY 2017-03): *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: 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. A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2019 comprehensive FAME and remains open.

Finding FY 2018-03 (Finding FY 2017-04): *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: The VIDOSH director will generate and distribute OIS reports to staff on a weekly basis to monitor the work and ensure that adequate verification/evidence of abatement is obtained from employers. Follow-up inspections will be conducted and Failure-to-Abate (FTA) citations will be issued when abatement is not received. A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2019 comprehensive FAME and remains open.

Finding FY 2018-04 (Finding FY 2017-05): *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: The VIDOSH director will generate and distribute OIS reports to staff on a weekly basis to monitor the work and ensure that adequate verification/evidence of abatement is obtained from employers. Follow-up inspections will be conducted and FTA citations will be issued when abatement is not received. Case files with overdue abatement will be channeled to the VIDOL commissioner for further action. A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2019 comprehensive FAME and remains open.

Finding FY 2018-05 (Finding FY 2017-06): *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: The VIDOSH Director will ensure that consultation case file written reports to the employer are issued according to the CPPM. A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2019 comprehensive FAME and remains open.

New FY 2018 Findings

There were no new findings identified in FY 2018.

Closed Observations

There were no closed observations identified in FY 2018.

Continued Observations

Observation FY 2018-OB-01 (FY 2017-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 is continued.

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

Observation FY 2018-OB-02 (FY 2017-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: A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year's on-site case file review during the FY 2019 comprehensive FAME. This observation is continued.

Observation FY 2018-OB-03 (FY 2017-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: A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year's on-site case file review during the FY 2019 comprehensive FAME. This observation is continued.

Observation FY 2018-OB-04 (FY 2017-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: A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year's on-site case file review during the FY 2019 comprehensive FAME. This observation is continued.

Observation FY 2018-OB-05 (FY 2017-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: A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year's on-site case file review during the FY 2019 comprehensive FAME. This observation is continued.

Observation FY 2018-OB-06 (FY 2017-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: A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year's on-site case file review during the FY 2019 comprehensive FAME. This observation is continued.

New FY 2018 Observations

Observation FY 2018-OB-07 (FY 2017-02): *Lapse Time*
In FY 2018, the average lapse time (SAMM 11) for citations was calculated at 40.91 days for safety – a slight increase from 35 days in FY 2017 but still below the three-year national average of 46.20 days. The health lapse time was calculated at 37.80 days – a decrease from 58.11 days in FY 2017 and below the three-year national average of 56.56 days.

Status: VIDOSH's above average lapse time has been an issue since FY 2012. In the previous years, the average lapse time for safety and/or health has fluctuated from double to triple the national average. Currently the lapse time average is within an acceptable range; however, OSHA will continue to monitor this issue utilizing quarterly SAMM reports.

C. State Activity Mandated Measures (SAMM) Highlights

Each SAMM has an agreed upon FRL which can be either a single number, or a range of numbers above and below the national average. State Plan SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan's FY 2018 State Activity Mandated Measures (SAMM) Report and includes the FRLs for each measure. The State Plan was outside the FRL on the following SAMMs:

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

Discussion of State Plan data and FRL: The FRL for the average number of violations per inspection with violations by violation type is +/- 20% of the three-year national average of 1.82 for serious/willful/repeat (S/W/R) violations, which equals a range of 1.46 to 2.18. VIDOSH's S/W/R average is 3.71 violations which is above the FRL range. The FRL for other-than-serious (OTS) violations is +/- 20% of the three-year national average of 0.98 which equals a range of 0.78 to 1.18. VIDOSH's OTS average is 0.76 – slightly below the FRL range.

Explanation: VIDOSH's violations per inspection continue to be above average.

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

Discussion of State Plan data and FRL: The FRL for planned v. actual inspections is +/- 5% of the negotiated number of 60 safety inspections which equals a range of 57 to 63 inspections, and 25 health inspections which equals a range of 23.75 to 26.25 inspections.

Explanation: At the end of FY 2017, the Virgin Islands was impacted by Hurricanes Irma and Maria. Projected inspection goals were updated to reflect the start of enforcement activities from March 1, 2018 to September 30, 2018. VIDOSH was to perform no less than seven inspections per month for a total of 49 inspections. VIDOSH did not begin enforcement activities until June 2018. VIDOSH conducted 36 (27%) inspections during a four-month period. Of those 36 inspections, the safety staff conducted 20 and the health staff conducted 16.

Appendix A – New and Continued Findings and Recommendations

FY 2018 VIDOSH State Plan Follow-up FAME Report

FY 2018-#	Finding	Recommendation	FY 2017-#
FY 2018-01	<i>OSHA Information System (OIS)</i> VIDOSH conducted 36 (27%) of the revised projected goal of 49 inspections.	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 2017-01
FY 2018-02	<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.	FY2017-03
FY 2018-03	<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 2017-04
FY 2018-04	<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 2017-05
FY 2018-05	<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 2017-06

*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 Subject to Continued Monitoring

FY 2018 VIDOSH State Plan Follow-up FAME Report

Observation # FY 2018-OB-#	Observation# FY 2017-OB-#	Observation	Federal Monitoring Plan	Current Status
FY 2018-OB-01	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 2019, a limited number of case files will be selected randomly and reviewed to determine if this item was addressed.	Continued
FY 2018-OB-02	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 2019, a limited number of case files will be selected randomly and reviewed to determine if this item was addressed.	Continued
FY 2018-OB-03	FY 2017-OB-03 FY 2016-OB-03 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 2019, a limited number of case files will be selected randomly and reviewed to determine if this item was addressed.	Continued
FY 2018-OB-04	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 2019, a limited number of case files will be selected randomly and reviewed to determine if this item was addressed.	Continued
FY 2018-OB-05	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 2019, a limited number of case files will be selected randomly and reviewed to determine if this item was addressed.	Continued
FY 2018-OB-06	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 2019, a limited number of case files will be selected randomly and reviewed to determine if this item was addressed.	Continued
FY 2018-OB-07	FY 2017-02	<i>Lapse Time</i> In FY 2018, the average lapse time (SAMM 11) for citations was calculated at 40.91 days for safety – a slight increase from 35 days in FY 2017 but still below the three-year national average of 46.20 days. The health lapse time was calculated at 37.80 days – a decrease from 58.11 days in FY 2017, but still below the three-year national average of 56.56 days.	The Region will continue to monitor this issue by utilizing the quarterly SAMM reports.	New

*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 C - Status of FY 2017 Findings and Recommendations

FY 2018 VIDOSH State Plan Follow-up FAME Report

FY 2017-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2017-01	<i>OSHA Information System (OIS)</i> OIS showed that VIDOSH conducted 94% of the projected number of conducted inspections; however, OSHA must conduct an on-site review to determine if proper monitoring and closure of case files was accomplished in accordance with VIDOSH's Field Operating Manual(FOM)	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.	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
FY 2017-02	<i>Lapse Time</i> VIDOSH's health lapse time was 58.11 days which is 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.	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.		Converted to an observation
FY 2017-03	<i>Notification to Complainant</i> Complaint case files lacked documentation that the complainant had been notified of the inspection results in accordance with VIDOSH's FOM.	VIDOSH must ensure case files include all proper documentation including complainant notification of inspection results in accordance with VIDOSH's FOM.	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.	Not Completed	Open

Appendix C - Status of FY 2017 Findings and Recommendations

FY 2018 VIDOSH State Plan Follow-up FAME Report

FY 2017#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2017-04	<i>Adequate Verification or Evidence of Abatement</i> VIDOSH accepted abatement responses from employers and closed the cases without adequate evidence of abatement.	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.	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.	Not Completed	Open
FY 2017-05	<i>Overdue Abatement</i> Case file documentation showed that issued citations had open abatement.	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.	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.	Not Completed	Open
FY 2017-06	Consultation case files 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).	The VIDOSH Director will ensure that consultation case file written reports to the employer are issued according to the CPPM.	Not Completed	Open

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

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Virgin Islands – VIDOSH			FY 2018	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	5.88	5	The further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	2.25	N/A	This measure is for informational purposes only and is not a mandated measure.
2a	Average number of work days to initiate complaint investigations (state formula)	0.33	1	The further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	0.00	N/A	This measure is for informational purposes only and is not a mandated measure.
3	Percent of complaints and referrals responded to within one workday (imminent danger)	N/A	100%	N/A – The State Plan did not receive any imminent danger complaints or referrals in FY 2018. The further review level is fixed for all State Plans.
4	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
5	Average number of violations per inspection with violations by violation type	SWRU: 3.71	+/- 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: 0.76	+/- 20% of Other: 0.98	
6	Percent of total inspections in state and local government workplaces	100%	100%	Since this is a State and Local Government State Plan, all inspections are in state and local government workplaces.

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

FY 2018 VIDOSH Follow-up FAME Report

SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
7	Planned v. actual inspections – safety/health	S: 20	+/- 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: 16	+/- 5% of H: 25	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	N/A	+/- 25% of \$2,603.32	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	a. Average current serious penalty in private sector (1-25 workers)	N/A	+/- 25% of \$1,765.19	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	b. Average current serious penalty in private sector (26-100 workers)	N/A	+/- 25% of \$3,005.17	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	c. Average current serious penalty in private sector (101-250 workers)	N/A	+/- 25% of \$4,203.40	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	d. Average current serious penalty in private sector (greater than 250 workers)	N/A	+/- 25% of \$5,272.40	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
9	Percent in compliance	S: 21.43%	+/- 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: 23.08%	+/- 20% of H: 36.10%	
10	Percent of work-related fatalities responded to in one workday	N/A	100%	N/A – The State Plan did not have any work-related fatalities in FY 2018. The further review level is fixed for all State Plans.
11	Average lapse time	S: 40.91	+/- 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: 37.80	+/- 20% of H: 56.56	

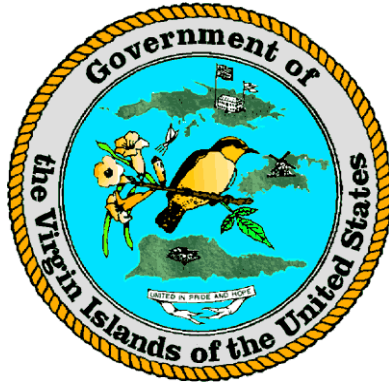
Appendix D – FY 2018 State Activity Mandated Measures (SAMM) Report

FY 2018 VIDOSH Follow-up FAME Report

SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
12	Percent penalty retained	N/A	+/- 15% of 66.81%	N/A – The State Plan did not impose any monetary penalties in FY 2018. The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 56.79% to 76.83%.
13	Percent of initial inspections with worker walk around representation or worker interview	94.44%	100%	The further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	0%	100%	The further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	0%	+/- 20% of 24%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 19.20% to 28.80%.
16	Average number of calendar days to complete an 11(c) investigation	0	90	The further review level is fixed for all State Plans.
17	Percent of enforcement presence	N/A	+/- 25% of 1.24%	N/A – This is a State and Local Government State Plan and is not held to this SAMM. The further review level is based on a three-year national average.

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

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



VIDOSH

**STATE OSHA ANNUAL 2018
REPORT
(FY 2018 SOAR)**

**US Virgin Islands Department of Labor
VI Division of Occupational Safety and Health - VIDOSH
(Public Sector Only)**

December 19th, 2018

**Averil George
Acting Commissioner**

**Wean Farrell
Assistant Commissioner**

**Dean R. Andrews
Director, VIDOSH**

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

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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). 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 provide 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 1st, 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.

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The Fiscal Year (FY) 2018 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

	SAFETY GOAL	SAFETY ACTUAL	HEALTH GOAL	HEALTH ACTUAL	FY18 GOAL	FY18 ACTUAL
<u>ENFORCEMENT</u> <i>Public Sector Inspections</i>	60	21	25	16	85	37
<u>CONSULTATION</u> <i>Public Sector Visits</i>	7	2	1	1	8	3

FY 2018 VIDOSH Violations Types – one hundred and eighty five (185) violations instances

<u>Violations Type Safety</u>	<u>Violations Type Health</u>	<u>Violations Type Total</u>
Other 29	Other 20	Other 49
Serious 44	Serious 92	Serious 136
Willful 0	Willful 0	Willful 0
Repeat 0	Repeat 0	Repeat 0
SWRU 44	SWRU 92	SWRU 136
<u>Total All Violations: 73</u>	<u>Total All Violations:112</u>	<u>Total All Violations: 185</u>

VIDOSH’s average number Serious/Willful/Repeat (S/W/R) violations for FY 2018 were 3.47 which is 50% 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 2018 grant. VIDOSH refined and included various improvement measures (i.e. utilizations of OIS reports and management of compliance officer’s duties) resulting in reducing both the safety and health lapse time.

VIDOSH reduced the safety lapse time during FY 2018 as follows: Q3-21 days, Q4-34.44 days
VIDOSH reduced the health lapse time during FY 2018 as follows: Q3-43.50 days, Q4-36.38 days

Virgin Islands year-to-date (YTD) lapse time for safety is 40.91 days (15%) below the National Average of 48.02%. The health YTD lapse time is 37.80 days (34%) below the National Average of 57.62 days.

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The Virgin Islands has continued for a second year in a row with steadfast efforts to meet the responsibility of being *as effective as OSHA programs*.

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.

OSHA recognized VIDOSH's challenges and efforts conducting interventions, technical support, and compliance assistance to help protect the safety and health of state and local government workers in the United States Virgin Islands responding to the recent hurricanes. Once VIDOSH transitioned back to normal operations, updated mandatory grant activities were developed for the remainder of the fiscal year.

The updated FY 2018 Mandatory Grant Activities were adhered to and completed. 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's lapse time for safety and health was no higher than 20% of the National Reference for FY 2018.**

FY 2018 VIDOSH Inspections

Safety

- Safety Accident Partial --1 of 21 inspections; 5% of annual inspections
- Safety Complaint Partial-- 6 of 21 inspections; 29% of annual inspections
- Safety Other Comprehensive--1 of 21 inspections; 5% of annual inspections
- Safety Program Planned Comprehensive--8 of 21 inspections; 38% of annual inspections
- Safety Program Planned Partial--1 of 21 inspections; 5% of annual inspections
- Safety Programmed Other Comprehensive--2 of 21 inspections; 10% of annual inspections
- Safety Follow-up Partial--2 of 21 inspections; 10% of annual inspections

Health

- Health Complaint Comprehensive --1 of 16 inspections; 5% of annual inspections
- Health Complaint Partial--6 of 16 inspections; 38% of annual inspections
- Health Follow-Up Comprehensive—2 of 16 inspections; 13% of annual inspections
- Health Follow-Up Partial—1 of 16 inspections; 5% of annual inspections

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- Health Programmed Other Comprehensive –5 of 16 inspections; 31% of annual inspections
- Health Programmed Other Partial --1 of 16 inspections; 5% of annual inspections

FY 2018 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. The percentage of stakeholder involvement during enforcement inspections for FY 2018 is 78%.

Inspections with employee involvement during walk around activities – 29 inspections;

Union Involvement:	Total
American Federation of Teachers STT-STJ- Local 1825	1
Int’l Association of Firefighters--	1
International Association of Machinist and Aerospace Workers	1
Our Virgin Islands Labor Union	3
Police Benevolent Association	1
Registered Nurses Leadership Union	1
United States Workers of N.A., Seafarers International Union	5
United Steelworkers	1
United Steelworkers (USW)	7
United Steelworkers-Supervisors	2
Virgin Islands Pilots Bargaining Union	1
WAPA Employees Association	1
Grand Total	29

Inspections without employee involvement during the walk around activities – eight inspections.

FY 2018 VIDOSH Inspection NAICS Code

Primary NAICS	NAICS Description	Total
221112	Electric power generation, fossil fuel (e.g., coal, oil, gas)	1
488119	Airport operators (e.g., civil, international, national)	2
541110	Law offices	1
611110	Public schools, elementary or secondary	5
623110	Homes for the aged with nursing care	2
713990	Gaming	1
921110	Executive offices, federal, state, and local (e.g., governor, mayor, president)	1
921120	Legislative bodies (e.g., federal, local, and state)	2
921130	Internal Revenue Service	1
921190	General public administration	3

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922120	State police	3
922160	Fire departments (e.g., government, volunteer (except private))	1
922190	Public safety bureaus and statistics centers, government	1
923110	University regents or boards, government	1
923120	Health planning and development agencies, government	2
923130	Community social service program administration	3
923140	Veterans' benefits program administration, government	1
924110--	Waste management program administration	1
924120--	Parks and recreation commission, government	2
925110--	Housing programs, planning and development, government	1
926110--	Enterprise development program administration	1
926120--	Transportation regulatory agencies	1
Grand Total		37

Virgin Islands State and Local Government Agencies BLS Injury Reports Highlights

The FY 2018 injury rates reflected a general decrease and/or zero to no increase 18 of 24; 75%. The rate formula = Number of Cases x 200,000 ÷ Total Hours Worked. The continued decrease and/or zero to no increase 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.

Department/Agency	Worker Comp. Cases	# of Workers	OSHA Rate
Bureau of Corrections--922140	39		
• 2014	13	179	7.0
• 2015	15	179	8.4
• 2016	5	179	2.8
• 2018	6	179	3.2
Dept. of Agriculture--926140	6		
• 2014	3	27.5	10.9
• 2015	1	27.5	3.6
• 2016	2	27.5	7.3
• 2018	--	27.5	--
Dept. of Education--61111 – 61171	48		
• 2014	14	1352	1.0
• 2015	16	1352	1.2
• 2016	18	1352	1.3
• 2018	18	1352	1.3
Dept. of Health--923120	17		
• 2014	5	234	2.1
• 2015	6	234	2.6

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Department/Agency	Worker Comp. Cases	# of Workers	OSHA Rate
• 2016	6	234	2.6
• 2018	5	234	2.0
Dept. of Human Services--92311 – 92314	50		
• 2014	14	448	3.1
• 2015	11	448	2.5
• 2016	19	448	4.2
• 2018	6	448	1.3
Dept. of Justice/Attorney General-- 928110	1		
• 2014	1	178	0.6
• 2018	--	178	--
Dept. of Labor-- 926150	58		
• 2014	6	77	7.8
• 2015	6	77	7.8
• 2016	42	77	54.5
• 2018	4	77	5.0
Dept. of Planning & Natural Resources--921190	9		
• 2014	3	122	2.5
• 2015	5	122	4.1
• 2018	1	122	.8
Dept. of Public Works--921190	18		
• 2014	7	139	5.0
• 2015	2	139	1.4
• 2016	3	139	2.2
• 2018	6	139	4.5
Dept. of Sports, Parks & Recreation--924120	6		
• 2014	2	123	1.6
• 2015	1	123	0.8
• 2016	3	123	2.4
• 2018	--	123	--
Dept. of Tourism-- 926110	1		
• 2014	1	33	3.0
• 2018	--	33	--
Governor Juan F. Luis Hospital--923120	273		
• 2014	77	451	17.1
• 2015	69	451	1
			5.3
• 2016	82	451	18.2

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Department/Agency	Worker Comp. Cases	# of Workers	OSHA Rate
• 2018	45	451	9.6
Legislature of the Virgin Islands--921140	16		
• 2014	1	325	0.3
• 2015	6	325	1.8
• 2016	6	325	1.8
• 2018	3	325	0.9
Office of the Governor--921110	3		
• 2015	2	104	1.9
• 2016	1	104	1.0
• 2018	-	104	-
Superior Court of the Virgin Islands--92211 – 92219	18		
• 2014	5	346	1.4
• 2015	2	346	0.6
• 2016	5	346	1.4
• 2018	6	346	1.7
Territorial Public Defender--92211 – 92219	3		
• 2015	2	35	5.7
• 2016	1	35	2.9
• 2018	--	35	--
V. I. Board of Education--61111 – 61171	1		
• 2015	1	15	6.7
• 2018	--	15	--
V. I. Bureau of Internal Revenue--921130	3		
• 2015	2	149	1.3
• 2018	1	149	0.7
V. I. Bureau of Motor Vehicles--926120	2		
• 2015	2	54	3.7
• 2018	-	54	-
V. I. Fire Services--922160	6		
• 2015	3	250	1.2
• 2016	1	250	0.4
• 2018	2	250	0.8
Virgin Islands Police Department--92212	74		
• 2014	24	761	3.2

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Department/Agency	Worker Comp. Cases	# of Workers	OSHA Rate
• 2015	19	761	2.5
• 2016	15	761	2.0
• 2018	16	761	2.0
V. I. Port Authority--488310	15		
• 2014	4	325	1.2
• 2015	5	325	1.5
• 2018	6	325	1.8
V. I. Waste Management Authority---92411	10		
• 2014	7	173	4.0
• 2015	2	173	1.2
• 2018	1	173	0.6
V. I. Water and Power Authority--926130	77		
• 2014	22	750	5.9
• 2015	30	750	8.0
• 2016	21	750	5.6
• 2018	4	750	0.5

Table above describes the agencies injury data from CY 2014 to CY 2018. Nine of the 24 state and local government agencies injury rates have decreased values.

- Virgin Islands Water and Power Authority reflects a 0.5 FY 2018 injury rate; resulting in a 91% reduction compared to the FY2016 rate of 5.6
- Virgin Islands Waste Management Authority reflects a 0.6 FY 2018 injury rate; resulting in a 50% reduction compared to the FY2015 rate of 1.2
- Virgin Islands Bureau of Internal Revenue reflects a 0.7 FY 2018 injury rate; resulting in a 46% reduction compared to the FY2015 rate of 1.3
- Legislature of the Virgin Islands reflects a 0.9 FY 2018 injury rate; resulting in a 50% reduction compared to the FY2016 rate of 1.8
- Governor Juan F. Luis Hospital reflects a 9.6 FY 2018 injury rate; resulting in a 47% reduction compared to the FY2016 rate of 18.2
- Department of Planning & Natural Resources reflects a 0.8 FY 2018 injury rate; resulting in a 80% reduction compared to the FY2015 rate of 4.1
- Department of Labor reflects a 0.5 FY 2018 injury rate; resulting in a 91% reduction compared to the FY2016 rate of 54.5
- Department of Human Services reflects a 1.3 FY 2018 injury rate; resulting in a 69% reduction compared to the FY2016 rate of 4.2
- Department of Health reflects a 2.6 FY 2018 injury rate; resulting in a 23% reduction compared to the FY2016 rate of 2.0

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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.

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FY 2018 VIDOSH Performance Goals

Strategic Goal #1: Improve workplace safety and health for all Virgin Islands state and local government workers as evidenced by fewer hazards, reduced exposures, and reduced injuries, illnesses, and fatalities.

Outcome Goal: Reduce the number of worker injuries, illnesses, and fatalities by focusing on state and local government employers experiencing the highest incidence of worker compensation claims.

Performance Goal: Decrease the total rate of worker compensation claims in state, and/or local government agencies in each of the specific NAICS segments by 5 percent by 2022 (1 percent per year) compared to the FY 2015 baseline:

- #1.1 – Electric, and Other Utilities - (NAICS 926130)
- #1.2 – First Responders (Fire Dept. and Police Dept.) - (NAICS 922120)
- #1.3 – Hospitals - (NAICS 622110)
- #1.4 – Bureau of Corrections – (NAICS 922140)

Performance Indicator Type	Indicator	Results
Activity Measure	# of inspections conducted in targeted NAICS	7 inspections were conducted in targeted NAICS
	# of consultation visits conducted in targeted NAICS	0 consultation visits were conducted in targeted NAICS
	# of outreach/training and education seminars conducted in targeted NAICS	1 outreach/training and education seminar was conducted in targeted NAICS
	# of outreach materials distributed	500 pieces of outreach materials were distributed
	# of alliance/partnerships established	0 alliance/partnerships were established
Primary Outcome Measures	Reduction of worker compensation claims in targeted NAICS by 5% by 2022 (1% per year) compared to the FY 2015 baseline: NAICS 926130- (WAPA) 5.6 NAICS 922120- (Fire/Police) 1.2/2.5 NAICS 622110 – (Hospitals) 5.3 NAICS 922140- (Bureau of Corrections) 8.4	FY 2018 data: NAICS 926130- decrease to 0.5 NAICS 922120- decrease fire 0.8/police 2.0 NAICS 622110 – increase to 9.6 NAICS 922140- decrease to 3.2

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Comments	Targeted baseline is FY 2015	
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Strategic Goal #2: To promote safety and health in the Virgin Islands state and local government workplaces.

Outcome Goal: To improve worker safety and health for all state and local government employers and workers by promoting participation in safety and health through inspections, consultations, training, and educational outreach seminars.

Performance Goal: 100% of VIDOSH interventions (e.g., inspections, technical assist, outreach and/or consultations, etc.) will include worker involvement and labor union involvement when applicable.

Performance Indicator Type	Indicator	Results
Activity Measure	<p>Enforcement Activities:</p> <p># of inspections conducted # of inspections conducted where workers were conferred with</p> <p>Consultation Activities:</p> <p># of consultation visits conducted # of consultation visits where workers were conferred with</p> <p>Outreach/Seminars</p> <p># of interventions conducted # of workers participating in interventions # of survey responses received with a positive rating</p>	<p>37 inspections conducted 37 of inspections conducted where workers were conferred with</p> <p>3 consultation visits conducted 3 consultation visits where workers were conferred with</p> <p>2 interventions conducted 500 workers participating in interventions 0 survey responses received</p>
Primary Outcome Measures	100% of VIDOSH interventions (e.g., inspections, technical assist, outreach and/or consultations, etc.) will include worker involvement and labor union involvement when applicable.	100% of interventions included worker involvement and labor union involvement.

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Comments	Goal is measured annually	
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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 2018- May

Virgin Islands 2018 Disaster Preparedness Expo Employee Training

The Disaster Preparedness and Mitigation Expo provided interaction with emergency management officials, disaster response agencies, public sector department/agencies, restoration service providers and other relevant stakeholders and to learn about mitigating damage, preventing loss of life, comprehensive disaster preparations, OSHA and recovery.

Locations: St. Croix, St. Thomas

Attendees: 10,000

Number of Sessions: 2

FY 2018 - 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: 100

Number of Sessions: 1

VIDOSH –Virgin Islands – Hurricane Irma and Maria

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. These said measures were extended into FY2018. Normal operations remained on hold to avoid disrupting recovery operations. The hold didn't apply to inspections prompted by accidents or deaths. VIDOSH continued the performance of interventions and compliance assistance activities. The chart below provides a list of some of the interventions conducted during the remainder of FY 2018.

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FY2018 Intervention—Completed VIDOSH interventions from Operation Irma and Maria

No.	Establishment	District
1.	Virgin Islands Department of Labor	St. Croix District
2.	Virgin Islands Water And Power Authority Richmond Plant	St. Croix District
3.	Virgin Islands Waste Management Authority; Peter Rest Green Waste	St. Croix District
4.	Virgin Islands Water and Power Authority Queen Mary Highway	St. Croix District
5.	Virgin Islands Department Of Sports Parks And Recreation	St. Croix District
6.	Virgin Islands Water And Power Authority	St. Croix District
7.	Virgin Islands Department of Public Works	St. Croix District
8.	Juan F. Luis Hospital; 3rd Floor	St. Croix District
9.	Virgin Islands Department of Property And Procurement Main Office	St. Croix District
10.	Virgin Islands Department of Property And Procurement Warehouse	St. Croix District
11.	Superior Court of Virgin Islands	St. Croix District
12.	Virgin Islands Port Authority; Henry E. Rohlsen Airport	St. Croix District
13.	Virgin Islands Department of Education; Juanita Garden	St. Croix District
14.	Virgin Islands Department of Education; John H. Woodson	St. Croix District
15.	Virgin Islands Department of Education; St. Croix Central High School (External)	St. Croix District
16.	Virgin Islands Department of Education; St. Croix Central High School (Internal)	St. Croix District
17.	Virgin Islands Department of Education; St. Croix Central High School	St. Croix District
18.	Virgin Islands Department of Public Works	St. Croix District
19.	Virgin Islands Department of Public Works	St. Croix District
20.	Virgin Islands Water and Power Authority	St. Croix District
21.	Virgin Islands Department of Public Works	St. Croix District
22.	VI Department of Finance	St. Croix District
23.	Virgin Islands Department of Human Services; Youth Rehabilitation Center Admin. Bldg.	St. Croix District
24.	Virgin Islands Department of Education "Youth on the Rise"	St. Croix District
25.	Virgin Islands Department of Education; St. Croix Alternative Education Program	St. Croix District
26.	Virgin Islands Department of Health; Charles Harwood Complex	St. Croix District
27.	Virgin Islands Department of Human Services; David Canegata Recreational Facility (Transitional Facility)	St. Croix District
28.	Juan F. Luis Hospital	St. Croix District
29.	Virgin Islands Territorial Emergency Management Agency/EOC/FEMA/ Joint Field Operations	St. Croix District
30.	Virgin Islands Department of Licensing & Consumer Affairs	St. Croix District
31.	Virgin Islands Department of Property And Procurement; Main Office	St. Croix District

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No.	Establishment	District
32.	Virgin Islands Department of Property And Procurement; Warehouse	St. Croix District
33.	Virgin Islands Water and Power Authority	St. Croix District
34.	Virgin Islands Department of Human Services; Youth Rehabilitation Center Admin. Bldg.	St. Croix District
35.	Virgin Islands Department of Education; Youth On The Rise	St. Croix District
36.	Virgin Islands Department of Education; Ricardo Richards Elementary	St. Croix District
37.	Virgin Islands Department of Education; Claude O. Markoe Elementary	St. Croix District
38.	Virgin Islands Water And Power Authority	St. Croix District
39.	Virgin Islands Water And Power Authority	St. Croix District
40.	Virgin Islands Water And Power Authority	St. Croix District
41.	Virgin Islands Department of Agriculture	St. Croix District
42.	Virgin Islands Department of Education; Alternative Educational Program	St. Croix District
43.	Virgin Islands Department of Education; Alternative Educational Program	St. Croix District
44.	Virgin Islands Police Department Internal Affairs	St. Croix District
45.	Virgin Islands Police Department Human Resources	St. Croix District
46.	Virgin Islands Waste Management Authority Dumpsite; Air Curtain	St. Croix District
47.	Virgin Islands Department Of Public Works; Air Curtain	St. Croix District
48.	Virgin Islands Department Of Health; Charles Harwood Complex	St. Croix District
49.	Virgin Islands Territorial Emergency Management Agency; Midre Cummings Park Parking Lot	St. Croix District
50.	Vi Economic Development Authority	St. Croix District
51.	Virgin Islands Water And Power Authority; Queen Mary Highway	St. Croix District
52.	Virgin Islands Police Department Peace Officer Standards & Training	St. Croix District
53.	Virgin Islands Department of Public Works	St. Croix District
54.	Virgin Islands Department of Public Works	St. Croix District
55.	Virgin Islands Department of Public Works	St. Croix District
56.	Virgin Islands Department of Education; Principals' Meeting	St. Croix District
57.	Virgin Islands Waste Management Authority STJ Dumpsite & Cabinet Members	St. Thomas District
58.	Virgin Islands Division of Personnel	St. Thomas District
59.	Virgin Islands Lt. Governor's Office/Passport, Cashier, Corporation & Trademark	St. Thomas District
60.	Legislature of the Virgin Islands	St. Thomas District
61.	Reliable Rentals*** OSHA Publications*****	St. Thomas District
62.	Home Depot *** OSHA Publications*****	St. Thomas District
63.	Gallows Bay Hardware *** OSHA Publications*****	St. Thomas District
64.	Virgin Islands Superior Court	St. Thomas District
65.	Virgin Islands Waste Management Authority; STJ Dumpsite & Cabinet Members	St. Thomas District
66.	OSHA/VIDOSH/UVICELL Meeting	St. Thomas District

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No.	Establishment	District
67.	Virgin Islands Department of Finance	St. Thomas District
68.	Virgin Islands Department of Justice; Paternity & Child Support	St. Thomas District
69.	Virgin Islands Bureau of Motor Vehicle	St. Thomas District
70.	Virgin Islands Department of Agriculture	St. Thomas District
71.	Virgin Islands Department Of Education; Joseph Gomez	St. Thomas District
72.	Virgin Islands Planning and Natural Resources; Charles W. Turnbull Library	St. Thomas District
73.	Virgin Islands Water And Power Authority	St. Thomas District
74.	Virgin Islands Taxi Commission	St. Thomas District
75.	Virgin Islands Department of Licensing & Consumer	St. Thomas District
76.	Virgin Islands Department of Labor	St. Thomas District

The damage from the two hurricanes 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. VIDOSH designed an online assessment tool to be used by the Virgin Islands Department of Education to assess hazards/data of facilities on the Islands. The tool was utilized to assess the key areas where the public sector employees were impacted. Media sources were also utilized to obtain key indicators of alleged hazards. VIDOSH worked with local unions to address safety and health conditions; in several cases additional OSHA information was provided to the stakeholders.

The Virgin Islands Territorial Emergency Management Agency (Virgin Islands Territorial Emergency Management Agency) 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/Virgin Islands Territorial Emergency Management Agency, 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

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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) Virgin Islands Department of Education 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 Islands 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.
- b) Provided 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.
- d) Provided safety plan and Job Hazard Analysis for the burning of vegetative to the 32nd Legislature of Virgin Islands to include the incinerator operations.
- e) The 32nd Legislature of the Virgin Islands subsequently passed legislation to ceasing the burning vegetation operations.
- f) VIDOSH worked with FEMA to ensure the cease and desist action associated with burning were shut down safely.

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 curb-side collection.

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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—provided OSHA Blue Roof handouts.
- c) Address the procedures for the energizing utilizing portable generator—provided OSHA handouts addressing Carbon Monoxide (CO) and safe practices.

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 FY2018.

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 FY2018 equating to 17% of the annual grant requirement. Inspections were accomplished on Health, and first responder and emergency establishment allotting to 14% increase from the FY2017 percentage of the annual inspection quota. Inspections were accomplished on educational establishment totaling an amount to 14%.

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.

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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 FY2018 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 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 FY2018 23g Grant. VIDOSH has two safety compliance officer position vacant. VIDOSH's current staff includes: one director; two administrative support staff, one safety CSHO's, and one Industrial Hygienist on the enforcement side and one Industrial Hygienist, on the consultation side.

FY 2018 was the third year that VIDOSH Consultation program was operational. The hurricane recovery activities impacted the number of visits; however the program was able to complete three visits.

Even though VIDOSH was faced with the FY2018 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's efforts resulted in the program being removed of High Risk Status for FY2019.

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 provided CSHO with assigned monthly/quarterly inspection quotas. This was vital in VIDOSH yielding the annual requirement even with 66% staff capability. VIDOSH completed 37 enforcement inspections and three consultations visits for 2018.

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3. VIDOSH successfully increased the total number of case files with abatement during FY 2018.
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 on a regular 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 be provided. VIDOSH's 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 two vacant CSHO positions, and a soon to be vacant position due to retirement. Even though the forthcoming vacancies are transpiring the mission is still required to be accomplished per the federal grant parameters. VIDOSH has worked with the Office of Governor to obligate the necessary funds for the vacant CSHO positions.

VIDOSH Planned Strategies for FY2019

- 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.
- Develop a VIDOS customer feedback survey.

- Ensure CSHO's are fully trained on hazard recognition and OIS data training.
- Provide training opportunities for the administrative support staff.
- 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 Consultation will develop a VIDOSH Virtual Library and increase the usage of social media to promote the health and safety in the public sector.
- 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 2018, 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

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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 develop specialized education and training outreach sessions during FY 2018. The addition of consultation activities has provided key positive relationships with the government agencies.

As of the end of CY 2018, VIDOSH is still actively involved in the hurricane recovery efforts.

- The VIDOSH staff has performed 76 OSHA interventions involving 2443 plus state and local government, private and federal workers.
- Debris Reduction efforts 339,683 Cubic Yards of debris was collected; 281,937 CY (83%) was reduced and 57,746 CY (17%) remains
- Power restoration efforts; Composite Pole installation; 6780 pole identified to be planted; 426 (15%) have been installed
- Medical recovery efforts continue.
- The 459 boats identified by Coast Guard for disposal—VIDOSH provide safety and health Job Hazard Analysis data. Measures ensure the reduction of fiber glass exposure during the disposal.
- VIDOSH will continue to collaborate with FEMA and other agencies involved in the JFO.