

FY 2019 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report

State of Alaska

Department of Labor and Workforce Development Labor Standards and Safety Division – Alaska Occupational Safety and Health (AKOSH)



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I. Executive Summary

The purpose of this report is to assess the Alaska Occupational Safety and Health's (AKOSH's) performance during Fiscal Year (FY) 2019 with regard to activities mandated by the Occupational Safety and Health Administration (OSHA), and to gauge the State Plan's progress toward resolving recommendations from the FY 2018 Follow-up Federal Annual Monitoring and Evaluation (FAME) report.

Over the past two years, improvements have been made in hiring and training staff, and turnover has stabilized. Key leadership positions were filled that resulted in enhancements to existing policies and procedures. The inspection goal specified in the FY 2019 Performance Plan was met for the first time in five years. Efforts were focused on periodic reviews of fatality, inspection, and complaint case files; development of a guide and tracker sheet for compliance officers to ensure required actions were taken for each case file; implementation of a tracker sheet for administrative staff to ensure all action items were completed in closing case files; completion of phase one required training for compliance officers; and creating a high hazard targeting list. AKOSH transitioned from paper to electronic files, and addressed deficiencies found from the transition. Examples of deficiencies addressed included missing documents and forms for non-formal complaints and abatement certification, supporting documentation for inspections, and coding in OSHA's Information System (OIS).

Multiple federal safety and health standards were adopted. This included implementation and phase-in of a new adjusted penalty structure to bring Alaska into compliance with the federal level of penalties. One outreach effort was a press release of a new Local Emphasis Program (LEP) for safety and health inspections in the healthcare industry. This resulted in an interview with a local news channel that also addressed assisting employers to comply through free consultation and training services. Other outreach efforts included partnering with Alaska Laborers Training School for scaffolding and flagging training, support of the American Society of Safety Professionals, and hosting the AKOSH Safety Stand-Down contest with Associated General Contractors and ENSTAR Natural Gas Company.

There are ten findings and three observations in this report. There are seven new findings, three of which are observations that were elevated to findings, and three findings that were continued from the FY 2018 Follow-up FAME report. Five findings from the FY 2018 Follow-up FAME report were completed, including all three related to retaliation. Two observations from the FY 2018 Follow-up FAME report were closed and one was continued. There are two new observations. Appendix A describes new and continued findings and recommendations. Appendix B describes observations subject to continued monitoring and the related federal monitoring plan. Appendix C describes the status of previous findings with associated completed corrective actions.

II. State Plan Background

A. Background

The State of Alaska, in accordance with Section 18 of the Occupational Safety and Health Act of 1970, operated an occupational safety and health program through its Department of Labor and Workforce Development, Labor Standards and Safety Division, Occupational Safety and Health. Alaska received approval for the state plan on August 10, 1973. On September 13, 1977, OSHA certified that all developmental steps were completed as specified in its plan and final approval was granted on September 28, 1984.

The Alaska Occupational Safety and Health Program, under the Alaska Department of Labor and Workforce Development, Division of Labor Standards and Safety, filled key leadership positions including Commissioner Dr. Tamika L. Ledbetter who heads the Department and is the State Designee; and Deputy Director Joseph Knowles who heads the Labor Standards and Safety Division. AKOSH is divided into two sections: Enforcement, and Consultation and Training. The Enforcement section is managed by Chief Ron Larsen who supervises five Industrial Hygienists (IH) and six Safety and Compliance officers. The Consultation and Training section is managed by Chief Elaine Banda who supervises three IHs and eight Safety and Compliance consultants.

AKOSH exercises jurisdiction over all private sector employers with the exception of Denali National Park, Metlakatla Indian Reservation, maritime industries, federal government-owned and contractor-operated (GOCO) native health care facilities, artificial islands, select military installations, federal agencies, and federal employees. AKOSH retains jurisdiction in state and local government workplaces. State standards have been adopted for several hazardous operations in general industry and construction including oil and gas operations, logging, telecommunications, and electric power generation, transmission, and distribution.

The FY 2019 23(g) grant provided for 12 compliance officers (eight safety, four health) and 12 consultants (eight safety, four health). According to the demographic profile provided in the FY 2019 23(g) grant application, there were approximately 312,869 workers employed in 21,291 establishments. The initial award was \$3,199,989 (\$1,383,800 federal, \$1,816,189 state funds). The federal base award level was increased by \$27,300 on March 1, 2019. The total final award was funded at \$3,237,077 of which \$1,411,100 were federal funds. All federal funds were utilized by the state.

B. New Issues

None.

III. Assessment of State Plan Progress and Performance

A. Data and Methodology

OSHA established a two-year cycle for the FAME process. The FY 2019 report is a

comprehensive report where OSHA conducted an on-site program evaluation and case file review utilizing a four-person OSHA team. The electronic case files were reviewed at the OSHA Anchorage area office during the week of November 4-8, 2019. A total of 86 safety and health case files were randomly selected from closed inspections and non-formal complaint files that were conducted from October 1, 2018 to September 30, 2019.

The selected case files included:

- Three (3) fatality case files
- Thirty (30) non-formal complaint case files
- Forty-one (41) un-programmed case files
- Twelve (12) programmed case files

The review of whistleblower protection case files was also conducted during the week of November 4-8, 2019. A total of ten whistleblower protection investigations were completed and 76 complaints were administratively closed in FY 2019. All 86 closed whistleblower protection case files were selected for review and included:

- Five (5) withdrawn
- One (1) dismissed
- Four (4) settled
- Zero (0) settled other
- Seventy-six (76) administratively closed

The analyses and conclusions described in this report are based on information obtained from a variety of monitoring sources, including the:

- State Activity Mandated Measures Report (SAMM, dated 11/12/2019) (Appendix D)
- State Information Report (SIR, dated 11/12/2019)
- Mandated Activities Report for Consultation (MARC, dated 11/12/2019)
- FY 2019 State OSHA Annual Report (SOAR) (Appendix E)
- State Plan Annual Performance Plan
- State Plan 23(g) Grant Application
- Quarterly monitoring meetings between OSHA and the State Plan
- OSHA Information System (OIS)
- Web Integrated Management Information System (Web IMIS)

Each State Activity Mandated Measure (SAMM) has an agreed-upon Further Review Level (FRL) which can be either a single number, or a range of numbers above and below the national average. 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 2019 SAMM Report, and includes the FRL for each measure.

B. Review of State Plan Performance

1. PROGRAM ADMINISTRATION

a. Training

AKOSH adopted PD 16-02 on November 23, 2013, in response to OSHA's training directive, TED 01-00-019 Mandatory Training Program for OSHA Compliance Personnel, and the alternative approach was approved by OSHA. A comprehensive continuing education program was provided to ensure compliance officers and consultants maintained their knowledge and skills. Training opportunities for enforcement and consultation personnel included 11 OSHA Training Institute (OTI) courses, 20 webinars, three University of Washington courses, and seven other safety and health related and in-house courses. AKOSH worked with OTI to bring the OSHA 3010 – Excavation, Trenching and Soil Mechanics course to the state and was able to train 13 staff to support the agency's priority goal.

AKOSH adopted PD 19-05, Mandatory Training Program for AKOSH Whistleblower Investigators on November 1, 2018 in response to the OSHA Whistleblower Training Program Directive from FY 2016. There is one AKOSH representative that managed the whistleblower protection program by providing whistleblowers informal training, guidance and assistance and has completed the OSHA 1420 – Whistleblower Investigation Fundamentals, OSHA 2720 – Whistleblower Resolution, and OSHA 1610 – Interviewing Techniques for Whistleblower Investigators.

b. OSHA Information System and WebIMIS

Enforcement data continued to be captured in OIS and weekly reports were used as a management tool to assess the effectiveness of the program. Administrative officers were trained to run the reports on a recurring basis. Some of the deficiencies identified by AKOSH included lack of coding for multi-employer worksites, not linking related inspections, and coding errors in complaint processing. Assistance in OIS coding was requested resulting in developing training aids for compliance officers.

c. State Internal Evaluation Program (SIEP) Report

An internal document for self-assessment was developed to conduct quality control checks on enforcement activities and case file reviews. The results will be documented, retained as part of the SIEP, and revisited or modified as issues are discovered.

Management conducted periodic reviews of fatality, inspection, and complaint case files, and developed a guide and tracker sheet for compliance officers to reference. This ensured that required actions were taken for each case file. A tracker sheet was also developed for administrative staff to ensure all action items were

completed to assist in closing case files.

d. Staffing

The FY 2019 23(g) grant provided for 12 compliance officers (8 safety, 4 health) and 12 consultants (8 safety, 4 health). Staffing has stabilized compared to the previous five years, and issues with turnover improved significantly. Key leadership and supervisory positions were filled. In addition, the Assistant Chief of Enforcement position was reclassified to Chief of Enforcement. At the end of the year, AKOSH had two vacancies combined in enforcement and consultation positions, which was 12.5% below full staffing levels.

2. ENFORCEMENT

a. Complaints

There were 127 valid complaints in FY 2019, resulting in 86 inspections and 41 investigations. The average number of work days to initiate complaint inspections was 2.43 days, well below the negotiated goal of 7 days (SAMM 1A). The average number of work days to initiate complaint investigations increased from the previous year to 2.05 days, and was higher than the negotiated goal of 1 day (SAMM 2A). This was **Observation FY 2018-OB-06** in the FY 2018 FAME Report and was elevated to a finding in FY 2019, as the average time has increased. Training was provided to staff and a spread sheet was developed to track the response time. Weekly OIS reports were used to analyze the upward trend. The average work days will continue to be monitored during quarterly meetings.

Finding FY 2019-01 (FY-2018-OB-06): The average number of work days to initiate complaint investigations was 2.05 days, exceeding the negotiated goal of 1 day (SAMM 2A).

Recommendation FY 2019-01 (FY-2018-OB-06): AKOSH should develop a management plan to ensure complaint investigations are initiated timely to meet the negotiated goal.

AKOSH responded to 97.62% (41 of 42) of imminent danger complaints and referrals within one day (SAMM 3). The one outlier was satisfactorily explained as a weather delay. No aircraft were allowed to fly to the site within the one day requirement.

Additionally, OSHA reviewed case files to assess performance related to complaints. In nine out of 22 case files (41%), there was no evidence that a copy of the inspection results letter was sent to the complainant. **Observation FY 2018-OB-1** has been an ongoing observation for the last three years and was elevated to a finding in FY 2019.

Finding FY 2019-02 (FY 2018-OB-01): In 41% (9 of 22) of complaint inspection files, there was no indication that the required inspection results letter was sent to the complainant, nor was the letter maintained in the electronic case file.

Recommendation FY 2019-02 (FY 2018-OB-01): AKOSH should ensure that all letters of inspection results are sent to the complainants and saved in the electronic case files.

In FY 2019, enforcement inspections and investigations were transitioned from a paper to electronic case file system. A review of electronic case files revealed that in 14 out of 30 (47%) non-formal complaint electronic case files, the case files only included the OSHA-7 complaint form. No other required documents, forms, or notes were present in the electronic case files to preserve a record of all actions taken to process the complaints.

Finding FY 2019-03: In 47% (14 of 30) of case files that contained non-formal complaints, the electronic case files contained only the complaint form and lacked all other required documents, forms, and notes, as required by the State Plan's Field Operations Manual (FOM).

Recommendation FY 2019-03: AKOSH managers should ensure that all required documentation, forms, and notes are included and maintained in electronic case files, as required by the State Plan's FOM.

There were zero denial of entries where entry was not obtained (SAMM 4).

b. Fatalities

There were three fatalities investigated and all (100%) were responded to within one work day (SAMM 10).

A review of the case files for fatalities revealed two deficiencies relating to next-of-kin letters. One case did not contain evidence that the initial letter to the victim's next-of-kin was sent, and, in another case, the final letter of inspection findings had not been sent. Therefore, **Observation FY 2018-OB-02** was elevated to a Finding.

Finding FY 2019-04 (FY 2018-OB-02): In 67% (2 of 3) of fatality case files reviewed, there was no evidence that required next-of-kin letters were sent.

Recommendation FY 2019-04 (FY 2018-OB-02): AKOSH should ensure that next-of-kin initial involvement and final letter of inspection findings are sent and saved to the electronic case file.

c. Targeting and Programmed Inspections

Percent of enforcement presence (SAMM 17) describes the number of safety and health inspections conducted compared to the number of employer establishments in the state. The State Plan had a percent enforcement presence of 2.16%, which was higher than the FRL range of 0.92% to 1.54%. AKOSH's high enforcement

presence indicates that the State Plan is reaching more employers with enforcement activity than the national average.

A total of 231 safety and 150 health inspections were conducted, surpassing the 220 projected safety and 110 health inspections in FY 2019. The total of 381 enforcement inspections conducted (SAMM 7), exceeded the projected goal of 330. The number of safety inspections met the upper end of the FRL range of 209 to 231 inspections and the number of health inspections exceeded the FRL range of 104.50 to 115.50 inspections. The inspection goal for FY2019 was met, and **Finding FY 2018-04** was completed. Notably, this was the first time the inspection goal has been met in five years.

In the FY 2019 State Plan 23(g) grant, the annual performance plan established goals for enforcement inspections in construction, healthcare, and seafood processing industries. These industries were targeted through scheduled planned inspections, and consultation and training activities such as outreach, education, and compliance assistance. As noted in the AKOSH SOAR, in construction, 133 inspections, 17 consultation visits, and 21 compliance assistance activities were conducted. For seafood processing industries, 21 inspections were completed. The projected goals of conducting 130 construction and 15 seafood processing inspections were exceeded.

In the healthcare industry, 121 inspections, 15 consultation visits, and four compliance assistance activities were completed as noted in the AKOSH SOAR. The goal to reduce lost time injury and illness rate from 1.31 per 100 employees was exceeded; the actual outcome was 0.93 per 100 employees. However, it was noted that the FOM was not followed for inspections conducted in health care facilities. In those instances, multiple inspections were opened via department rather than one inspection for the entire facility. This issue requires further study and will be addressed in FY 2020.

d. Citations and Penalties

The average number of serious, willful, repeat, and unclassified (SWRU) violations per inspection was 2.40, which was higher than the national average and above the range of the FRL of 1.43 to 2.15 (SAMM 5). The average number of other than serious violations was 0.98, which was within the FRL range of 0.78 to 1.16. In general, the case files reviewed had citations for apparent violations with appropriate classification, grouping, and penalties.

Table 1
Average Current Serious Penalty in Private Sector (SAMM 8)

Number of Workers	AKOSH FY 2019	3 Year National Average	FRL
1-250+	\$3,529.30	\$2,871.96	\$2,153.97 to \$3,589.95
1-25	\$2,141.93	\$1,915.86	\$1,436.89 to \$2,394.82
26-100	\$3,951.97	\$3,390.30	\$2,542.73 to \$4,237.88
101-250	\$5,579.06	\$4,803.09	\$3,602.31 to \$6,003.86
250+	\$5,322.59	\$5,938.59	\$4,453.94 to \$7,423.23

The average current penalty per serious violation for all employers was \$3,529.30, which was within the FRL and an improvement from the FY 2018 average for all employers of \$1,675.87 (SAMM 8). After implementation and phase in of the new State law for adjustment of civil penalties for inflation, the penalties were within the FRL for all size categories of employers and are now equivalent to OSHA.

The percent in-compliance rate for safety of 31.18% was within the FRL range of 24.24% - 36.36% (SAMM 9). However, the percent in-compliance rate for health was 72.93% and was above the FRL range of 28.90% - 43.35%. This was a significant increase from 15.79% in-compliance rate for health in FY 2018.

Finding FY 2019-05: The in-compliance rate for health inspections was 72.93%, which falls outside of the FRL.

Recommendation FY 2019-05: AKOSH should determine the cause and take action to decrease its high in-compliance rate for health inspections.

The average lapse time for safety inspections was 51.89 workdays and was within the FRL (SAMM 11). The average lapse time for health inspections was 92.68 days, and above the FRL of 45.78 – 68.68 days. Although training was conducted, the lapse time has not improved much since FY 2018, which was 97.67 days. Therefore, **Finding FY 2018-06** was continued.

Finding FY 2019-06 (FY 2018-06): The average lapse time for health inspections was 92.68 days, which exceeds the FRL range.

Recommendation FY 2019-06 (FY 2018-06): AKOSH should determine the cause and take action to decrease its high lapse time for health inspections.

Of the case files reviewed, eight out of 55 (14.5%) did not include documentary evidence critical to supporting a violation within the case files, as required by AKOSH PD 19-06, the Alaska Occupational Safety and Health Field Operations Manual, chapter 5. Specifically, the case files lacked photographs, air monitoring to support severity, appropriate justifications for high gravity violations, employee exposure information and interviews, and employer knowledge of the hazard. Therefore, this will remain an open observation.

Observation FY 2019-OB-01 (FY 2018-OB-03): In 14.5% (eight of 55) of case files, evidence critical to supporting a violation was not documented, as required by the AKOSH FOM.

Federal Monitoring Plan FY 2019-OB-01 (FY 2018-OB-03): OSHA will monitor to ensure documents relevant to the inspection/investigation are within the case file and are uploaded to the electronic file.

In the FY 2018 FAME, it was noted that AKOSH was conducting records-only inspections. The State Plan discontinued this activity and procedural changes were implemented. The case file review revealed that in all 55 case files reviewed by OSHA, the inspections were conducted on-site, and, therefore, **Finding FY 2018-05** was completed.

e. Abatement

Where documentation existed, both abatement periods and interim abatements offered were appropriate. However, in six out of 55 (10.9%) case files, there was no evidence of abatement in the case file. In one fatality, there was no abatement documentation for a high gravity violation involving a bear mauling and the employer stated no one was going to the worksite in 2019. Abatement must be provided for seasonal work and should be tracked for abatement pending and due date. In the FY 2018 FAME, OSHA addressed concerns regarding abatement verification. This will remain a finding and OSHA will continue to monitor this issue.

Finding FY 2019-07 (FY 2018-08): In 10.9% (6 of 55) of inspection case files, there was no evidence of abatement.

Recommendation FY 2019-07: AKOSH should ensure the case files are maintained and updated when abatement documentation is obtained.

f. Worker and Union Involvement

The percent of initial inspections with worker walk around representation or worker interview was 99.21% (SAMM 13), slightly below the FRL of 100%. However, the on-site review revealed that employee interviews were not documented in 10 out of 55 (18.2%) case files. In five out of 12 (41.7%) cases where workers were covered by a union, the union or employee representative were not contacted to participate during inspections. Procedural changes and training were implemented and AKOSH showed improvement from the FY 2018 Follow-up FAME on-site review, when OSHA found that AKOSH did not have documentation of worker interviews in 21 out of 45 (46.7%) cases. However, OSHA found that this was still a concern during the FY 2019 case file review and **Finding 2018-07** was continued.

Finding FY 2019-08 (FY 2018-07): In 18.2% (10 of 55) of inspection case files, employee interviews were not documented.

Recommendation FY 2019-08 (FY 2018-07): AKOSH should implement a corrective action to ensure that interviews are documented.

Finding FY 2019-09: In 41.7% (5 of 12) of inspections, where workers were covered by a union, the union representative was not involved in the walk around of the inspection.

Recommendation FY 2019-09: AKOSH should ensure union or employee representatives are contacted to participate in the inspection process and evidence is documented in the case files.

3. REVIEW PROCEDURES

a. Informal Conferences

Penalty reductions, deletions, and reclassifications were conducted in accordance with AKOSH FOM, PD 19-06, Chapter 7, Post Citation Procedures and Abatement Verification. Notes were documented and maintained in the electronic record. The State Plan retained 69.41% of their initial penalties, which was within the FRL range of 56.42% to 76.33% (SAMM 12). Documentation of the informal conference notes and settlement agreements were included in the case file. The diary sheet was not used; rather the State Plan has a contact log similar to a diary sheet that it uses when case files are turned in for review. The review date and all significant activities of the case file were added to the contact log, in accordance with the AKOSH FOM.

b. Formal Review of Citations

For FY 2019, 25.49% of violations were vacated after a contest was filed, above the national average of 13.98% (SIR 5B), and 15.79% of violations were reclassified after the contest, above the national average of 12.17% (SIR 6B). However, the penalty retention rate following a contest was 67.66%, compared to the national average of 62.54% (SIR 7B). The enforcement case file review did not reveal any issues or deficiencies related to formal settlement proceedings.

4. STANDARDS AND FEDERAL PROGRAM CHANGE (FPC) ADOPTION

a. Standards Adoption

Certain sections of the safety and health Code of Federal Regulations (CFRs) have been adopted and are covered in the Alaska Administrative Code (AAC) under 8 AAC 61.1010. The regulatory language “as amended” provides that once a federal change to a CFR is adopted by reference and receives public notice in the Federal Register, the effective date in Alaska is the same as that published in the Federal Register. For new OSHA standards, with code numbers that do not fall under the previously adopted 8 AAC 61.1010, Alaska must go through a regulations adoption process which requires a period of public notice and comment.

Some federal standard adoptions require state legislative changes, such as the adoption of adjustments to the penalty structure. The Alaska state legislature meets for 90 days in regular session, unless extended. Regular sessions are January to

April. Legislatures are two years long (e.g. 2019-2020, odd year to even year) and bills stay alive during that period. The process for submitting proposed legislation is located on the Alaska state website:

<http://www.labor.alaska.gov/commish/regindex.htm>

OSHA issued three standards that required adoption from FY 2018 to FY 2019 and all were adopted identical. The Final Rule on the Implementation of the 2019 Annual Adjustment to Civil Penalties for Inflation required a legislative change. The change was submitted as Alaska House Bill 121 during the 2017 legislative session, where it passed the House of Representatives. The bill continued through the legislative process during the 2018 session, and was passed and implemented by the state during FY 2019. The state maximum penalty change matched federal penalties by the fourth quarter of FY 2019.

Table 2 lists the standards issued by OSHA that required a response during FY 2019 and AKOSH's response was timely.

Table 2
Status of FY 2019 Federal Standards Adoption
(May include any outstanding standards from earlier fiscal years)

Standard:	Response Due Date:	State Plan Response Date:	Intent to Adopt:	Adopt Identical:	Adoption Due Date:	State Plan Adoption Date:
Final Rule on the Standards Improvement Project - Phase IV 1904,1910,1915,1926 (5/14/2019)	7/13/2019	7/12/2019	Yes	Yes	11/14/2019	7/12/2019
Final Rule on the Implementation of the 2019 Annual Adjustment to Civil Penalties for Inflation 29 CFR 1902,1903 (1/23/2019)	3/23/2019	2/1/2019	Yes	Yes	7/23/2019	2/1/2019
Final Rule on Crane Operator Certification Requirements 29 CFR Part 1926 (11/9/2018)	1/9/2019	1/22/2019	Yes	Yes	5/9/2019	11/9/2018

b. Federal Program Changes

AKOSH submitted timely responses for three of the six federal program changes (FPCs) that required an intent response in FY 2018 and FY 2019. The other three responses were late by only eight days. Two FPCs required identical or equivalent

adoption in FY 2018 and 2019 and AKOSH adopted them timely and submitted comparison documents. The two outstanding items from previous fiscal years were adopted and comparison documents were provided. Table 3 below details the State Plan's intent and adoption status.

Table 3
Status of FY 2019 Federal Program Change (FPC) Adoption
(May include any outstanding FPCs from earlier fiscal years)

FPC Directive/Subject:	Response Due Date:	State Plan Response Date:	Intent to Adopt:	Adopt Identical:	Adoption Due Date:	State Plan Adoption Date:
<i>Adoption Required</i>						
National Emphasis Program on Trenching and Excavation CPL 02-00-161 (10/1/2018)	11/30/2018	10/8/2018	10/8/2018	Yes	4/1/2019	10/8/2018
<i>Equivalency Required</i>						
Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment CPL 02-01-061 (5/22/2019)	7/21/2019	7/29/2019	No	N/A	11/22/2019	N/A
Shipyard Employment "Tool Bag" Directive CPL 02-00-162 (5/22/2019)	7/21/2019	7/29/2019	No	No	11/22/2019	N/A
Enforcement Guidance for Personal Protective Equipment (PPE) in Shipyard Employment CPL 02-01-060 (5/22/2019)	7/21/2019	7/29/2019	No	N/A	11/22/2019	N/A
Site-Specific Targeting 2016 (SST-16) CPL 02-18-01 (10/16/2018)	12/15/2018	10/31/2018	Yes	No	4/16/2019	1/24/2019 Under OSHA Review

Whistleblower Investigations Manual CPL 02-03-007 (1/28/2016)	3/11/2016	3/24/2016	Yes	No	7/10/2018	7/10/2018 Under OSHA Review
TED 01-00-020 Mandatory Training Program for OSHA Whistleblower Investigators (10/8/2015)	12/8/15	3/24/2017	Yes	No	11/2/2018	11/12/2018 Under OSHA Review
<i>Adoption Encouraged</i>						
Alternative Dispute Resolution (ADR) Processes for Whistleblower Protection Programs CPL 02-03-008 (2/4/2019)	4/5/2019	4/22/2019	No	No	N/A Adoption not required	N/A

5. VARIANCES

There were no variance requests during FY 2018 and FY 2019.

6. STATE AND LOCAL GOVERNMENT WORKER PROGRAM

The penalty structure for state and local government employers was identical to private sector employers. There were 4.20% (16 of 381) of total inspections conducted with state and local government employers, which fell below the FRL range of 5.76% to 6.36% (SAMM 6) and the 23(g) grant projection of 6.06% of total inspections. OSHA will continue to review inspections that are conducted in state and local government workplaces during quarterly meetings.

7. WHISTLEBLOWER PROGRAM

Claims of workplace retaliation for reporting occupational safety and health issues are investigated by the AKOSH Whistleblower Investigations under Title 8, Part 4, Chapter 61, Article 7, of the Alaska Administrative Code.

Based on case files reviewed, OSHA policies and procedures outlined in the Whistleblower Investigations Manual (WIM) were generally followed. AKOSH adopted PD 19-05, Mandatory Training Program for AKOSH Whistleblower Investigators on November 1, 2018 in response to the OSHA Whistleblower Training Program Directive from FY 2016.

Table 4 below shows AKOSH’s performance over the past three years in regards to SAMM 14, 15, and 16. The average number of calendar days to complete an investigation was 515 days in FY 2018 and improved to 241 days in FY 2019 (SAMM 16). While this was still higher than the FRL of 90 days, this metric may fluctuate as a backlog of older cases are resolved. Due to improvements in lapse time, **Finding FY 2018-03** was closed.

Table 4

	FY 2017	FY 2018	FY 2019	National Average	FRL
Completed Within 90 Days (SAMM 14)	33%	20%	33%	34%	100%
Merit Cases (SAMM 15)	22%	20%	50%	23%	18.40% to 27.60%
Average Number of Calendar Days to Complete Investigation (SAMM 16)	334	515	241	284	90

In all whistleblower protection case files reviewed, there was evidence of the investigator interviewing the complainant; therefore, **Finding FY 2018-01** was completed. In addition, in all case files reviewed by OSHA, AKOSH investigated the discriminatory action, interviewed witnesses, and addressed prima facie elements; therefore, **Finding FY 2018-02** was completed. In all four retaliation cases that were settled, settlement agreements were included in the case files. Consequently, **Observation FY 2018-OB-04** was closed. Lastly, all 76 administratively closed cases reviewed by OSHA were completed in IMIS in a timely manner, and, as a result, **Observation 2018-OB-05** was closed.

In all five case files that were closed due to lack of cooperation, AKOSH did not use all means of communication identified in the case files to contact complainants. Emails and letters were sent to complainants, but there was no evidence of attempts to call complainants when phone numbers were provided.

Finding FY 2019-10: In 100% (5 of 5) of whistleblower investigations dismissed due to lack of cooperation, all means of supplied contact information were not attempted to contact the complainant.

Recommendation FY 2019-10: AKOSH should ensure all means of contact information provided by complainants are used before closing an investigation due to lack of cooperation.

Administratively closed cases require a supervisory review to ensure all procedures are followed. During the case file review, 68 out of 76 (89.5%) cases did not contain evidence or documentation that a supervisory review was conducted. While this is large portion of the cases reviewed, all of the procedures for an administratively closed case were followed and only lacked supervisory review.

Observation FY 2019-OB-02: In 89.5% (68 of 76) of administratively closed retaliation case files, there was no documentation of a supervisory review.

Federal Monitoring Plan FY 2019-OB-02: OSHA will monitor to ensure AKOSH is conducting and documenting in case files a supervisory review of administratively closed cases during quarterly meetings.

Acknowledgment or agreement from the complainant is required to administratively close a case. During the case file review, 76 out of 76 (100%) cases did not contain evidence or documentation of this agreement or acknowledgment. However, the interview with the investigator indicated that if a complainant did not agree to administrative closure, the investigation would address this and procedural guidance was followed.

Observation FY 2019-OB-03: In 100% (76 of 76) of administratively closed retaliation case files, there was no documentation to show that complainants agreed with the decision to administratively close their complaint.

Federal Monitoring Plan FY 2019-OB-03: OSHA will monitor AKOSH during quarterly meetings to ensure that they include documentation in case files to show that complainants agree to administratively close their complaint.

8. COMPLAINT ABOUT STATE PROGRAM ADMINISTRATION (CASPA)

OSHA investigated two valid CASPAs during the period of FY 2018 and FY 2019. CASPA AK-2018-1 alleged that AKOSH did not follow their policies and procedures in the handling of a retaliation complaint. OSHA's investigation and review of procedures substantiated the allegations, and AKOSH was required to interview the complainant and develop a report of investigation. Corrective action was completed and the CASPA was closed. AKOSH was timely in their response to this CASPA.

CASPA AK-2019-1 alleged that AKOSH internal quality assurance was not adequate in ensuring consultation reports were provided to the employer within 20 days, and consultations were not scheduled in accordance with the Consultation Policies and Procedures Manual (CPPM). OSHA's investigation and review of the procedures, substantiated the allegations. Corrective action was completed and the CASPA was closed. AKOSH was timely in their response to this CASPA.

9. VOLUNTARY COMPLIANCE PROGRAM

The Voluntary Protection Program (VPP) is administered under the 23(g) grant and managed by the Consultation and Training Section. There were nine VPP sites at the end of FY 2019. There were no additions or withdrawals from the program during the fiscal year. This is short of the five-year strategic plan goal to maintain at least 11 VPP sites and OSHA will continue to review during quarterly meetings.

In the FY 2019 State Plan 23(g) grant, the annual performance plan established a goal to maintain at least one partnership agreement in construction, healthcare, seafood processing or the public sector over the course of the five-year strategic plan. At the

end of FY 2019, there were five participants in their construction partnership agreement called Alaska's Construction Health and Safety Excellence Program (CHASE). There were three gold level and two blue level contractors.

10. STATE AND LOCAL GOVERNMENT 23(g) ON-SITE CONSULTATION PROGRAM

Consultation services are provided to state and local government employers through the Consultation and Training section. This portion of the FAME report covers consultation services provided solely to state or local government agencies that are funded under Section 23(g) of the Occupational Safety and Health (OSH) Act. Consultation for the private sector is funded under Section 21(d) of the OSH Act and is evaluated separately in the Regional Annual Consultation Evaluation Report (RACER).

In FY 2019, 59 initial consultation visits were conducted in state and local government workplaces. Of these, 57 (96.61%) were in high hazard industries, exceeding the goal of not less than 90% (MARC 1).

Smaller businesses with fewer than 250 employees received 52 (88.14%) visits (MARC 2A), and businesses with fewer than 500 employees received 37 (62.71%) visits (MARC 2B). The consultant conferred with employees 100% of the time. (MARC 3).

During this evaluation period, 273 serious hazards were identified, and all (100%) were corrected in a timely manner. There were 88 hazards corrected on-site, 163 within the original time, and 16 within the extension time frame. Of these, 94.1% (251 of 273) were corrected within the original timeframe or on-site, and exceeded the goal of 65%. No employers were referred to enforcement (MARC 4A-4D).

Appendix A – New and Continued Findings and Recommendations

FY 2019 AKOSH Comprehensive FAME Report

FY 2019-#	Finding	Recommendation	FY 2018-# or FY 2018-OB-#
FY 2019-01	The average number of work days to initiate complaint investigations was 2.05 days, exceeding the negotiated goal of 1 day (SAMM 2A).	AKOSH should develop a management plan to ensure complaint investigations are initiated timely to meet the negotiated goal.	FY 2018-OB-06
FY 2019-02	In 41% (9 of 22) of complaint inspection files, there was no indication that the required inspection results letter was sent to the complainant, nor was the letter maintained in the electronic case file.	AKOSH should ensure that all letters of inspection results are sent to the complainants and saved in the electronic case files.	FY 2018-OB-01
FY 2019-03	In 47% (14 of 30) of case files that contained non-formal complaints, the electronic case files contained only the complaint form and lacked all other required documents, forms, and notes, as required by the State Plan's Field Operations Manual (FOM).	AKOSH managers should ensure that all required documentation, forms, and notes are included and maintained in electronic case files, as required by the State Plan's FOM.	New
FY 2019-04	In 67% (2 of 3) of fatality case files reviewed, there was no evidence that required next-of-kin letters were sent.	AKOSH should ensure that next-of-kin initial involvement and final letter of inspection findings are sent and saved in the electronic case file.	FY 2018-OB-02
FY 2019-05	The in-compliance rate for health inspections was 72.93%, which falls outside of the FRL.	AKOSH should determine the cause and take action to decrease its high in-compliance rate for health inspections.	New
FY 2019-06	The average lapse time for health inspections was 92.68 days, which exceeds the FRL range.	AKOSH should determine the cause and take action to decrease its high lapse time for health inspections.	FY 2018-06

Appendix A – New and Continued Findings and Recommendations

FY 2019 AKOSH Comprehensive FAME Report

FY 2019-#	Finding	Recommendation	FY 2018-# or FY 2018-OB-#
FY 2019-07	In 10.9% (6 of 55) of the inspection files, there was no evidence of abatement.	AKOSH should ensure the case files are maintained and updated when abatement documentation is obtained.	FY 2018-08
FY 2019-08	In 18.2% (10 of 55) of inspection case files, employee interviews were not documented.	AKOSH should implement a corrective action to ensure that interviews are documented.	FY 2018-07
FY 2019-09	In 41.7% (5 of 12) of inspections, where workers were covered by a union, the union representative was not involved in the walk around of the inspection.	AKOSH should ensure union or employee representatives are contacted to participate in the inspection process and evidence is documented in the case files.	New
FY 2019-10	In 100% (5 of 5) of whistleblower investigations dismissed due to lack of cooperation, all means of supplied contact information were not attempted to contact the complainant.	AKOSH should ensure all means of contact information provided by complainants are used before closing the investigation due to lack of cooperation.	New

Appendix B – Observations Subject to New and Continued Monitoring

FY 2019 AKOSH Comprehensive FAME Report

Observation # FY 2019-OB-#	Observation# FY 2018-OB-# or FY 2018-#	Observation	Federal Monitoring Plan	Current Status
	FY 2018-OB-01	In FY 2018, in 33% (6 of 18) complaint inspection files reviewed, a record of the inspection results letter that was sent to the complainant was not maintained in the case file.		Converted to Finding FY 2019-02
	FY 2018-OB-02	In FY 2018, in one of three (33%) of fatality case files reviewed, there was no letter sent to next-of-kin.		Converted to Finding FY 2019-04
FY 2019-OB-01	FY 2018-OB-03	In 14.5% (eight of 55) of case files, evidence critical to supporting a violation was not documented, as required by the AKOSH FOM.	OSHA will monitor to ensure documents relevant to the inspection/investigation are within the case file and are uploaded to the electronic file.	Continued
	FY 2018-OB-04	In FY 2017, in 22% (2 of 9) retaliation cases that either settled or referenced a settlement agreement that led to a withdrawal request, a copy of the settlement agreement was not included in the file.		Closed
	FY 2018-OB-05	In FY 2017, in 44% of administratively closed retaliation cases (four of nine), cases were closed in WebIMIS an average of 210 days after the date they were filed.		Closed

Appendix B – Observations Subject to New and Continued Monitoring

FY 2019 AKOSH Comprehensive FAME Report

	FY-2018-OB-06	AKOSH’s average number of work days (1.98 days) to initiate complaint investigations exceeded the FRL of 1 day (SAMM 2A).		Converted to Finding FY 2019-01
FY 2019-OB-02		In 89.5% (68 of 76) of administratively closed retaliation case files, there was no documentation of a supervisory review.	OSHA will monitor to ensure AKOSH is conducting and documenting in case files a supervisory review of administratively closed cases during quarterly meetings.	New
FY 2019-OB-03		In 100% (76 of 76) of administratively closed retaliation case files, there was no documentation to show that complainants agreed with the decision to administratively close their complaint.	OSHA will monitor AKOSH during quarterly meetings to ensure that they include documentation in case files to show that complainants agree to administratively close their complaint.	New

Appendix C - Status of FY 2018 Findings and Recommendations

FY 2019 AKOSH Comprehensive FAME Report

FY 2018-#	Finding	Recommendation	State Plan Corrective Action	Completion Date (if Applicable)	Current Status (and Date if Item is Not Completed)
FY 2018-01	In 44% (4 of 9) of whistleblower protection case files reviewed, there was no evidence in the file that the investigator interviewed the complainant. AKOSH is not conducting timely interviews of whistleblower complainants and appears instead to be relying on a questionnaire.	AKOSH should ensure that complainants are interviewed in a timely manner and are not required to write a rebuttal statement to the respondent's position statement. If a complainant voluntarily submits a written rebuttal statement, this should not be a substitute for an interview.	In August 2018, AKOSH hired a whistleblower investigator. They have also appointed a backup investigator. The full time investigator has completed all required Whistleblower courses. Program managers will ensure AKOSH full compliance with the AKOSH Whistleblower Policy and Procedures Manual.	08/08/2019	Completed
FY 2018-02	In 44% (4 of 9) of whistleblower case files reviewed, the investigator closed the case without fully investigating the discriminatory action or interviewing witnesses to determine the facts of the case and whether it meets prima facie element requirements.	AKOSH should ensure that investigators interview whistleblower complainants and their witnesses, if necessary, to determine the validity of their case before closing the case out and are following guidance in the AKOSH Whistleblower Policy and Procedures Manual.	In August 2018, AKOSH hired a whistleblower investigator. They have also appointed a backup investigator. The full time investigator has completed all required Whistleblower courses. Program managers will ensure AKOSH full compliance with the AKOSH Whistleblower Policy and Procedures Manual. The Whistleblower Investigator is working to ensure cases are investigated and witnesses are interviewed.	08/08/2019	Completed
FY 2018-03	AKOSH did not resolve retaliation investigations in a timely manner, with an average of 515 open days per case in FY 2018.	AKOSH should ensure that personnel responsible for investigating retaliation cases complete them in a timely manner.	In August 2018, AKOSH hired a whistleblower investigator. They have also appointed a backup investigator. The full time investigator has completed all required Whistleblower courses and on the job training. The Assistant Chief of Enforcement will work with those positions to reduce process times. The investigator has been reaching out to and	11/04/2019	Closed

Appendix C - Status of FY 2018 Findings and Recommendations

FY 2019 AKOSH Comprehensive FAME Report

			consulting with federal OSHA. An update on progress will be provided at the 4 th quarter meeting scheduled for 21 November 2019.		
FY 2018-04	AKOSH conducted a total of 122 safety inspections and 45 health inspections were conducted (SAMM 7), which was below the low end of the FRL range of 218.50 safety inspections and 104.50 health inspections.	AKOSH should determine the cause of the low number of inspections and take action to ensure inspection goals are met.	Program managers analyzed the deficiency and determined the new employees needed to be retrained and coached on time management. Retraining for time management and case load expectations that meet minimum federal guidelines has been completed. There are two new IH CSHO's. One will complete training and be fully credentialed by 7 September 2019. The other will be fully credentialed no later than 31 October 2019. The new safety officer in Juneau is fully credentialed as of 9 August 2019 and conducting inspections on his own. Lastly, one IH officer resigned without notice on 19 August 2019. Enforcement is showing steady improvement.	04/15/2020	Completed
FY 2018-05	On-site inspections were not performed in accordance with the AKOSH Field Operations Manual (FOM) at eight worksites which included a fatality investigation.	AKOSH should ensure that inspections are conducted on site and include the presentation of credentials, private worker interviews and documentation of prima facie elements to support violations.	Records only inspections have been discontinued and only on-site inspections in accordance with AKOSH Field Operation Manual (FOM) will be conducted. The issue was addressed and procedural changes have been implemented.	04/15/2020	Completed
FY-2018-06	AKOSH's average lapse time (SAMM 11) was 85.34 days for safety inspections and 97.67 days for health inspections, which was above the upper end of the FRL range of 55.44 for safety inspections and 67.87 for health inspections.	AKOSH should determine the cause for the high lapse time and implement a corrective action to ensure cases are completed in a timely fashion.	Program managers analyzed the deficiency and determined the new employees needed to be retrained and coached on time management. On the job training on time management for lapse times has been completed. Lapse times should show improvement by 4th quarter meeting scheduled for 21 November 2019.	04/15/2020	Open

Appendix C - Status of FY 2018 Findings and Recommendations

FY 2019 AKOSH Comprehensive FAME Report

FY-2018-07	The case file review of 45 inspections revealed that in 21 cases (46.7%) worker interviews were not performed and/or the interviews were not documented.	AKOSH should determine the cause for the lack of worker interviews conducted and implement a corrective action to ensure that workers are interviewed during inspections and that the interviews are documented.	Additional training was provided to new compliance officers to ensure complete documentation was placed in case files in timely manner. The issue was addressed and procedural changes have been implemented.	04/15/2020	Open
FY-2018-08	In FY 2018, the case file review revealed that there was no evidence of abatement in 13.3% (6 of 45) of inspection files.	AKOSH should ensure that enforcement case files contain documentation of abatement.	Additional training was provided to new compliance officers to ensure complete documentation was placed in case files in a timely manner. The Chief of enforcement will conduct a review of abatement monthly. Officers have been briefed on expectations on abatement and will continue to work on older case abatement.	04/15/2020	Open

Appendix D - FY 2019 State Activity Mandated Measures (SAMM) Report

FY 2019 AKOSH Comprehensive FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Alaska – AKOSH			FY 2019	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	2.43	7	The further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	1.30	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)	2.05	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)	0.88	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)	97.62%	100%	The further review level is fixed for all State Plans.
4	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.

Appendix D - FY 2019 State Activity Mandated Measures (SAMM) Report

FY 2019 AKOSH Comprehensive FAME Report

5	Average number of violations per inspection with violations by violation type	SWRU: 2.40	+/- 20% of SWRU: 1.79	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.43 to 2.15 for SWRU and from 0.78 to 1.16 for OTS.
		Other: 0.98	+/- 20% of Other: 0.97	
6	Percent of total inspections in state and local government workplaces	4.20%	+/- 5% of 6.06%	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 5.76% to 6.36%.
7	Planned v. actual inspections – safety/health	S: 231	+/- 5% of S: 220	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 209 to 231 for safety and from 104.50 to 115.50 for health.
		H: 150	+/- 5% of H: 110	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$3,529.30	+/- 25% of \$2,871.96	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,153.97 to \$3,589.95.
	a. Average current serious penalty in private sector (1-25 workers)	\$2,141.93	+/- 25% of \$1,915.86	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,436.89 to \$2,394.82.
	b. Average current serious penalty in private sector (26-100 workers)	\$3,951.97	+/- 25% of \$3,390.30	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,542.73 to \$4,237.88.
	c. Average current serious penalty in private sector (101-250 workers)	\$5,579.06	+/- 25% of \$4,803.09	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,602.31 to \$6,003.86.

Appendix D - FY 2019 State Activity Mandated Measures (SAMM) Report

FY 2019 AKOSH Comprehensive FAME Report

	d. Average current serious penalty in private sector (greater than 250 workers)	\$5,322.59	+/- 25% of \$5,938.59	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$4,453.94 to \$7,423.23.
9	Percent in compliance	S: 31.18%	+/- 20% of S: 30.30%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 24.24% to 36.36% for safety and from 28.90% to 43.35% for health.
		H: 72.93%	+/- 20% of H: 36.12%	
10	Percent of work-related fatalities responded to in one workday	100%	100%	The further review level is fixed for all State Plans.
11	Average lapse time	S: 51.89	+/- 20% of S: 47.61	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 38.08 to 57.13 for safety and from 45.78 to 68.68 for health.
		H: 92.68	+/- 20% of H: 57.23	
12	Percent penalty retained	69.41%	+/- 15% of 66.38%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 56.42% to 76.33%.
13	Percent of initial inspections with worker walk around representation or worker interview	99.21%	100%	The further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	33%	100%	The further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	50%	+/- 20% of 23%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 18.40% to 27.60%.
16	Average number of calendar days to complete an 11(c) investigation	241	90	The further review level is fixed for all State Plans.

Appendix D - FY 2019 State Activity Mandated Measures (SAMM) Report

FY 2019 AKOSH Comprehensive FAME Report

17	Percent of enforcement presence	2.16%	+/- 25% of 1.23%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.92% to 1.54%.
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NOTE: The national averages in 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 12, 2019, as part of OSHA’s official end-of-year data run.

Appendix E - FY 2019 State OSHA Annual Report (SOAR)

**State of Alaska
Department of Labor and Workforce Development
Labor Standards and Safety Division
Occupational Safety and Health**

**AKOSH
State OSH Annual Report (SOAR) for FY2019**

Evaluation Report Period
October 1, 2018 through September 30, 2019

**Plan Approval: July 24, 1973
Certification: September 9, 1977
Final Approval: September 14, 1984**

**Dr. Tamika L. Ledbetter
Commissioner
Department of Labor and
Workforce Development**

**Joseph Knowles
Deputy Director
Labor Standards and Safety**

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I. Introduction

History

Alaska's original state plan for industrial safety and health was submitted to the U.S. Secretary of Labor for approval on December 8, 1972. The Alaska Legislature enacted legislation in 1973 to bring the safety division, statutes, and regulations into conformity with the OSHA Act of 1970. The Alaska Occupational Safety and Health Statutes, AS 18.60.010 – 105, became effective on July 24, 1973. Alaska completed the development steps required under Section 18(b) of the Act on or before October 1, 1976 and received 18(e) certification on September 14, 1977. The State Plan received 18(e) final approval by the U.S. Department of Labor on September 26, 1984.

This combined Report (FFY19) outlines our progress towards accomplishing the goals of the FY19 Annual Performance Plan agreed to by AKOSH and OSHA and its impact on the progress toward accomplishing the goals set down in the Five-Year Strategic Plan as well as a summary of the results of the FY19 – FY23 Strategic Plan. These plans are intended to be comprehensive in scope, replacing the federal/AKOSH comparison method formally used by OSHA to measure our effectiveness.

AKOSH will develop an annual performance plan with Federal OSHA for each year of the Five-Year Strategic Plan. The performance measures outlined in these plans are results-oriented. However, statistical analysis of the identified specific performance measures will also be used to determine if the activities included in the plans had a positive impact on the performance goal of reducing the number of injuries and illnesses in the workplace.

Mission

The primary mission of the AKOSH program is to work in partnership with Alaskan workers and employers toward eliminating workplace injuries, illnesses, and workplace fatalities. However, the location, geography, and demography of the state results in work sites and practices that are unique to Alaska. As a result, the State of Alaska administers its own occupational safety and health program because we are more able to respond quickly to the unique needs and circumstances of our state.

Organization

The Alaska Occupational Safety and Health Program is located in the Alaska Department of Labor and Workforce Development, Division of Labor Standards and Safety. Commissioner Dr. Tamika L. Ledbetter heads the Department. Deputy Director Joseph Knowles heads the Labor Standards and Safety Division, supervises one Training Coordinator II, and he is also currently acting as the Chief of Occupational Safety and Health, which is divided into two sections: Enforcement and Consultation and Training. The Enforcement section has one Assistant Chief of Enforcement who supervises five Industrial Hygienist (IH) positions and six Safety & Compliance officer positions. The Consultation and Training section has one Assistant Chief of Consultation and

Appendix E - FY 2019 State OSHA Annual Report (SOAR)

Training who supervises three (3) Industrial Hygienist (IH) positions and eight Safety & Compliance consultant positions.

II. *Summary of Results Related to Annual Performance Plan for Both 21(d) and 23(g) Grants.*

AKOSH Five Year Strategic Goal 1:

Improve workplace safety and health in both the public and private sectors as evidenced by a reduction in the rate of injuries, illnesses and fatalities through AKOSH enforcement and consultation and training programs activities.

Strategic Performance Goal # 1.1	By the end of FY2023, reduce the rate of workplace fatalities caused by circumstances that are under AKOSH jurisdiction by 10%.
Strategy	Concentrate on the primary causes of fatalities and the industries where fatalities take place.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	The annual and 5-year total number of workplace fatalities in AKOSH jurisdiction as compared to the average number of workplace fatalities under AKOSH jurisdiction for the previous 5-year period.
Data Source(s)	OIS fatality investigation counts
Baseline	1.2 fatalities per 100,000 employees
Comment	The fatality rate in Alaska for fatalities caused by circumstances under the control of AKOSH is very low. The plan does not require year-by-year reductions. The overall goal is a 10% reduction in the rate of workplace fatalities over the 5 year baseline. AKOSH monitors the number of fatalities each year by industry and targets resources to the industrial categories where fatalities are occurring.

23(g) & 21(d) PROGRAM RESULTS

Quarter	# of Fatalities	Cause of Death	NAICS Industry
1 st	2	Bear attack / Struck by pipe	213114 / 213111
2 nd	1	Positional asphyxiation	447190
3 rd	0		
4 th	0		

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FY19 Total **3**

Note: 1st quarter: event date 10/1/2018.

event date 12/7/2018.

2nd quarter: event date 3/12/2019.

Strategic Plan Period (FY19-23) Running Total # of Fatalities = 3

Strategic Plan Period (FY19-23) Target Rate = 1.12 / 100,000 Employees

Strategic Plan Period (FY19-23) Actual Rate = to be determined at the end of 5-year strategic period.

Comments: None

Annual Performance Goal #1.2	Reduce the lost time injuries and illnesses rate in construction as determined by the <i>lost time</i> injuries and illnesses per hundred employees by 2% per each year of the strategic plan.
Strategy	<ul style="list-style-type: none"> • Conduct scheduled inspections in the construction industry paying particular attention to worksites where “caught in or between”, “struck by” and “falling” incidents are most likely to happen. • Conduct seminars, workshops, on-site consultation, and special programs in public sector, target training and consultation towards those activities most likely to experience “caught in or between”, “struck by” or “falling” incidents.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	<ul style="list-style-type: none"> • Number of completed enforcement inspections in construction industry, • Number of seminars, workshops, on-site consultations, and special programs completed in construction industry, • Percentage change in <i>lost time</i> injuries and illnesses compared to number of workers in construction industry.
Data Source(s)	OIS, Injury/Illnesses data: Alaska State Workers Compensation lost time claims, and Employment data: Alaska State Department of Labor and Workforce Development.
Baseline	<ul style="list-style-type: none"> • FY2012-2016 average construction industry <i>lost time</i> injury and illness rate was 2.02 per 100 employees. • FY2019 target goal is 130 private sector enforcement inspections in construction, 65 consultation and training visits in construction, and 1.98 per 100 employees, a decrease of 2% or 0.04 from base per 100 employees.
Comment	The target goal incorporates the 2% reduction required for each year of the FY19-23 AKOSH Strategic Plan resulting in a cumulative decrease of 0.21 per 100 employees for the 5-year period of the strategic plan.

Performance Strategy Outcomes:

Appendix E - FY 2019 State OSHA Annual Report (SOAR)

Enforcement:

23(g)

Quarter	# Inspections	# Visits	# Compliance Assistance	Total Affected
1 st	19	3	3	3
2 nd	17	4	4	1,344
3 rd	42	9	9	341
4 th	55	1	5	6
FY19 Total	133	17	21	1,688

Consultation:

Consultation:

21(d)

Quarter	# Visits	# Compliance Assistance	Total Affected
1 st	24	30	230
2 nd	74	74	1,317
3 rd	69	69	507
4 th	21	85	1,450
FY19 Total	188	258	3,504

Note: Compliance assistance includes conferences & seminars, formal training, interpretations and outreach assistance.

FY19 Annual Goal Target = 1.98/100 employees

FY19 Actual Outcome = 1.25

Comments: AKOSH has achieved the annual goal to reduce the loss time injury and illness rate reduction and conducting at least 130 private sector enforcement inspections and 65 private sector consultation and training visits in the construction industry.

Annual Performance Goal # 1.3	Reduce the lost time injuries and illnesses rate in the healthcare industry as determined by the number of injuries and illnesses per hundred employees by 2%.
Strategy	<ul style="list-style-type: none"> • Conduct scheduled inspections in the healthcare worksites where “slips, trips, and falls”, “overexertion and bodily reaction”, “contact with objects”, and “workplace violence” incidents are most likely to happen, • Conduct seminars, workshops, on-site consultation, and special programs in public sector, target training and consultation towards those activities most likely to experience “slips, trips, and falls”, “overexertion and bodily reaction”, “contact with objects”, and “workplace violence” incidents.

Appendix E - FY 2019 State OSHA Annual Report (SOAR)

Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	<ul style="list-style-type: none"> Number of completed enforcement inspections in the healthcare industry, Number of seminars, workshops, on-site consultations, and special programs completed in the healthcare industry, Percentage change in injuries and illnesses compared to number of workers in the healthcare industry.
Data Source(s)	OIS, Injury/Illnesses data: Alaska State Workers Compensation <i>lost time</i> claims, and Employment data: Alaska State Department of Labor and Workforce Development
Baseline	<ul style="list-style-type: none"> FY2012-2016 average healthcare industry <i>lost time</i> injury and illness rate was 1.34 per 100 employees. FY2019 target goal is 1.31 per 100 employees, a decrease of 2% or 0.03 from base per 100 employees.
Comment	The target goal incorporates the 2% reduction required for each year of the FY19-23 AKOSH Strategic Plan resulting in a cumulative decrease of 0.13 per 100 employees for the 5-year period of the strategic plan.

Performance Strategy Outcomes:

23(g)	Enforcement:		Consultation:		
	Quarter	# Inspections	# Visits	# Compliance Assistance	Total
	1 st	5	0	2	2
	2 nd	19	14	0	14
	3 rd	33	0	1	1
	4 th	64	1	1	2
	FY19 Total	121	15	4	19

21(d)	Consultation:			
	Quarter	# Visits	# Compliance Assistance	Total
	1 st	4	4	8
	2 nd	26	16	42
	3 rd	16	1	17
	4 th	21	7	28
	FY19 Total	67	28	95

Note: Compliance Assistance includes conferences & seminars, formal training, interpretations and outreach assistance

FY19 Annual Goal Target = 1.31 /100 employees

FY19 Actual Outcome = 0.93

Comments: AKOSH has achieved the annual goal to reduce loss time injury and illness rate reduction in healthcare industry.

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Annual Performance Goal # 1.4	Reduce the lost time injuries and illnesses rate in seafood processing industry sector as determined by the number of injuries illnesses per hundred employees by 2%.
Strategy	<ul style="list-style-type: none"> Conduct scheduled inspections in seafood processing industry paying particular attention to worksites where “falling”, “caught in or between” and “pinch-point” (including amputation) incidents are most likely to happen. Focus consultation and outreach efforts on the causes of “falling”, “caught in or between”, and “pinch-point” (including amputation) incidents.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	<ul style="list-style-type: none"> Number of completed enforcement inspections in seafood processing industry sector, Percentage change in injuries and illnesses compared to number of workers in seafood processing industry sector, Conduct at least 15 seafood inspections in seafood processing in FY19.
Data Source(s)	OIS, Injury/Illnesses data: Alaska State Workers Compensation lost time claims, and Employment data: Alaska State Department of Labor and Workforce Development
Baseline	<ul style="list-style-type: none"> FY2012-2016 average seafood industry loss time injury illness rate was 4.30 per 100 employees. FY2019 target goal is 4.21 per 100 employees, a decrease of 2% or 0.09 from base per 100 employees.
Comment	The target goal incorporates the 2% reduction required for each year of the FY19-23 AKOSH Strategic Plan resulting in a cumulative decrease of 0.43 per 100 employees for the 5-year period of the strategic plan.

Performance Strategy Outcomes:

Enforcement:

23(g)	Quarter	# Inspections
	1 st	1
	2 nd	5
	3 rd	5
	4 th	10
	FY19 Total	21

Consultation:

21(d)	Quarter	# Visits	# Compliance Assistance	Total
	1 st	0	1	1
	2 nd	16	0	16

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3 rd	5	0	5
4 th	3	2	5
FY19 Total	24	3	27

Note: Compliance assistance includes conferences & seminars, formal training, interpretations and outreach assistance

FY19 Annual Goal Target = 4.21 /100 employees

FY19 Actual Outcome* = 3.69

Comments: AKOSH has achieved the annual goal to conduct at least 15 enforcement inspections and to reduce loss time injury and illness rate reduction in seafood processing industry.

Notes: * - Due to limitation of monthly seafood industry employment statistics available for FY19, the actual outcome rate for FY19 will be recalculated and updated in the reporting for the first quarter of FY20. Seafood employment industry in FY19 was calculated based on the seafood industry's previous years' estimates.

Annual Performance Goal # 1.5a	Initiate inspections of fatalities and catastrophes within one (1) working day and other reportable incidents of two or less hospitalizations within seven (7) working days for 100% of occurrences.
Strategy	Initiate inspections of fatalities and incidents where three or more workers are hospitalized within one (1) working day and where one or two workers are hospitalized within seven (7) working days.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Percent of FAT/CAT with inspections initiated within 1 day for fatalities and incidents of 3 or more hospitalizations and within 7 working days for incidents of 2 or less hospitalizations.
Data Source(s)	OIS
Baseline	100% within time limits (FY 2017)
Comment	<ul style="list-style-type: none"> • The threshold of three or more hospitalizations meets the federal standards for a catastrophe and the threshold of one to two hospitalizations meets state requirements. • Investigations delayed due to limitations that exist in Alaska such as weather, lack of roads, and travel restrictions, will not be counted against the percentage. However, an investigation will be initiated as soon as conditions permit. • Hospitalizations equates to an in-patient overnight stay of at least one night.

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Performance Strategy Outcomes:

Quarter	1 st	2 nd	3 rd	4 th	FY19 Totals	% Within Time Limits
Fatalities:						
Total # Fatalities:	2	1	0	0	3	
# Within 1 Day:	2	1	0	0	3	
% Within 1 Day:	100%	100%	0%	0%	100%	
Catastrophes:						
3 or more patients:	0	0	0	0	0	100%
# Within 1 Day:	0	0	0	0	0	
% Within 1 Day:	0%	0%	0%	0%	0%	
Hospitalizations:						
2 or less patients:	4	9	4	6	21	
# Within 7 Days*:	4	9	4	6*	21	
% Within 7 Days*:	100%	100%	100%	100%	100%	

*(Working days) - or meets requirement for delay.

Notes: *In 4th quarter, one of the AKOSH hospitalization investigation #120243 reported on 8/12/19 appears to be late, however, AKOSH does not consider it to be investigated late with opening conference on 8/28/2019 (inspection #1427458). CSHO could not reach the site sooner due to weather restrictions and addressing additional imminent danger with travel involved.

Comments: AKOSH met the annual goal for timely response to fatalities and hospitalizations.

Annual Performance Goal # 1.5b	Initiate inquiries within one (1) working day or conduct inspections within seven (7) working days for 100% of formal complaints.
Strategy	Initiate inspections within seven working days or investigation within one working day of worker complaints for 90% of the cases.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Percent of formal complaint inquiries initiated within 1 working day and inspections within 7 working days.
Data Source(s)	OIS
Baseline	100% within time limits (FY 2017)

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Comment	Inspections will be initiated as soon as conditions permit; but, when necessarily delayed due to weather or other travel restrictions beyond AKOSH control, they will be excluded from this measure.
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Performance Strategy Outcomes:

Quarter	1 st	2 nd	3 rd	4 th	FY19 Totals	% Within Time Limits
<i>Complaint Inquiries:</i>						
# Inquiries:	19	12	13	9	53	90%
# Within 1 Day:	13	11	8	8	40	
% Within 1 Day:	70%	92%	67%	88%	76%	
<i>Complaint Inspections: (On-site)</i>						
# Inspections:	18	23	21	19	81	
# Within 7 Days*:	18	23	21	19	81	
% Within 7 Days*:	100%	100%	100%	100%	100%	

*(Working days) – or meets requirement for delay.

Comments: AKOSH did not meet the annual goal for timely response to complaint inquiries, however it did meet the annual goal for timely response to complaint inspections.

Annual Performance Goal # 1.5c	Resolve 75% of all discrimination cases within 90 days.
Strategy	Resolve 75% of all discrimination cases within 90 days.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	<ul style="list-style-type: none"> • Percentage of discrimination cases resolved within 90 days • Percentage of merit vs. non-merit cases (merit cases may take longer than 90 days to resolve)
Data Source(s)	Web IMIS and report from Discrimination officer(s)
Baseline	33% of discrimination cases were resolved within 90 days in FY2017
Comment	AKOSH may allow for extensions to the 90-day requirements similar to federal processes in 29 CFR 1977.16. Any extensions will be explained during quarterly meetings and documented in the comments of quarterly reports. However, cases extended past the 90-day limit will not be exempted from the 75% performance threshold.

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Performance Strategy Outcomes:

Quarter	Pending from FY18	Received*	Dismissed	Completed	% in 90 days
	32				
1 st		7	0	0	0
2 nd		6	1	0	0
3 rd		4	0	1	0
4 th		16	0	3	0
Totals		33	1	4	0%

Note: * - Received cases are those cases that are docketed for an investigation; they do not include administratively closed cases.

Comments: 1st quarter – 3 cases not docketed and administratively closed
 2nd quarter – 15 cases screened out or not otherwise docketed
 3rd quarter – 11 cases were screened out or not otherwise docketed
 4th quarter – 47 cases were administratively closed

Annual Performance Goal # 1.5d	Focus a minimum of 5% of AKOSH enforcement inspection resources toward public sector work sites.
Strategy	Conduct scheduled inspections of public sector employers
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Percent of completed enforcement inspections in the public sector in comparison to the overall number of enforcement inspections conducted
Data Source(s)	OIS
Baseline	11% or 29 enforcement inspections of the 233 total enforcement inspections conducted in public sector in FY 2017.
Comment	None

Performance Strategy Outcomes:

Year	Running Total % of public sector inspections
FY19	4.6%
FY20	<i>not due until FY20</i>
FY21	<i>not due until FY21</i>
FY22	<i>not due until FY22</i>
FY23	<i>not due until FY23</i>

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Strategic Plan Period FY19-23	<i>not due until the end of 5-year period</i>
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Comments: AKOSH did not achieve the annual goal conducting at least 5% of overall enforcement inspections in public sector.

AKOSH Five Year Strategic Goal 2:
 Promote a safety and health culture in the Alaskan workplace (both public and private sectors) through compliance assistance, cooperative programs, and consultation assistance.

Annual Performance Goal # 2.1a	Develop and deliver training to workers and employers in the construction industry that target the most likely causes of injuries, illnesses, and fatalities.
Strategy	<ul style="list-style-type: none"> • Develop and deliver training to workers and employers in the construction industry, • Target outreach training and consultations towards those activities most likely to cause “caught in or between”, “struck by” or “falling” injuries or fatalities.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Number of formal and informal training events conducted in construction and number of employees trained.
Data Source(s)	OIS and Report from the Assistant Chief of Consultation and Training
Baseline	89 of formal/informal training events and 485 employees trained in FY 2017
Comment	The combined annual goal for 2.1.a, 2.1.b, 2.1.c and 2.1.d is to train at least 1800 workers in all NAICS

Annual Performance Goal # 2.1b	Develop and deliver training to workers and employers in the healthcare industry that targets the most likely causes of injuries, illnesses, and fatalities.
Strategy	<ul style="list-style-type: none"> • Develop and deliver training to workers and employers in the healthcare industry, • Target outreach training and consultations towards those activities most likely to cause injuries or fatalities due to “slips, trips, and falls”, “overexertion and bodily reaction”, “contact with objects” and “workplace violence”.

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Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Number of formal and informal training events conducted in the healthcare industry sector and number of employees trained.
Data Source(s)	OIS and Report from the Assistant Chief of Consultation and Training
Baseline	New-targeted industry for the strategic plan, so no baseline for FY 2017.
Comment	The combined annual goal for 2.1.a, 2.1.b, 2.1.c and 2.1.d is to train at least 1800 workers in all NAICS.

Annual Performance Goal # 2.1c	Develop and deliver training to workers and employers in the seafood industry that target the most likely causes of injuries, illnesses, and fatalities.
Strategy	<ul style="list-style-type: none"> • Develop and deliver training to workers and employers in the seafood industry, • Target outreach training and consultations towards those activities most likely to cause “falling”, “caught in or between” and “pinch point” (or amputation) incidents.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Number of formal and informal training events conducted in seafood industry sector and number of employees trained.
Data Source(s)	OIS and Report from the Assistant Chief of Consultation and Training.
Baseline	14 of formal/informal training events and 56 employees trained in FY 2017
Comment	The combined annual goal for 2.1.a, 2.1.b, 2.1.c and 2.1.d is to train at least 1800 workers in all NAICS.

Annual Performance Goal # 2.1d	Develop and deliver training to workers and employers in public sector that targets the most likely causes of injuries, illnesses, and fatalities.
Strategy	<ul style="list-style-type: none"> • Develop and deliver training to workers and employers in public sector, • Target outreach training and consultations toward public sector.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Number of formal and informal training events conducted in public sector and number of employees trained.

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Data Source(s)	OIS and Report from the Assistant Chief of Consultation and Training.
Baseline	16 of formal/informal training events and 674 employees trained in FY 2017
Comment	The combined annual goal for 2.1.a, 2.1.b, 2.1.c and 2.1.d is to train at least 1800 workers in all NAICS.

Performance Strategy Outcomes:

Training Events*:

Qtr	# Formal/Informal Training Events in Construction	# Formal/Informal Training Events in Healthcare	# Formal/Informal Training Events in Seafood Processing
1 st	13	6	1
2 nd	51	60	16
3 rd	5	35	1
4 th	26	21	3
Totals	95	122	21

Employees Trained*:

Qtr	# Employees (all industries) Trained	# in Construction	# in Healthcare	# in Seafood Processing
1 st	391	193	51	1
2 nd	780	153	204	34
3 rd	626	58	102	118
4 th	939	302	283	112
Totals	2736	706	640	265

Note: None

Comment: AKOSH achieved the combined annual plan goals for the number of training events and employees trained in all industries.

Annual Performance Goal # 2.2a	Promote cooperative/partnership agreements and recognition programs as a means of lowering accident/fatality rates: maintain at least 11 VPP sites (both in public and private sector) over the course of the strategic plan
Strategy	<ul style="list-style-type: none"> • Promote the benefits of the program during enforcement inspections or consultation visits, • Conduct promotional activities at a minimum of two industry trade fairs and conferences during FY 2019, • Target promotional activity towards those businesses most likely to participate.

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Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	<ul style="list-style-type: none"> • 11 VPP sites, • Number and type of promotional activities accomplished
Data Source(s)	OIS, AKOSH annual report and a report from the Assistant Chief of Consultation and Training
Baseline	9 VPP sites (5-year strategic plan baseline, no annual baseline) in FY 2017

Performance Strategy Outcomes:

Qtr	# of New Sites		
1 st	0	Number of VPP participants at beginning of FY19:	9
2 nd	0		
3 rd	0	Number of VPP participants at end of this report period:	9
4 th	0		
Total	0		

List of VPP Sites

1	Alaska Clean Seas – North Slope
2	Arctic Slope Regional Corporation (ASRC) Energy Services Grind and Inject Plant & Oily Water Injection Facility – North Slope
3	BP Exploration (Alaska) – Central Power Station – North Slope
4	BP Exploration (Alaska) Gas Plants – Central Compression Plant & Gas Facility – North Slope
5	ConocoPhillips Alaska, Inc. – Alpine Field – Alpine Operations
6	ConocoPhillips Alaska, Inc. – Kuparuk Area - Kuparuk
7	Fairbanks Memorial Hospital - Fairbanks
8	Insulfoam, Inc (Premier Industries) - Anchorage
9	UniSea, Inc – Dutch Harbor

Comments: 4th quarter has one VPP site renewal; it is Arctic Slope Regional Corporation ASRC Energy Services Grind and Inject Plan & Oily Water Injection Facility – North Slope.

Annual Performance Goal # 2.2b	Establish or maintain at least one partnership agreement in construction, healthcare, seafood processing or the public sector over the course of the strategic plan.
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Strategy	<ul style="list-style-type: none"> • Promote the benefits of the program during enforcement inspections or consultation visits, • Conduct promotional activities at a minimum of two industry trade fairs and conferences in FY 2019, • Target promotional activity towards those businesses most likely to participate.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	<ul style="list-style-type: none"> • Number of partnership agreements, • Number and type of promotional activities accomplished.
Data Source(s)	OIS, AKOSH annual report and a report from the Assistant Chief of Consultation and Training
Baseline	One (1) partnership agreement in construction in FY 2017
Comment	The goal is to maintain at least one (1) partnership agreement in any of the targeted categories during each year over the 5-year strategic plan period.

Performance Strategy Outcomes:

Current number of partnership agreements in FY19:

1 – Construction Partnership Agreement: AK CHASE (Construction Health and Safety Excellence program)

List of Participants in Alaska CHASE Program	
Gold Level	Watterson Construction Cornerstone General Contractors, Inc. Dawson Construction
Blue Level	Hotwire LLC (<i>Company is no longer in business</i>) Alaska Specialized Constructors

Comments: AKOSH met the annual plan goal.

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AKOSH Five Year Strategic Goal 3:

Secure public confidence through excellence in the development and delivery of AKOSH enforcement and consultation and training programs and services.

Annual Performance Goal # 3.1a	Work with OSHA Training Institute and Region X and other sources to access training for compliance and consultation staff in basic and specialized subjects necessary to effectively carry out the AKOSH strategic plan.
Strategy	<ul style="list-style-type: none"> • AKOSH will report quarterly on staff training activities, accomplishments, and anticipated problems in accomplishing the goal. • AKOSH will ensure compliance officer core competency training is completed within the required timeframe of three years as outlined in AKOSH PD 16-02. • AKOSH will ensure compliance officers that investigate whistleblower complaints complete required training.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	<ul style="list-style-type: none"> • Identification of required training courses for compliance and consultation staff in accordance with OSHA Instruction TED 01-00-018 as amended by AKOSH PD 16-02 and the AKOSH Training Plan, • Identification of required training courses for investigators of whistleblower complaints, • Timely completion of required courses by compliance and consultation staff, • Number of staff trained who had been on board with AKOSH for at least 3 years and who had completed all required courses in a timely manner, • Staff attendance at professional development courses, seminars and conferences.
Data Source(s)	AKOSH annual report and reports from the Assistant Chief of Consultation and Training, Training Coordinator and the Assistant Chief of Enforcement.
Baseline	<p>At the end of FY 2017 AKOSH had three (3) safety and health compliance officers in enforcement who were on board with AKOSH for at least three (3) years and who had completed all required initial training courses in accordance with PD 16-02.</p> <p>AKOSH had four (4) safety and health compliance officers with Whistleblower Investigation Fundamentals class.</p>

Performance Strategy Outcomes:

OTI Courses for FY19

OSHA 1420 – Whistleblower Investigation Fundamentals
1 - Enforcement

Completed – 10/23-30/2018

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<u>OSHA 1050 – Introduction to Safety Standards for Safety Officers</u> 1 – Enforcement	Completed – 11/27-12/6/2018
<u>OSHA 1250 – Introduction to Health Standards for Industrial Hygienists</u> 1 – Enforcement 1 – Consultant	Completed – 12/4-14/2018
<u>OSHA 1000 – Initial Compliance</u> 1 – Assistant Chief of Enforcement	Completed – 2/5-14/2019
<u>OSHA 1500 – Introduction to On-site Consultation</u> 2 – Consultants	Completed – 2/5/19 & 8/20-29/19
<u>OSHA 2720 – Whistleblower Resolution</u> 1 – Enforcement	Completed – 4/2-4/2019
<u>OSHA 3300 – Safety & Health in the Chemical Processing Industries</u> 1 – Assistant Chief of Enforcement	Completed – 4/30-5/10/2019
<u>Advanced Legal Aspects for OSHA Managers</u> 1 – Deputy Director	Completed – 5/14-16/2019
<u>OSHA 3010 – Excavation, Trenching and Soil Mechanics</u> 4 – Enforcement 8 – Consultants 1 – Assistant Chief of Enforcement	Completed – 6/4-6/2019
<u>OSHA 1610 – Interviewing Techniques for Whistleblower Investigators</u> 1 – Enforcement	Completed – 6/11-13/2019
<u>OSHA 2070 – Fire Protection and Life Safety</u> 1 – Consultant	Completed – 8/21-30/2019
<u>Webinar Courses</u>	
<u>OSHA 0135 – Evaluating Flammable Liquids and Gas</u> 1 – Consultant	Completed – 10/2/2018
<u>OSHA 2548: Machine Guarding & Hazardous Engineering Control</u> 2 – Consultants	Completed – 10/2/2018
<u>OSHA 0137 – Air Sampling Strategies</u> 1 – Consultant	Completed – 10/4/2018
<u>OSHA 0051: Noise Monitoring and Evaluation Resources</u> 1 – Consultant	Completed – 11/16/2018

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<u>OSHA 0057: Overview of Victim’s Family and Nursing Home HEP</u> 1 – Consultant	Completed – 11/20/2018
<u>FEMA ICS-700 – National Incident Management: an Introduction</u> 3 – Consultants	Completed – 11/20/2018 & 1/1/2019
<u>FEMA ICS-200 – Single Resources and Initial Action Incident</u> 3 – Consultants	Completed – 12/13/2018 & 1/1/2019
<u>FEMA ICS-100 – Introduction to Incident Command System</u> 3 - Consultants	Completed – 1/10/2019
<u>OSHA 0015 – Powered Industrial Vehicles: Operational Hazards & Application</u> 1 – Consultant	Completed – 1/30/2019
<u>OSHA 0095 – Electrical Hazards Overview</u> 1 – Consultant	Completed – 2/4/2019
<u>OSHA 1008 – Into to OSHA for New Hires Web-based Training</u> 1 – Consultant	Completed – 2/4/2019
<u>OSHA 0027 – Recordkeeping National Emphasis Program Interviewing Webinar</u> 1 – Consultant	Completed – 2/11/2019
<u>OSHA 0117 – New Walking Working Surfaces and PPE Rule Completion</u> 1 – Consultant	Completed – 2/11/2019
<u>OSHA 0060 – Working with State Plans</u> 1 – Consultant	Completed – 2/12/2019
<u>OSHA 0073 – Navigating the BLS website</u> 1 – Consultant	Completed – 2/12/2019
<u>OSHA 0069 – Recognizing Failures in Machine Safeguarding System</u> 1 – Consultant	Completed – 2/13/2019
<u>OSHA 0061 – State Plan Changes</u> 1 – Consultant	Completed – 2/13/2019
<u>OSHA 0035 – Permit Space Entry Options</u> 1 – Consultant	Completed – 2/13/2019
<u>OSHA 0109 – Revised Reporting Requirements</u> 1 – Consultant	Completed – 2/14/2019
<u>OSHA 0075 – Noise Hazards in the Workplace</u>	Completed – 2/15/2019

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1 – Consultant

Courses through University of Washington

<u>OSH 7845 – Recordkeeping Seminar</u> 1 – Training Coordinator	Completed – 12/7/2018
<u>OSHA 500 – Trainer Course for Construction</u> 1 – Training Coordinator	Completed – 2/11-14/2019
<u>OSHA 521 – OSHA Guide to Industrial Hygiene</u> 1 – Consultant	Completed – 3/25-28/2019

Other (including In-house)

<u>Asbestos Inspector Initial Training sponsored by EMI</u> 1 - Consultant	Completed – 11/14-16/2018
<u>Scaffolding Training sponsored by Alaska Laborers Training School</u> 1 – Enforcement	Completed – 12/10-14/2018
<u>Valuing Diversity Awareness sponsored by State of Alaska</u> 3 – Consultants 1 – Enforcement 1 - Administration	Completed
<u>Asbestos Abatement Refresher sponsored by EMI</u> 1 - Enforcement	Completed – 1/3/2019
<u>HAZWOPER Refresher sponsored by EMI</u> 1 - Enforcement	Completed – 1/23/2019
<u>Haz Paint Refresher sponsored by EMI</u> 1 - Enforcement	Completed – 2/26/2019
<u>EPA/AHERA Inspector Refresher sponsored by EMI</u> 2 – Enforcement	Completed – 3/12/2019
<u>Active Shooter Training sponsored by FBI, Anchorage Police Department and Department of Homeland Security</u> All AKOSH Employees	Completed – 4/2/2019

Comments: AKOSH maintains one of the most comprehensive continuing education programs for State of Alaska employees, ensuring that enforcement officers and consultants are current in their knowledge and abilities.

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Annual Performance Goal # 3.1b	Conduct quarterly self-audits of enforcement and consultation files to evaluate the effectiveness and consistency of services.
Strategy	<ul style="list-style-type: none"> • AKOSH will strive to maintain adequate and accurate inspection/investigation case files. • Problems with files will be corrected and staff will be trained to avoid future issues. • Regular audits will be completed by CSHOs, supervisors and administrative support before reports and citations are sent and/or issued to the employers and before case files are closed to ensure all the appropriate documentations are according to appropriate directives and regulations, and case files are organized and properly maintained.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	<ul style="list-style-type: none"> • Percentage of case files and inspections reviewed • Annual reviews conducted by federal OSHA are acceptable and problems are addressed in a reasonable time and manner.
Data Source(s)	Reports from Federal OSHA and internal quarterly self-audits.
Baseline	10% of total case files and inspections in FY 2017.

III. Enforcement Program Activities – Projected vs. Actual

Data Table III

<u>FY 2019 PLANNED</u>	<u>FY 2019 ACTUAL</u>	
Projected	# Inspections	% of Annual Goal

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	Safety	Health		Safety	Health		Safety	Health
Private Sector Inspections	210	100		224	150		107	150
Overall Totals	310			374			121%	

FY 2019 PLANNED

FY 2019 ACTUAL

	Projected			# Inspections			% of Annual Goal	
	Safety	Health		Safety	Health		Safety	Health
Public Sector Inspections	10	10		8	10		80	100
Overall Totals	20			18			90%	

IV. *Consultation Program Activities – Projected vs. Actual*

Data Table IV Consultation Program Activities 21(d) – Projected vs. Actual

FY 2019 PLANNED

FY 2019 ACTUAL

	Projected**			# Visits			% of Annual Goal	
	Safety	Health		Safety	Health		Safety	Health
Private Sector Visits								
Construction		65			104			160
Healthcare		30			64			213
Seafood		8			15			188
Other than Above		167			90			54
Total	240	30		229	47		95	157
Overall Totals	270			276			102%	

Consultation Program Activities 23(g) – Projected vs. Actual

FY 2019 PLANNED

FY 2019 ACTUAL

	Projected**			# Visits			% of Annual Goal	
	Safety	Health		Safety	Health		Safety	Health

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Public Sector	55	10	62	22	113	220
Visits						
Overall Totals	65		84		129%	

Note: ** - These projections are annual.

V. Consultation Emphasis Program Activities for 21(d) – Projected vs. Actual

Data Table V

Activities and Areas of Emphasis		Total Projected*	Total Actual
Emphasis Safety & Health Hazards	Emphasis Hazard: Falls	50	34
	Emphasis Hazard: Amputations	8	34
	Emphasis Hazard – Slips, Workplace Violence, Contact with Objects (in healthcare)	30	30
	Emphasis Hazard: Crystalline Silica	3	34
SHARP and Pre-SHARP (21d)**	SHARP sites at the beginning of FY19		2
	New SHARP sites	8	5
	SHARP renewals	3	0
	SHARP sites at the end of FY19	11	6
	Pre-SHARP sites in FY19	2	0
Compliance Assistance Activities		20	104

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Note: * - These projections are annual

Comments: None

VI. *Significant Activities/Achievements*

Alaska Occupational Safety and Health:

In 1st quarter, AKOSH adopted multiple federal safety and health standards.

In mid-November of 2018 AKOSH published press release informing public of a new implemented Local Emphasis Program (LEP) for safety and health inspections in the healthcare industry. As of FY 2019 the healthcare industry is part of a 5-year strategic plan in Alaska.

Later in the same month KTVA 11's Daybreak visited AKOSH to talk with Chief of OSH Krystyna Markiewicz about AKOSH new LEP for the healthcare industry. To assist employers in complying with occupational safety and health standards, Ms. Markiewicz accentuated that AKOSH Consultation and Training offers free, confidential services to small – and medium-sizes businesses.

In 2nd quarter AKOSH partnered with Alaska Laborers Training School and three Enforcement officers attended union Scaffolding and Flagging training. Enforcement officers assisted in providing pertinent regulatory information during the training.

In 3rd quarter for outreach purposes Training Coordinator and two enforcement officers attended American Society of Safety Professionals picnic. In the same quarter AKOSH along with Associated General Contractors and ENSTAR Natural Gas Company conducted an “AKOSH Safety Stand-Down” contest. The contest was held during *Stand Down* week May 6-10, 2019, and contest's winner was Yukon Equipment, Inc.

Enforcement:

Effective October 20, 2018, AKOSH implemented new adjusted penalty structure to bring Alaska into compliance with federal standards for OSHA state programs. On February 1st, 2019, AKOSH adjusted its penalties structure again.

As of June 30th, 2019, all enforcement officers with one (1) or more years have completed Phase I of their training as required by TED 01-00-019.

In the 4th quarter, AKOSH started to work on producing High Hazard Targeting list. Letters to the employers on the list are anticipated to go out in the first quarter of FY2020.

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Consultation and Training:

On November 7th through 8th of 2018, Training Coordinator attended AGC (Associated General Contractors) conference sponsored by AGC.

On November 30, 2018, Alaska has experienced a 7.1 earthquake. A week later, on December 7th, the Consultation and Training section conducted an assessment to see if there is a need for AKOSH to provide post-emergency compliance assistance in the affected areas.

In the 2nd quarter, the Consultation and Training section participated in the Whistleblower Protection Training Webinar. Four (4) consultants attended Alaska Bear Awareness Training for the community sponsored by Associated General Contractors.

In the 3rd quarter on April 2nd through 3rd, 2019, all consultants and the Training Coordinator participated in the Annual Governor's Safety and Health Conference. They held a booth and spoke on various safety-related topics during conference's sessions.

In the same quarter on May 14th through 16th, 2019, Training Coordinator attended VPP Conference speaking on Foundation of Safety Leadership.

In the 4th quarter, Consultation and Training created brochures and distributed them to all business connection centers across Alaska to promote consultation and training services and special programs.

Youth Activities include:

- On October 5, 2018, Youth Coordinator participated in University of Alaska Career Day and spoke on careers in the Safety and Health field. Over 120 young people ages of 16 to 18 attended this event.
- In the 2nd quarter, Training Coordinator participated in Tyonek Native Youth Shareholder meeting and provided an AKOSH exhibit booth.
- In the 3rd quarter, one consultant conducted a *Workers Rights and Safety Awareness* presentation to high school students who live in remote villages. Students had to travel to Anchorage to participate in a college career day.
- In the 4th quarter, Assistant Chief of Consultation and Training was the guest speaker at Alaska Job Corps presenting Youth Safety in the Workplace.

AKOSH had the following outreach efforts:

- On November 20, 2018, Training Coordinator spoke at Assistant Living Home Orientation on *Workplace Violence* in Healthcare.
- In the 2nd quarter, Consultation and Training section sent out 1,500 outreach emails and faxes to leaders in the healthcare industry informing them of AKOSH Local Emphasis Program for Healthcare Facilities and consultation services.
- Consultation and Training section also sent out 500 outreach emails to leaders in the construction industry informing them of AKOSH Local Emphasis Program for Construction and consultation services.

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- In the same quarter in March Training Coordinator attended Alaska Municipal League Joint Insurance Association Conference where she was a guest speaker. The topic she spoke about was AKOSH Youth Safety programs.
- In the 3rd quarter, Training Coordinator and one consultant attended American Society of Safety Professionals monthly luncheon.
- In the 4th quarter, Consultation and Training staff participated in the Associated General Contractors Community Safety Fair with over 300 family and friends of the construction industry attendees.
- In the same quarter on August 14th one of the Industrial Hygienist in Consultation and Training spoke at the State Orientation for Assisted Living healthcare businesses covering workplace violence.
- In the same quarter Consultation and Training staff participated in the Alaska State Fair. Consultants provided safety assistance to vendors to ensure fairground employees were working in a safe environment.

AKOSH sponsored the following *trainings*:

- In the second quarter, the Consultation and Training section conducted and recorded in-house training on the SHARP, VPP, and CHASE program.
- In the third quarter, Consultation and Training section along with Training Coordinator participated in conducting an OSHA 30-hour Construction course for University of Alaska’s Construction Management students.

VII. *Attachment 1*

TRAINING PLAN TO SATISFY GOALS 2.1a , 2.1b, 2.1c and 2.1d

The goal is to promote safety and health programs as they relate to preventing injuries, illnesses and fatalities in the construction, healthcare and seafood processing industries.

AKOSH set into place several strategies to address the training needs of workers involved in the construction and seafood industries to prevent “struck by”, “falling”, “caught in or between” and “pinch point” (possible amputation) injuries, and in the healthcare industry to prevent “slips, trips, and falls”, “overexertion and bodily reaction”, “contact with objects” and “workplace violence” incidents.

- A. Training courses, as requested, providing employers, employees and the general public with training and train-the-trainer programs to assist in preventing “struck by”, “falling”, “caught in or between” and “pinch

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point” (possible amputation) injuries and fatalities in the construction and seafood processing industries, and “slips, trips, and falls”, “overexertion and bodily reaction”, “contact with objects” and “workplace violence” in the healthcare industry.

- B. AKOSH will present two 10-hour training sessions to assist in preventing “struck by”, “falling”, “caught in or between” and “pinch point” (possible amputation) injuries and fatalities in the construction and seafood processing industries, and “slips, trips, and falls”, “overexertion and bodily reaction”, “contact with objects” and “workplace violence” in the healthcare industry.
- C. AKOSH will have radio stations in the State of Alaska run Public Service Announcements to promote the reduction of injuries and fatalities in the construction and healthcare industries.
- D. The Training Coordinator will be responsible to notify employers, employees and the general public when AKOSH training will be held.
- E. The Training Coordinator will be responsible to ensure all consultants and trainers receive proper training on prevention strategies involved with preventing “struck by”, “falling”, “caught in or between” and “pinch point” (possible amputation) injuries and fatalities in the construction and seafood processing industries, and “slips, trips, and falls”, “overexertion and bodily reaction”, “contact with objects” and “workplace violence” in the healthcare industry.
- F. AKOSH will work with associations, employers and other groups in promoting AKOSH Consultation and Training services.
- G. The Training Coordinator will provide the Assistant Chief of Consultation and Training with a monthly report on the number of formal training events conducted and number of attendees.
- H. The Training Coordinator will interface with Federal OSHA Region 10 and OSHA Training Institute, other States and entities in obtaining training materials and programs to promote the reduction of injuries and fatalities in the construction, healthcare and seafood processing industries.
- I. The Assistant Chief of Consultation and Training will assign consultants and trainers as needed to fulfill the requirements of the training plan.