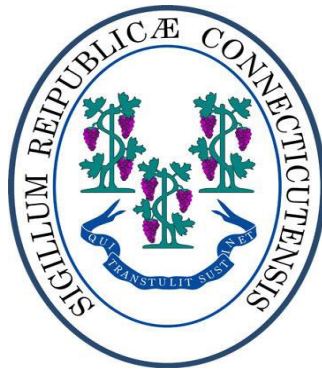


FY 2019 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report

State of Connecticut
Division of Occupational Safety and Health
(CONN-OSHA)



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Prepared by:
U. S. Department of Labor
Occupational Safety and Health Administration
Region I
Boston, Massachusetts



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I. Executive Summary

The purpose of this report is to assess the Connecticut State Plan's (CONN-OSHA's) performance for Fiscal Year (FY) 2019 and its progress in resolving outstanding findings from previous Federal Annual Monitoring Evaluation (FAME) Reports.

Having no findings and no observations from the FY 2018 Follow-up FAME Report, CONN-OSHA focused on maintaining a high level of performance and was successful in doing so. For example, FY 2019 was the fourth consecutive year in which there were no work-related fatalities in Connecticut's state and local government workforce, and the State Plan launched two successful initiatives. The first was a series of records-only inspections of employers who were overdue in submitting injury and illness data into OSHA's online portal; the second involved research and outreach on tick-borne illnesses.

This report does not contain any findings or observations, which is a significant achievement. However, OSHA identified a few areas where minor adjustments should be made to improve performance. One other noteworthy item is that the State Plan's longstanding program manager retired at the end of FY 2019. CONN-OSHA filled this position in April 2020.

Appendix A describes the new and continued findings and recommendations. This appendix has been left blank because there are no new findings and recommendations in this report. Appendix B describes the observations and the related federal monitoring plans; because no new observations have been made in this report, this appendix has been left blank. Appendix C describes the status of previous findings with associated completed corrective actions. This appendix has also been left blank because the State Plan did not have any previous findings.

II. State Plan Background

A. Background

CONN-OSHA became operational on January 4, 1974, and covered both the private and state and local government sectors. It operated effectively in that manner until 1977, when the Connecticut State Labor Council sponsored a bill in the state legislature to restrict the enforcement of Connecticut's safety and health program to state and local government only. The bill was subsequently enacted with an effective date of June 30, 1978. Connecticut's previously approved 18(b) Plan was withdrawn on October 2, 1978, and was officially converted to a State and Local Government Only State Plan on November 3, 1978.

In August 1986, CONN-OSHA was officially recognized by the U.S. Department of Labor as having completed all structural and developmental aspects of its approved State and Local Government Only State Plan, giving CONN-OSHA the distinction of being the first State and Local Government Only State Plan in the nation. CONN-OSHA is administered by the State of Connecticut, Department of Labor, under the leadership of the Commissioner of Labor. The State Plan's staff operates out of a state office building located in Wethersfield, Connecticut. CONN-OSHA adopts and enforces safety and health standards and provides consultation and

outreach services to the state and local government workforce. CONN-OSHA covers approximately 63,000 state government workers and 153,600 local government workers; OSHA conducts private sector enforcement in Connecticut.

The Connecticut Department of Labor operates a workplace retaliation program pursuant to the Connecticut Occupational Safety and Health Act of 1973 (Chapter 571, Sections 31-367 through 31-385). The attorneys who administer the workplace retaliation program are employed by the Legal Division, which is a separate division within the Connecticut Department of Labor. This division has jurisdiction over workplace retaliation cases arising from state and local government workers in the State of Connecticut.

At full staffing, CONN-OSHA has two first-line supervisors, the director and the occupational safety and health program manager; five compliance safety and health officers (CSHOs); and three 23(g) consultants. Currently, one of CONN-OSHA's two administrative positions is vacant. Two compliance assistance specialists plan, develop, and implement training and education programs for the state and local government workforce.

Based on financial close-out forms, CONN-OSHA's FY 2019 federal funding award was \$642,100. In addition to matching the federal funding award, the State of Connecticut also contributed \$1,067,765 to the State Plan's total funding amount of \$2,351,965. Thus, the State of Connecticut contributed 73 percent of CONN-OSHA's total funding in FY 2019, which is in keeping with its contributions in past years.

B. New Issues

None.

III. Assessment of State Plan Progress and Performance

A. Data and Methodology

OSHA has established a two-year cycle for the FAME process. This is the comprehensive year, and as such, OSHA performed two on-site case file reviews; one focused on evaluating the State Plan's whistleblower protection program, and the other concentrated primarily on the enforcement program. Case files were reviewed to assess the overall effectiveness of each program and to determine the status of the observations from the FY 2018 Follow-up FAME Report.

Enforcement On-site Review

From November 4 through 7, 2019, OSHA conducted an on-site evaluation of CONN-OSHA at its headquarters in Wethersfield, Connecticut. OSHA's on-site team consisted of four personnel: a program analyst, a safety specialist, a compliance assistance specialist, and an audit program

manager. The OSHA review team conducted an opening conference with the CONN-OSHA Director and the associate research analyst on November 4, 2019.

During this evaluation, the team reviewed 44 inspection case files; of this total, 29 case files were programmed inspections, 11 were complaints, and four were referrals. OSHA randomly selected the case files from a universe of the 152 inspections that CONN-OSHA opened and closed in FY 2019. OSHA obtained the universe of opened and closed cases from an OSHA Information System (OIS) Scan Summary Report that was run on October 9, 2019.

OSHA conducted interviews with the director, the associate research analyst, and an attorney from the Legal Division to discuss personnel, training, inspections, complaints, abatement monitoring, standard and federal program change (FPC) adoptions, the use of OIS, compliance assistance, and other issues covered in this report. In March 2020, OSHA also conducted an interview with an assistant attorney general who has been handling a contested case for the State Plan.

The CONN-OSHA Director and the associate research analyst attended the closing conference conducted by OSHA on November 7, 2019. During this meeting, OSHA discussed issues identified during the case file review, and there was a friendly exchange of questions, information, and suggestions that benefited both OSHA and the State Plan.

Workplace Retaliation Program On-site Evaluation

Two personnel from OSHA's Whistleblower Protection Program, including a regional supervisor and an investigator, conducted an on-site case file review on December 19, 2019, at the State Plan's headquarters. During the evaluation, OSHA reviewed nine closed case files, including six administrative closures, for completeness; legal sufficiency; and agreement with data contained in the OSHA IT Support System (OITSS), the electronic database used to store information about workplace retaliation cases. OSHA interviewed the two principal attorneys who handle CONN-OSHA's workplace retaliation cases, as well as the CONN-OSHA Director. OSHA held the closing conference with the State Plan on December 19, 2019, and discussed the issues that were identified during the on-site visit.

Monitoring Sources

In addition to the case file reviews, 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 (SAMM) Report (Appendix D)
- Mandated Activities Report for Consultation (MARC)
- State OSHA Annual Report (SOAR) (Appendix E)
- State Plan Annual Performance Plan
- State Plan Grant Application
- Quarterly monitoring meetings between OSHA and the State Plan
- OIS Reports

- OITSS Reports (Case Summary Report, Screening Report, Investigation Data Report, and the Length of Investigation Report)

Each SAMM has an agreed-upon further review level (FRL) which can be either a single number or a range of numbers above and below the national average. State Plan SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan’s FY 2019 SAMM Report and includes the FRL for each measure.

B. Review of State Plan Performance

1. PROGRAM ADMINISTRATION

a) Training

CONN-OSHA’s Director and training coordinator plan the training and education program for CONN-OSHA staff. ¹ In 2014, CONN-OSHA adopted OSHA Training and Education Directive (TED) 01-00-019, Mandatory Training Program for OSHA Compliance Personnel, which prescribes the requirements for training compliance officers.

All of the State Plan’s CSHOs have completed the mandatory training track for compliance personnel, as prescribed by the directive. CONN-OSHA is also ensuring that each CSHO and 23(g) consultant completes the technical courses that are required once the initial training requirements have been completed.² For example, four of the State Plan’s five CSHOs and all three consultants completed at least one technical course in FY 2019 at the OSHA Training Institute (OTI). A complete listing of training completed by all CSHOs in FY 2019 is included in the CONN-OSHA SOAR.

b) OSHA Information System

CONN-OSHA has an associate research analyst who is knowledgeable of OIS; other State Plans have sought his guidance and expertise with regard to running OIS reports and using other functions of the system.

CONN-OSHA understands the usefulness of OIS reports in monitoring case files and program activity. On a weekly basis, the associate research analyst runs the OIS Open Inspection Report to track cases with citations pending; inspections that have a violation issued but no employer

¹ The occupational safety training specialist functions as the State Plan’s training coordinator.

² The directive, TED 01-00-019, provides a two-phase approach to CSHO training. In Phase 1, each CSHO will be required to complete a minimum of eight initial courses offered by OTI during the first three years of his or her career as a CSHO. The order and sequence of these courses is prescribed in the directive. In Phase 2, each CSHO will be required to complete a minimum of six additional technical courses through Year 8 of his or her career. Beginning with Year 9, he or she must complete a minimum of one technical course every three years.

receipt date; and cases with open abatement. Additionally, he runs the Debt Collection Report on a weekly basis to track penalty payments, and he runs the SAMM Report quarterly.

CONN-OSHA also uses OIS reports to monitor each CSHO's monthly activity. The Inspection One-liner Report and the Violation Detail Data Report are run for each CSHO to show the number of inspections opened by the CSHO, as well as the number and type of violations cited. For the 23(g) consultation program, CONN-OSHA runs the Task List Report, the Uncorrected Hazards Report, the Written Reports Pending Report, and the MARC on a weekly basis. On a quarterly basis, CONN-OSHA provides OSHA with a detailed report of the State Plan's activities and progress toward meeting annual performance goals.

c) State Internal Evaluation Program (SIEP) Report

Over the past few fiscal years, CONN-OSHA has monitored performance on SAMM 1a, average number of days to initiate complaint inspections, and SAMM 11, average lapse time. CONN-OSHA has been concerned with these two metrics because in the past, the State Plan's performance in these two areas has not been up to par.

CONN-OSHA's monitoring of these two areas has paid off substantially. According to the SIEP, CONN-OSHA had positive results with regard to the initiation of complaint inspections. In FY 2019, the State Plan's average of 3.80 work days was the highest since FY 2016, when its average was 2.51 work days; however, CONN-OSHA's FY 2019 average was still below the negotiated FRL of five work days.

Also, CONN-OSHA's average lapse time of 38.55 work days for safety inspections in FY 2019 was the State Plan's lowest average since at least FY 2016; for health, CONN-OSHA's average of 46.91 work days was also the lowest since at least FY 2016.

In terms of consultation, CONN-OSHA uses the Consultation Customer Service Report to monitor the days lapsed between the opening conference and the written report. Since FY 2016, CONN-OSHA's averages for safety and health have been consistently below the limit of 20 calendar days established in the Consultation Policies and Procedures Manual. Thus, CONN-OSHA's SIEP has helped the State Plan achieve success in areas that at one time were cause for concern.

d) Staffing

CONN-OSHA experienced a series of personnel changes that began with the retirement of a safety compliance officer in mid-2018. In June 2019, the State Plan filled this vacancy with one of its health compliance officers. One month later, in July 2019, one of the 23(g) health consultants transferred into the health compliance officer position, and a 21(d) health consultant transferred to the 23(g) health consultation position. Despite these changes, all of the State Plan's field positions were filled by the end of FY 2019.

2. ENFORCEMENT

a) Complaints

CONN-OSHA's procedures for handling complaints are set forth in Chapter 9 of the CONN-OSHA Field Operations Manual (FOM), which mirrors the OSHA FOM in this regard. SAMMs 1 through 3 assess the program's efficiency in handling complaint inspections.

SAMM 1a - Average number of work days to initiate complaint inspections (state formula)

Discussion of State Plan data and FRL: The negotiated FRL for this measure is five work days. CONN-OSHA's average in FY 2019 was 3.80 work days.

Explanation: CONN-OSHA met the FRL in FY 2019.

SAMM 2a- Average number of work days to initiate complaint investigations (state formula)

Discussion of State Plan data and FRL: The negotiated FRL is one work day. CONN-OSHA's average of 1.67 work days in FY 2019 was outside (above) the FRL.

Explanation: OSHA is not concerned that CONN-OSHA's average of 1.67 work days was a bit higher than the FRL of one work day for SAMM 2a.

SAMM 3 - Percent of complaints and referrals responded to within one work day (imminent danger)

Discussion of State Plan data and FRL: The FRL of 100 percent is fixed for all State Plans. In FY 2019, CONN-OSHA did not have any data to report for this measure.

Explanation: The State Plan did not receive any imminent danger complaints or referrals in FY 2019.

The on-site case file review revealed no major issues with CONN-OSHA's handling of complaints. However, a couple of the complaint cases reviewed were missing documentation that the complainant had been notified of the results of the inspection. During the closing conference, OSHA suggested that the State Plan review Chapter 9 of the CONN-OSHA FOM, which discusses the procedures for notifying complainants of the results of an inspection.

Next, SAMM 4 pertains to gaining access to the worksite.

SAMM 4 - Number of denials where entry not obtained

Discussion of State Plan data and FRL: The FRL of zero is fixed for all State Plans. In FY 2019, CONN-OSHA's result was zero.

Explanation: CONN-OSHA did not have any denials of entry in FY 2019.

b) Fatalities

SAMM 10 - Percent of work-related fatalities responded to in one work day

Discussion of State Plan data and FRL: The FRL of 100 percent is fixed for all State Plans. In FY 2019, CONN-OSHA did not have any data for SAMM 10.

Explanation: In FY 2019, the State Plan did not have any work-related fatalities.

c) Targeting and Programmed Inspections

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

Discussion of State Plan data and FRL: In FY 2019, the FRL range was from 114 to 126 for safety and from 76 to 84 for health. During that fiscal year, CONN-OSHA conducted 134 safety inspections. This total was outside (above) the FRL range, which is a positive outcome. CONN-OSHA conducted 82 health inspections in FY 2019; this result was within the FRL range and is positive.

Explanation: The State Plan exceeded the FY 2019 goal by conducting 216 inspections (108 percent) of 200 inspections planned for that year.

As mentioned earlier, CONN-OSHA focused on records-only inspections in FY 2019. This initiative was successful in that CONN-OSHA obtained OSHA Form 300A information from 100 percent of the local government workplaces in Connecticut.³ The State Plan will use this data to develop a new targeting plan for use in its next five-year strategic plan, which begins in FY 2021.

In its current five-year strategic plan, CONN-OSHA has identified the most hazardous industries in state and local government by using the U.S. Department of Labor, Bureau of Labor Statistics days away, restrictions, and transfers (DART) rates. In state government, CONN-OSHA has identified hospitals, nursing and residential care facilities, and highway maintenance and repair operations as the most hazardous industries. Among local governments, the most hazardous industries are public works (streets and highways), water sewage and other systems, and municipal waste management and remediation services.

For local government establishments, the CONN-OSHA manager assigns programmed inspections to CSHOs based on a list of 169 cities and towns in the state. CONN-OSHA cycles through the list so that the next local government entity assigned for an inspection is the one where the most time has elapsed since the last time it received a programmed inspection. According to the CONN-OSHA Director, each local government has at least one department (e.g., public works, water, municipal wastewater, etc.) that falls under one of the program's targeted high-hazard industries, and CSHOs focus part of their inspections on inspecting these

³ A relatively high number of state government agencies submitted this form timely; therefore, they were not included in this initiative.

targeted industries. For state government, CONN-OSHA randomly selects workplaces for programmed inspections, and the State Plan prioritizes inspections of the various departments within state government entities based on whether they fall under one or more of the targeted industries. CONN-OSHA also evaluates OSHA's national emphasis programs and adopts them if they are applicable to state and local government workplaces.

OSHA uses two SAMMs to analyze the effectiveness of State Plans' targeting programs. First, SAMM 9 calculates the program's in-compliance rates (i.e., the percentage of inspections that have been closed with no violations). High in-compliance rates could indicate that the State Plan is not targeting worksites that are highly hazardous and prone to having serious violations.

SAMM 9 - Percent in-compliance

Discussion of State Plan data and FRL: The FRL is based on a three-year national average. In FY 2019, the FRL range was from 24.24 percent to 36.36 percent for safety and from 28.90 percent to 43.35 percent for health. In FY 2019, CONN-OSHA's in-compliance rate of 30.08 percent for safety inspections was within the FRL range, and its in-compliance rate of 25.93 percent for health inspections was outside (below) the FRL range; both in-compliance rates were positive outcomes.

Explanation: CONN- OSHA's results for SAMM 9 indicate that the State Plan is performing satisfactorily in terms of targeting the most hazardous worksites for inspections.

During the on-site case file review, OSHA identified one case in which the CSHO noted that a tape measure was used to take measurements but did not describe the actual measurements taken. In another case, the CSHO did not adequately support the need for the employer to provide an eyewash station by identifying the chemicals to which the workers were exposed. In a third case, the CSHO interviewed management (the fire chief and the deputy fire chief) about the hazardous working conditions but did not interview the workers (firefighters) to corroborate exposure to the hazards.

Aside from these few instances, the 33 cases reviewed that were not in compliance contained adequate documentation to support violations. However, during the closing conference, OSHA directed the State Plan to the guidance in Chapter 5 of the CONN-OSHA FOM, which states that the Violation Worksheet should document "specific measurements taken." According to this chapter, the CSHO should also "specifically identify the hazard to which employees have been or could be exposed [and] note the name and exposure level of any contaminant or harmful physical agent to which employees are, have been, or could be potentially exposed." Furthermore, Chapter 5 of the CONN-OSHA FOM requires the CSHO to include notes on worker interviews in the case file when they contain information relative to documentation of violations.

Next, SAMM 5 calculates the average number of serious, willful, repeat, or unclassified (SWRU) violations, as well as the number of other-than-serious (OTS) violations, per not in-compliance inspection. Having a low average for SWRU violations and a comparatively high average for OTS violations could indicate that the State Plan is not targeting the most hazardous

worksites and/or has a tendency to classify some violations as OTS that should be classified as serious.

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

Discussion of State Plan data and FRL: The FRL range for SWRU violations was from 1.43 to 2.15 in FY 2019. CONN-OSHA's average of 1.15 for SWRU violations was outside (below) the FRL range. The FRL range for OTS violations was from 0.78 to 1.16; in FY 2019; CONN-OSHA's average of 1.57 for OTS violations was outside (above) the acceptable range.

Explanation: In FY 2019, CONN-OSHA's focus on records-only inspections was a key factor in the State Plan having an SWRU average that was below the FRL range, along with an OTS average that was above the FRL range for SAMM 5. An OIS Scan Summary Report shows that of the 56 records-only inspections conducted, 36 of these inspections had violations cited, all of which were OTS.⁴ Furthermore, Inspection Summary Reports show that in FY 2019, CONN-OSHA's percentage of not in-compliance inspections with *only* OTS violations was 52.3 percent compared to 33.6 percent in FY 2018 and 25.1 percent in FY 2017. Thus, CONN-OSHA's results for SAMM 5 are not cause for concern.

Although CONN-OSHA's results for SAMM 5 are not concerning, OSHA identified an issue with regard to repeat violations. In two of 33 cases reviewed that were not in-compliance, the CSHO did not inform the cited employer of the previous violations that served as a basis for the repeated citation. Chapter 4 of the CONN-OSHA FOM provides examples of the appropriate language that should be contained in the citation to inform the employer.

d) Citations and Penalties

Citations

CONN-OSHA must issue citations within six months of the occurrence of any violation.⁵ SAMM 11 measures the State Plan's timeliness in issuing citations.

SAMM 11- Average lapse time

Discussion of State Plan data and FRL: The FRL is based on a three-year national average. In FY 2019, the FRL range was from 38.08 to 57.13 for safety and from 45.78 to 68.68 for health. CONN-OSHA's average of 38.55 for safety was within the FRL range, and its average of 46.91 for health was also within the FRL range; both of these results were positive.

Explanation: Lapse time is the number of work days from the opening conference date to the earliest issuance date. As noted earlier, CONN-OSHA has been monitoring lapse time in its

⁴ Based on Chapter 6 of the CONN-OSHA FOM, "Part 1904 violations are always other-than-serious."

⁵ Chapter 5 of the CONN-OSHA FOM states the following: Section 9(c) specifies "...No citation may be issued under this Section after the expiration of six months following the occurrence of any violation."

SIEP because it has been an area of concern in past years. In FY 2019, CONN-OSHA met the FRL ranges for safety and health for SAMM 11.

Penalties

CONN-OSHA's penalties are established in the state's Occupational Safety and Health Act, Section 31-382. Willful violations may incur a penalty of up to \$10,000 for each violation, and serious and other-than-serious violations may incur a penalty of not more than \$1,000 for each violation. The State Plan's penalty structure and penalty amounts are based on those contained in the OSHA FOM that was issued in December 1990.

e) Abatement

During the on-site review, OSHA reviewed 31 cases for abatement. No issues were identified with adequate verification or evidence of abatement. However, in a couple of cases, the abatement period appeared to be longer than warranted. For example, the CSHO granted employers longer abatement periods than needed to correct hazards related to lockout-tagout and a blocked eyewash station. As stated in the Chapter 5 of the CONN-OSHA FOM, "the abatement period shall be the shortest interval within which the employer can reasonably be expected to correct the violation."

f) Worker and Union Involvement

OSHA verified that CONN-OSHA has adequate policies and procedures addressing worker involvement during the inspection process and that most inspections had adequate union and/or worker representation.

SAMM 13 – Percent of initial inspections with worker walk around representation or worker interview

Discussion of State Plan data and FRL: The FRL of 100 percent for SAMM 13 is fixed for all State Plans. In FY 2019, CONN-OSHA's result for SAMM 13 was 100 percent.

Explanation: In FY 2019, CONN-OSHA met the FRL of 100 percent for SAMM 13.

3. REVIEW PROCEDURES

a) Informal Conferences

CONN-OSHA's Occupational Safety and Health Act mirrors Chapter 7 of OSHA's FOM with respect to contesting citations and notifying employers of penalties or abatement dates. In 23 inspection files that had informal conferences, no issues were identified with the timeliness of the informal conference or with high numbers of violations being reclassified or vacated.

CONN-OSHA does not have penalty reduction programs, such as expedited informal settlement agreements. However, CONN-OSHA has implemented an internal policy of not granting penalty reductions higher than 50 percent, and data from SAMM 12, which calculates the State Plan's penalty retention percentage, indicates that CONN-OSHA is following this guideline.

SAMM 12 - Percent penalty retained

Discussion of State Plan data and FRL: The FRL is based on a three-year national average. In FY 2019, CONN-OSHA's percent penalty retained of 62.27 was within the FRL range of 56.42 percent to 76.33 percent.

Explanation: CONN-OSHA met the FRL for SAMM 12 in FY 2019.

b) Formal Review of Citations

The State of Connecticut's Occupational Safety and Health Review Commission consists of five members appointed by the governor "from among persons who by reason of training, education or experience are qualified to carry out the functions of the commission...."⁶

In FY 2018, CONN-OSHA had one contested case, which was the State Plan's first in many years. The outcome of this case may affect CONN-OSHA's procedures for inspecting law enforcement agencies. However, the Assistant Attorney General who is handling this matter for CONN-OSHA and the employer have been in settlement negotiations for almost 20 months. Delays in reaching a settlement have been caused by disagreements between the state and the employer, as well as by the Office of the Attorney General moving to a different location, which interrupted work on this case. Nonetheless, the Assistant Attorney General has indicated that if the parties do not come to an agreement by the spring of 2020, he will move forward with an appeal to the Review Commission.

4. STANDARDS AND FEDERAL PROGRAM CHANGE (FPC) ADOPTION

a) Standards Adoption

In 1972, Connecticut enacted a uniform state law known as the Uniform Administrative Procedure Act (UAPA). This law is codified in the General Statutes of Connecticut as Chapter 54, Section 4-166, *et. seq.* Connecticut's UAPA contains the provisions governing the rulemaking process that all agencies must follow. A standing committee of the General Assembly, the Regulations Review Committee must ultimately approve a regulation before it becomes law. Regulations have the same weight as statutes once the regulations have been properly enacted.

⁶ Sec. 31-376, General Statutes of Connecticut

CONN-OSHA has adopted all of OSHA’s standards for general industry and construction. CONN-OSHA incorporates federal standards by reference. Therefore, the state and federal standards are identical with the exception of Table Z-1, Limits for Air Contaminants, in 29 CFR 1910.1000, 29 CFR 1904.1, 29 CFR 1904.2, note to Subpart B and non-mandatory Appendix A to Subpart B of 29 CFR 1904.

Although CONN-OSHA undertakes all rulemaking with the intention of meeting the six-month deadline, the Regulations Review Committee controls adoption of CONN-OSHA’s standards. Thus, delays may occur during the process that the State Plan has no power to prevent. The state’s attorney who handles CONN-OSHA’s standard adoptions also notes that Connecticut’s eRegulations System for creating and updating regulations has contributed to some delays in adopting OSHA’s standards.

The table below summarizes the status of CONN-OSHA’s standard adoptions.

**Table 1
Status of FY 2019 Federal Standards Adoption**

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	7/1/2019	Yes	Yes	11/14/2019	
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	3/18/2019	No	No	7/23/2019	N/A
Final Rule on Crane Operator Certification Requirements 29 CFR Part 1926 (11/9/2018)	1/9/2019	12/31/2018	Yes	Yes	5/9/2019	3/2/2020

Standards Improvement Project - Phase IV Rule

As part of OSHA’s Standards Improvement Project, OSHA issued a final rule on May 14, 2019, that revises 14 provisions in the recordkeeping, general industry, maritime, and construction standards that may be confusing, outdated, or unnecessary. The revisions are expected to increase understanding and compliance with the provisions, improve worker safety and health, and save employers an estimated \$6.1 million per year. This is the fourth rule under OSHA’s Standards Improvement Project (SIP-IV).

CONN-OSHA notified OSHA in a timely manner (i.e., within 60 days from publication of the standard in the *Federal Register*) of its intent to adopt this rule, but the State Plan did not take

steps to begin adoption until February 2020 due to the Legal Division having to attend to other pressing issues. CONN-OSHA has had a long history of beginning rulemaking in a timely manner, so OSHA views this as an isolated incident.

Implementation of the 2019 Annual Adjustment to Civil Penalties for Inflation Rule

CONN-OSHA responded timely to the Final Rule on the Implementation of the 2019 Annual Adjustment to Civil Penalties for Inflation. As a State and Local Government Only State Plan, CONN-OSHA is not required to adopt OSHA’s Interim Final Rule on Maximum Penalty Increases and did not do so.

Crane Operator Certification Requirements Rule

On November 9, 2018, the Department of Labor published a *Federal Register* notice on the Final Rule on Crane Operator Certification Requirements, effective December 10, 2018. The amendments to OSHA's cranes standard in this final rule require employers to permanently implement evaluations of crane operators, whereas the previous evaluation duty had been temporary with a fixed end date. These evaluations must be documented and include more specificity than the previous temporary employer duty to assess and train operators. State Plans were required to adopt an “at least as effective” standard or amendment to their existing standards or show that they already have an existing “at least as effective” standard within six months of the standard’s publication date, i.e. by May 9, 2019.

For this standard, some officials who are involved in rulemaking and who came on board with the new governor in January 2019 were unfamiliar with the regulation adoption process, and this caused CONN-OSHA to miss the deadline for adoption by several months. The State Plan eventually adopted this rule on March 2, 2020, and does not expect similar delays. The State Plan’s late adoption was beyond its control; therefore, OSHA is not concerned.

b) Federal Program Change (FPC) Adoption

Table 2 summarizes the status of CONN-OSHA’s FPC adoptions.

**Table 2
Status of FY 2019 Federal Program Change (FPC) Adoption**

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	11/30/2018	10/10/2018	Yes	Yes	4/1/2019	11/1/2018

(10/1/2018)						
<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	7/1/2019	Yes	Yes	11/22/2019	8/1/2019
Shipyard Employment "Tool Bag" Directive CPL 02-00-162 (5/22/2019)	7/21/2019	7/1/2019	Yes	Yes	11/22/2019	8/1/2019
Enforcement Guidance for Personal Protective Equipment (PPE) in Shipyard Employment CPL 02-01-060 (5/22/2019)	7/21/2019	7/1/2019	Yes	Yes	11/22/2019	8/1/2019
Site-Specific Targeting 2016 (SST-16) CPL 02-18-01 (10/16/2018)	12/15/2018	12/12/2018	Yes	No	4/16/2019	12/12/2018
<i>Adoption Encouraged</i>						
Alternative Dispute Resolution (ADR) Processes for Whistleblower Protection Programs CPL 02-03-008 (2/4/2019)	4/5/2019	4/1/2019	No	No	n/a adoption not required	

CONN-OSHA responded timely to all FPCs listed in the above table. CONN-OSHA adopted the National Emphasis Program on Trenching and Excavation identically and in a timely manner. In terms of the FPCs where equivalency was required, CONN-OSHA adopted all four in a timely manner, and adopted all identically, except for SST-16. The State Plan has an equivalent targeting program that uses DART rates and data from OSHA's Injury Tracking Application to schedule inspections of employers. However, CONN-OSHA has not yet implemented this program but intends to do so in its next five-year strategic plan, which begins in FY 2021. This program will replace the targeting program that CONN-OSHA currently uses. The State Plan has a mediation program for workplace retaliation cases; therefore, it did not adopt OSHA's FPC for ADR processes.

5. VARIANCES

CONN-OSHA did not have any variances in FY 2019 or in FY 2018.

6. STATE AND LOCAL GOVERNMENT WORKER PROGRAM

CONN-OSHA is a State and Local Government Only State Plan.

7. WHISTLEBLOWER PROGRAM

The Connecticut Department of Labor operates the State Plan's whistleblower protection program through its Legal Division. The major difference between OSHA's whistleblower protection program and CONN-OSHA's is that the Legal Division immediately sends parties who file workplace retaliation complaints to the mediation process (assuming threshold and jurisdiction issues are supported). However, parties may opt to skip mediation, at which time the case is referred to a hearing officer. Either a settlement is reached in mediation, or the hearing officer issues a decision which can be appealed to the Commissioner of Labor. The final level of appeal is State Superior Court. OSHA does not immediately send parties to the mediation process; parties who bring a case to OSHA either go through the investigative process or choose to enter into the Voluntary Mediation Program.

During the on-site review, OSHA identified a couple of cases that were overdue for hearings, including one that was open for more than 1,235 days. The Legal Division maintained that this was due to the parties having health issues. While delays for health issues can be reasonable and sometimes unavoidable, they should not cause the State Plan to postpone action on a case for an excessive period of time. Thus, without further delay, the Legal Division should schedule hearings for this case. The second case was long overdue for a hearing because the Legal Division lost track of it for several months. The Legal Division uses a table in a Word document to track cases; however, the user is unable to sort or filter open cases by using this tracking method. Running OITSS reports on a regular basis is a more efficient way to track open cases and will help prevent them from slipping through the cracks. Finally, so that OITSS contains accurate data, the Legal Division should update the OITSS at least quarterly, adding new complaints as they come in, as well as updating dispositions of the existing complaints.

In addition to the on-site case file review, OSHA uses SAMMs 14, 15, and 16 to evaluate the performance of the State Plan's whistleblower protection program.

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

Discussion of State Plan data and FRL: The FRL of 100 percent is fixed for all State Plans. In FY 2019, CONN-OSHA's percent was 33, which is outside (below) the FRL.

Explanation: OSHA is not concerned with CONN-OSHA's performance on SAMM 14 because the State Plan has made progress in reducing the average number of days to close a case over the past few years. The OITSS Case Summary Reports for the last four fiscal years show that

CONN-OSHA has reduced the average days pending on its open cases from 1,065 days in FY 2016 to 536 days in FY 2019. While this is substantial progress, the State Plan should continue to close its oldest cases to reduce the average age of its open cases.

SAMM 15 - Percent of 11(c) complaints that are meritorious

Discussion of State Plan data and FRL: The FRL range for SAMM 15 in FY 2019 was from 18.40 percent to 27.60 percent, and the State Plan's percent was 100, which was outside (above) the FRL range.

Explanation: In FY 2019, CONN-OSHA's results for SAMM 15 were acceptable because they were above the FRL.

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

Discussion of State Plan data and FRL: The FRL of 90 calendar days is fixed for all State Plans. In FY 2019, CONN-OSHA's average was 238 calendar days, which was outside (above) the FRL.

Explanation: CONN-OSHA has significantly improved with regard to SAMM 16 in recent years. Because the State Plan's workplace retaliation program consists of only two attorneys whose combined allocation of time to this program is less than one full-time equivalent, the average is acceptable.

8. COMPLAINT ABOUT STATE PROGRAM ADMINISTRATION (CASPA)

CONN-OSHA did not have any CASPAs in FY 2019 or in FY 2018.

9. VOLUNTARY COMPLIANCE PROGRAMS

OSHA has determined that CONN-OSHA has adequate written policies and procedures for voluntary and cooperative programs. For example, CONN-OSHA adopted OSHA's Alliance Program Directive (CSP-04-01-002, July 29, 2015) on October 1, 2015.⁷ In compliance with this instruction, CONN-OSHA's Alliances conduct the following core activities: training and education; outreach and communication; and promoting the national dialogue on workplace safety and health.

In FY 2019, CONN-OSHA planned to maintain seven active Alliances. One of the Alliances is maintained by an OSHA Area Office and is active; the other six Alliances were renewed by CONN-OSHA (either in FY 2018 or FY 2019), with the exception of one Alliance that lapsed in FY 2019. However, CONN-OSHA plans to renew this agreement in the near future. In FY 2019 and in FY 2018, CONN-OSHA participated in one or more activities with each of its Alliance

⁷ On March 4, 2020, this directive was superseded by CSP 04-01-003, OSHA Alliance Program.

partners.

In FY 2019, CONN-OSHA conducted several outreach activities in support of OSHA's Trenching and Excavation Initiative. For example, the State Plan conducted training on trenching and excavation for state and local government workers and included an article in the *CONN-OSHA Quarterly* on trenching and excavation safety.

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

The State Plan has a long history of exceeding the annual goal for consultation visits, and FY 2019 and FY 2018 were no exception. According to the MARC, CONN-OSHA's 23(g) Consultation Program opened 144 visits in FY 2019 and 138 visits in FY 2018. In both of these years, the goal was 130 visits; thus, CONN-OSHA completed 111 percent of its goal in FY 2019 and 106 percent of its goal in FY 2018.

MARC 4A measures the percent of serious hazards corrected within the required timeframe (up to 14 days of the latest correction due date). The reference/standard for this MARC is 100 percent. In FY 2019 and in FY 2018, the State Plan's results were 97.45 and 98.05 respectively, which are too close to the reference/standard to be cause for concern. In terms of MARC 4D, percent of serious hazards corrected within the original timeframe or on site, the State Plan's performance was also satisfactory. In FY 2019, CONN-OSHA's percent for MARC 4D was 70.8, and in FY 2018, the State Plan's percent was 68.78; both of these results compare favorably to the reference/standard of 65 percent.

Appendix A – New and Continued Findings and Recommendations
FY 2019 CONN-OSHA Comprehensive FAME Report

FY 2019-#	Finding	Recommendation	FY 2018-# or FY 2018-OB-#
	None.		

Appendix B – Observations Subject to New and Continued Monitoring
FY 2019 CONN-OSHA Comprehensive FAME Report

Observation # FY 2019-OB- #	Observation# FY 2018-OB-# or FY 2018-#	Observation	Federal Monitoring Plan	Current Status
		None.		

Appendix C - Status of FY 2018 Findings and Recommendations

FY 2019 CONN-OSHA Comprehensive FAME Report

FY 2018-#	Finding	Recommendation	State Plan Corrective Action	Completion Date (if Applicable)	Current Status (and Date if Item is Not Completed)
	None.				

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

FY 2019 CONN-OSHA Comprehensive FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Connecticut – CONN-OSHA			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)	3.80	5	The further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	3.03	N/A	This measure is for informational purposes only and is not a mandated measure.
2a	Average number of work days to initiate complaint investigations (state formula)	1.67	1	The further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	0.00	N/A	This measure is for informational purposes only and is not a mandated measure.
3	Percent of complaints and referrals responded to within one work day (imminent danger)	N/A	100%	N/A – The State Plan did not receive any imminent danger complaints or referrals in FY 2019 The further review level is fixed for all State Plans.
4	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
5	Average number of violations per inspection with violations by violation type	SWRU: 1.15	+/- 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: 1.57	+/- 20% of Other: 0.97	
6	Percent of total inspections in state and local government workplaces	100%	100%	Since this is a State and Local Government State Plan, all inspections are in

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

FY 2019 CONN-OSHA Comprehensive FAME Report

				state and local government workplaces.
7	Planned v. actual inspections – safety/health	S: 134	+/- 5% of S: 120	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 114 to 126 for safety and from 76 to 84 for health.
		H: 82	+/- 5% of H: 80	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	N/A	+/- 25% of \$2,871.96	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	a. Average current serious penalty in private sector (1-25 workers)	N/A	+/- 25% of \$1,915.86	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	b. Average current serious penalty in private sector (26-100 workers)	N/A	+/- 25% of \$3,390.30	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	c. Average current serious penalty in private sector (101-250 workers)	N/A	+/- 25% of \$4,803.09	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	d. Average current serious penalty in private sector (greater than 250 workers)	N/A	+/- 25% of \$5,938.59	N/A – This is a State and Local Government State Plan. The further review level is

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FY 2019 CONN-OSHA Comprehensive FAME Report

				based on a three-year national average.
9	Percent in compliance	S: 30.08%	+/- 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: 25.93%	+/- 20% of H: 36.12%	
10	Percent of work-related fatalities responded to in one work day	N/A	100%	N/A – The State Plan did not have any work-related fatalities in FY 2019. The further review level is fixed for all State Plans.
11	Average lapse time	S: 38.55	+/- 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: 46.91	+/- 20% of H: 57.23	
12	Percent penalty retained	62.27%	+/- 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	100%	100%	The further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	0%	100%	The further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	100%	+/- 20% of 23%	The further review level is based on a three-year national average. The range of acceptable data

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

FY 2019 CONN-OSHA Comprehensive FAME Report

				not requiring further review is from 18.40% to 27.60%.
16	Average number of calendar days to complete an 11(c) investigation	238	90	The further review level is fixed for all State Plans.
17	Percent of enforcement presence	N/A	+/- 25% of 1.23%	N/A – This is a State and Local Government State Plan and is not held to this SAMM. The further review level is based on a three-year national average.

STATE OF CONNECTICUT
STATE OSHA ANNUAL REPORT
(SOAR)

October 1, 2018 through September 30, 2019



Prepared By:

State of Connecticut
Department of Labor
Division of Occupational Safety and Health

Submitted:
December 13, 2019

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

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

I. Executive Summary

The Connecticut State Plan (CONN-OSHA) submits this State OSHA Annual Report (SOAR) to the Federal Occupational Safety and Health Administration (OSHA) for evaluation of the State Plan. This submission is in accordance with the State Plan Policies and Procedures Manual (Directive Number: CSP 01-00-004, effective September 22, 2015).

The SOAR covers the period of October 1, 2018 through September 30, 2019. Although FY 2019 is the fifth year of the five-year strategic plan that began in FY 2015, it is not the final year. In FY 2019, the State Plan requested an additional year to develop new strategic goals and to select the type of data that will be used to measure performance. Thus, CONN-OSHA’s current five-year strategic plan will end on September 30, 2020.

Overall, FY 2019 was a successful year for CONN-OSHA; the State Plan exceeded its goals for inspections and consultations, and it was the fourth consecutive year in which no work-related fatalities occurred in Connecticut’s state and local government workforce. In the targeted high-hazard workplaces, the State Plan met most performance goals for inspections, consultation visits and outreach activities; this achievement was a key factor in the prevention of work-related fatalities in FY 2019.

Typically, CONN-OSHA issues few, if any, willful, repeat and citations for failure to abate. However, CONN-OSHA issued two willful violations and four repeat violations in FY 2019. No notices of contest were filed in FY 2019 but one case contested by an employer in FY 2018 remained unresolved during the fiscal year. CONN-OSHA maintained seven active Alliances in FY 2019 and renewed four of the seven Alliances during the fiscal year. One Alliance expired, but remained active, and is currently pending renewal. No new Alliances were signed in FY 2019. In terms of training, CONN-OSHA conducted 17 classes for 222 state workers and 15 classes for 245 local government workers.

II. Summary of Annual Performance Plan Results

Strategic Goal #1: Improve workplace safety and health for all workers, as evidenced by reducing hazards, exposures to hazards, injuries, illnesses, and fatalities.	
Performance Goal #1.1	Reduce the number of worker injuries, illnesses and fatalities by focusing CONN-OSHA’s resources on the most hazardous workplaces.
Annual Performance Goal #1.1a	Reduce the 2013 baseline Bureau of Labor Statistics’ (BLS) days away from work, job transfer or restriction (DART) rate by 5% in the following state government industries: state hospitals, state residential development disability homes and state highway maintenance & repair operations.
Strategy	Conduct inspections and consultations in the identified high hazard industries.

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Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Conduct at least 10 inspections and 10 consultations in the identified high hazard industries. Reduce the 2013 baseline DART rates by 5% in identified high hazard industries. By the end of the five-year strategic plan, reduce the 2013 baseline DART rates by 5% in identified high hazardous industries.			
FY 2019 Results	CONN-OSHA conducted 11 inspections and 6 consultations in the identified high hazard, state government industries. 2018 DART rates: state hospitals – 7.0; state nursing & residential care facilities – 8.2; and state highway maintenance & repair operations – 14.3.			
Conclusion		2013 DART rate	2018 DART rate	Percent change from 2013 - 2018
	State hospitals	5.7	7.0	+22
	State nursing & residential care facilities	16.0	8.2	-48
	State highway maintenance & repair operations	11.1	14.3	+28
	CONN-OSHA met the goal for inspections but did not meet the goal for consultation visits because there were fewer requests by employers in the high hazard industries. The DART rates for state nursing & residential care facilities decreased from the baseline, but state hospitals and highway maintenance & repair operations increased. DART rates for state and local government workplaces fluctuate from year to year due to the small sample size surveyed. The baseline rate was obtained using an in-house data collection effort; however, that effort was eliminated due to lack of funding.			
Annual Performance Goal #1.1b	Reduce the 2013 baseline DART rates by 5% in the following municipal operations: municipal public works - street & highway, municipal utilities and municipal waste management & remediation services.			
Strategy	Conduct inspections and consultations in the identified high hazard industries.			
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Conduct at least 50 inspections and 10 consultations in the identified high hazard industries. Reduce the 2013 baseline DART rates by 5% in identified high hazard industries. By the end of the five-year strategic plan, reduce the 2013 baseline DART rates by 5% in identified high hazardous industries.			
FY 2019 Results	CONN-OSHA conducted 43 inspections and 34 consultations in the identified high hazard municipal operations. 2018 DART rates: municipal public works - street & highway – 14.3; municipal water, sewage & other systems – 8.6; and municipal waste management & remediation services – N/A.			

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Conclusion		2013 DART rate	2018 DART rate	Percent change from 2013 - 2018
	Municipal public works – street & highway	11.1	14.3	+28
	Municipal water, sewage & other systems	8.5	8.6	+.01
	Municipal waste management & remediation services	2.3	N/A	N/A
<p>CONN-OSHA exceeded the goal for consultation visits in the identified high hazard industries but fell short of meeting the goal for inspections due to the time spent on records-only inspections.</p> <p>The DART rates for municipal water, sewage & other systems and for municipal public works - street & highway increased from the baseline. The DART rate for municipal waste management & remediation services was unavailable. DART rates fluctuate from year to year due to the small sample size surveyed. The baseline rate was obtained using an in-house data collection effort; however, that effort was eliminated due to lack of funding.</p>				
Annual Performance Goal #1.1c	Prevent fatalities in the public sector by focusing resources on the most hazardous industries.			
Strategy	Focus enforcement and compliance assistance efforts on work places within the six identified high hazard industries that are most prone to fatalities. Discuss fatality prevention in each issue of the <i>CONN-OSHA Quarterly</i> .			
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Conduct 60 inspections and 20 consultations in the most hazardous workplaces. Include an article emphasizing fatality prevention in each <i>Quarterly</i> . Achieve zero increase in the number of fatalities from FY 2018.			
FY 2019 Results	CONN-OSHA conducted 54 inspections and 40 consultations in the most hazardous workplaces. The November issue of the <i>CONN-OSHA Quarterly</i> discussed carbon monoxide poisoning. The February issue of the <i>CONN-OSHA Quarterly</i> discussed trenching & excavation safety. Both the May and August issues of the <i>CONN-OSHA Quarterly</i> discussed fall prevention safety. There were no work-related fatalities that occurred in FY 2019.			
Conclusion	CONN-OSHA exceeded the goal for consultations in the identified high hazard industries but did not meet the goal for inspections due to the time spent on records-only inspections Each issue of the <i>Quarterly</i> included an article focusing on fatality prevention. There were no work-related fatalities in FY 2019.			
Strategic Goal #2: Promote a safety and health culture through compliance assistance, cooperative programs and strong leadership.				

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Performance Goal #2.1	Increase safety and health awareness among workers and employers in state and municipal agencies to help promote effective safety and health awareness.
Annual Performance Goal #2.1a	Reduce the 2013 baseline DART rates by 5% in the following state government industries: state hospitals, state residential development disability homes and state highway maintenance & repair operations.
Strategy	Conduct training classes on one or more of the following topics: confined space; lockout/tagout; material handling and ergonomics; safe driving; trenching and excavation; work zone safety; and workplace violence.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Conduct a minimum of seven training classes for state employees in the topics listed above. Reduce the 2013 baseline DART rates by 5% in identified high hazard industries. By the end of the five-year strategic plan, reduce the 2013 baseline DART rates by 5% in identified high hazardous industries.
FY 2019 Results	CONN-OSHA conducted training sessions on lockout/tagout, safe driving, confined space, workplace violence, work zone safety and trenching & excavation that state employees attended. Material handling & ergonomics is a component of every 10-hour construction class. The State Plan conducted 17 total trainings that state employees attended.
Conclusion	CONN-OSHA met the goal for training for state employees in the identified areas of training. See conclusion for Annual Performance Goal #1.1a.
Annual Performance Goal #2.1b	Reduce the 2013 baseline DART rate by 5% in the following municipal operations: municipal public works - street & highway, municipal utilities and municipal waste management & remediation services.
Strategy	Conduct training classes that will cover one or more of the following topics: confined space; lockout/tagout; material handling and ergonomics; safe driving; trenching and excavation; work zone safety; and workplace violence.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Conduct a minimum of seven training classes for local government employees in the above topics. Reduce the 2013 baseline DART rates by 5% in identified high hazard industries. By the end of the five-year strategic plan, reduce the 2013 baseline DART rates by 5% in identified high hazardous industries.
FY 2019 Results	CONN-OSHA conducted training sessions on confined space, lockout/tagout, safe driving, workplace violence, work zone safety and trenching & excavation that local government employees attended. Material handling & ergonomics is a component of every 10-hour construction class. The State Plan conducted 15 total trainings that local government employees attended.
Conclusion	CONN-OSHA met the goal for training local government employees in the identified areas of training. See conclusion for Annual Performance Goal #1.1b.

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Annual Performance Goal #2.1c	Maintain or renew current Alliances that share and promote CONN-OSHA's goal of reducing injuries and illnesses. Participate in training and outreach with Alliance partners to improve their safety and health awareness.
Strategy	Maintain all current alliances.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Maintain seven current alliances.
FY 2019 Results	Atlantic States Rural Water & Wastewater Association and the Connecticut Interlocal Risk Management alliances were renewed during the first quarter. The State Department of Transportation alliance was renewed during the second quarter. The Connecticut Association of Street & Highway Officials alliance was renewed during the third quarter. Discussions are ongoing regarding the State Department of Energy & Environmental Protection Alliance. It is expected to be renewed soon.
Conclusion	Seven Alliances maintained.
Performance Goal #2.2	Increase safety and health awareness among workers and employers in state and municipal agencies to help promote effective safety and health management systems.
Annual Performance Goal #2.2a	CONN-OSHA will include workers in all onsite activities.
Strategy	CONN-OSHA will ensure that workers are interviewed and participate in all inspections and consultation visits.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	100% of all onsite activities will involve workers.
FY 2019 Results	100% of all onsite activities included workers in FY 2019.
Conclusion	Goal 2.2a met.
Strategic Goal #3: Maximize CONN-OSHA effectiveness and efficiency by strengthening its capabilities and infrastructure.	

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Performance Goal #3.1	Strengthen the technical and professional skills and education of all CONN-OSHA field staff.
Annual Performance Goal #3.1a	CONN-OSHA field staff members will complete safety and/or health training annually.
Strategy	Management will meet with field staff members to discuss their training needs and training options available to fulfill those needs.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Each field staff member will complete at least one safety and/or health training course. All courses listed are from the OSHA Training Institute (OTI).
FY 2019 Results	<p>CSHO 1 – Principles of Industrial Ventilation</p> <p>CSHO 2 – 3320 Combustible Dust</p> <p>CSHO 3 – 3190 Electrical Power Generation</p> <p>CSHO 4 – 3220 Applied Welding Principles</p> <p>Consultant 1 – Respiratory Protection (canceled due to blizzard), 1000 - Initial Compliance</p> <p>Consultant 2 – 3220 Applied Welding Principles</p> <p>Consultant 3 – 2070 Fire Protection & Life Safety</p>
Conclusion	Goal 3.1a met.
Annual Performance Goal #3.1b	CONN-OSHA field staff members will complete professional development course/seminar annually.
Strategy	Management will meet with field staff members to discuss their professional development needs and options available to fulfill those needs.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	Each field staff member will complete at least one professional development course/seminar.
FY 2019 Results	No professional development courses/seminars were attended.
Conclusion	The state sponsored professional development classes were not available this year due to state budgetary restrictions. Staff previously took advantage of these offerings to satisfy the goal.

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Strategic Goal #3: Maximize CONN-OSHA effectiveness and efficiency by strengthening its capabilities and infrastructure.	
Performance Goal #3.2	Maintain a Local Emergency Management plan that defines CONN-OSHA’s role and responsibilities as part of the Connecticut Emergency Management System.
Annual Performance Goal #3.2a	Strengthen the effectiveness of the Emergency Management Plan.
Strategy	<p>In an effort to strengthen the Emergency Management Plan, CONN-OSHA will:</p> <ul style="list-style-type: none"> • Participate as team members of the Connecticut Emergency Management System. • Schedule training sessions when needed. • Coordinate development and implementation of plan changes with state and local agencies. • Monitor development and implementation of the plan. • Ensure that all CONN-OSHA staff has thorough knowledge of the plan.
Performance Indicator(s) (including activity, intermediate outcome, and primary outcome measures)	CONN-OSHA staff will participate in at least 85 % of Connecticut Emergency Management System meetings.
FY 2019 Results	<p>State Emergency Response Commission meeting (4 held, 4 attended) Connecticut Eastern Region Response Integrated Team meeting (4 held, 3 attended) Homeland Security conference call (1 held, 1 attended) State Emergency & Preparedness Response (2 held, 2 attended)</p>
Conclusion	<p>CONN-OSHA staff participated in 90% of CT Emergency Management System meetings. Goal 3.2a met.</p>

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III. Progress Toward Strategic Plan Accomplishments

In FY 2019, CONN-OSHA achieved 108% percent of the goal for inspections. The table below provides a comparison of the projected number of inspections to the actual number of inspections conducted in FY 2019.

FY 2019 Inspections Projected v. Actual			
	Projected	Actual	Percent of Annual Performance Goal Achieved
Safety	120	134	116
Health	80	82	102
Total	200	216	108

CONN-OSHA conducted 144 of the 130 consultation visits that were projected for the year, or 108% of the year-end goal. The table below provides a comparison of the projected number of consultation visits to the actual number of visits conducted in FY 2019.

FY 2019 Consultation Visits Projected v. Actual			
	Projected	Actual	Percent of Annual Performance Goal Achieved
Safety	50	52	104
Health	80	92	115
Total	130	144	108

CONN-OSHA continues to provide training to local governments to assist them with OSHA's requirements for electronic recordkeeping. This office will host training activities regionally as well as centrally as part of our outreach.

CONN-OSHA's training specialists continue to provide OSHA 10-hour construction training classes to short-term incarcerated men and women as part of a second chance initiative which was co-sponsored by the State of Connecticut Department of Corrections and began in FY 2017. Four 10-hour construction training classes were provided that trained 118 individuals.

Staffing levels remained unchanged during FY 2019; however, there were changes in personnel. One health compliance officer transferred to the vacant safety compliance officer position created by a retirement in July 2018. Subsequently, one 23g health consultant transferred to health compliance and one 21d health consultant transferred to 23g health consultation. The 23g program manager announced his retirement effective at the end of the FY 2019.

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IV. Mandated Activities

In FY 2019, CONN-OSHA performed satisfactorily on most metrics that measure State Plan performance. However, SAMM 5 was less than the national average, primarily due to the focus on records only inspections in November of 2018 (see section VI.) which resulted in other-than-serious violations of the recordkeeping standard.

MARC 1 was significantly lower than it has been in the last five fiscal years. Between FY 2015 and FY 2018, the number of initial visits in high hazard industries ranged from 64% to 85%; but in FY 2019, this number dropped to 54%. Investigation into this measure revealed that consultations were not being coded appropriately in FY 2019. Management has addressed the issue and expects that it will be corrected in FY 2020.

V. Special Measures of Effectiveness/ Special Accomplishments

Special measures of effectiveness are covered in the State Internal Evaluation Program (SIEP). As noted earlier, FY 2019 was the fourth consecutive year in which there were no work-related fatalities in Connecticut's state and local government workplaces.

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VI. Adjustments or Other Issues

CONN-OSHA conducted 56 records only inspections during FY 2019. These inspections were initiated to ensure that all local governments complied with OSHA's requirement that establishments must electronically submit information from the OSHA Form 300A (Summary of Work-Related Injuries and Illnesses) into the Injury Tracking Application portal. Local governments that had not submitted the data (non-responders) were targeted. Most state government workplaces were in compliance; and therefore, it was not necessary to include them. As a result of the inspections, CONN-OSHA obtained data for 100% of the local government workplaces for FY 2019. As CONN-OSHA begins to craft its next five-year strategic plan, this data will be evaluated to see if it can be used to measure effectiveness.

CONN-OSHA implemented a new and innovative strategy to prevent tick-borne disease transmissions by applying the Personal Protective Equipment (PPE) standard. Extensive work and outreach has been conducted in an effort to ensure that employers are protected from tick-borne diseases.

1. CONN-OSHA posted an update to its Internet website titled "Occupation Tick-borne Disease (TBD) Prevention - A New and Robust Strategy Is Required," with hyperlinks to prevention, training and education, and public health resources, including current NIOSH recommendations.
2. CONN-OSHA provided a one hour training and education lecture to state employees at Central Connecticut State University (CCSU), which was recorded for the development of a training and information video.
3. CONN-OSHA, in collaboration with a local public health district for nine municipalities, provided a two hour Lunch and Learn training lecture on Occupational TBD prevention to municipal employees and chief elected officials of the Southeastern Connecticut Councils of Governors (SCCOG).
4. CONN-OSHA's initiative was published in the Occupational Safety and Health State Plan Association (OSHSPA) 2018 report as the "Signature Project".
5. CONN-OSHA was invited to speak to medical students and residents at the Yale University School of Occupational and Environmental Medicine's during its "Guest Lecturer Series" on its initiative.
6. CONN-OSHA provided a one hour training and education lecture to members of the University of Connecticut Technology Transfer Institute.
7. The Connecticut Department of Labor Communications Office issued a media release: "May is Lyme Disease Awareness Month: Keeping Employees Safe from Tick-Borne Diseases."

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VII. State Internal Evaluation Program (SIEP) Report

The State of Connecticut State and Local Government 23(g) compliance and consultation programs submit this Evaluation Report of the State Internal Evaluation Plan (SIEP) for Fiscal Year (FY) 2019, which covers the period October 1, 2018 through September 30, 2019. The issues evaluated during this time period have been:

- Citation processing
- Average number of work days to initiate complaint inspections
- Average lapsed days between closing conference and written report

The primary tools used for this monitoring procedure were the State Activity Mandated Measures (SAMM) report for compliance and the Mandated Activities Report for Consultation (MARC) for consultation. The OSHA Information System (OIS) Reports, on-the-job evaluations, and staff interviews supplement these on a weekly and/or monthly basis.

Citation processing

Lapse days from inspection to citation issued has been a long-standing concern at CONN-OSHA. For many years, CONN-OSHA has monitored its performance in this area on at least a weekly basis, and continues to do so using the SAMM Report.

The SAMM Reports from FY 2016 through FY 2019 showed the following data for SAMM 11 (average lapse time). The National Data for the same time frame is shown for comparison.

Table 1

Discipline	Total FY 2016	Total FY 2017	Total FY 2018	Total FY 2019	National Data (FY 2019)
Safety	51.32 Days	50.18 Days	40.71 Days	38.55 Days	49.35 Days
Health	72.00 Days	72.76 Days	54.86 Days	46.91 Days	59.70 Days

Source: State Activity Mandated Measures (SAMM) Report

CONN-OSHA is making steady progress in reducing the processing time as evidenced in the trends shown in Table 1. Factors that negatively impact the citation processing time include complex health inspections, accident investigations, and repeat violations within an investigation. CONN-OSHA will continue to make reducing the time it takes to issue citations a top priority.

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Average number of work days to initiate complaint inspections

Lapse days from complaint to inspection issued has also been a long-standing concern at CONN-OSHA. Similar to lapse time for citation issuance, the SAMM Report is CONN-OSHA’s main tool for evaluating performance on this metric.

The SAMM reports from FY 2016 through FY 2019 showed the following data for SAMM 1 (average number of work days to initiate complaint inspections). Beginning in FY 2016, CONN-OSHA has met the negotiated further review level (FRL) of five days for this measure. However, in order to ensure that CONN-OSHA continues to meet the FRL, the State Plan’s managers will continue to prioritize timely complaint response time.

Table 2

Total FY 2016	Total FY 2017	Total FY 2018	Total FY 2019	National average (FY 2019)
2.51 Days	2.79 Days	2.75 Days	3.03 Days	3.66 Days

Source: State Activity Mandated Measures (SAMM) Report

Average lapsed days between closing conference and written report

Lapse days from consultation closing conference to issuance of the written report have been another area of concern.

The OIS Consultation Customer Service Report is the primary evaluation tool for this measure.

The OIS reports from FY 2016 through FY 2019 showed the following data for average lapsed days between closing conference and written report.

Table 3

Discipline	Total FY 2016	Total FY 2017	Total FY 2018	Total FY 2019
Safety	13 Days	12 Days	12 Days	14 Days
Health	13 Days	8 Days	8 Days	8 Days

Source: OIS Consultation Customer Service Report

CONN-OSHA will continue to ensure that the turnaround time is no more than 20 days.