

FY 2019 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report

State of Michigan

Michigan Occupational Safety and Health Administration



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**Prepared by:
U. S. Department of Labor
Occupational Safety and Health Administration
Region V
Eau Claire, Wisconsin**



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I. Executive Summary

The purpose of this comprehensive Federal Annual Monitoring Evaluation (FAME) report is to assess the State Plan's performance for Fiscal Year (FY) 2019, and its progress in resolving outstanding findings and/or observations from previous FAME reports. This report assesses the current performance of the Michigan Occupational Safety and Health Administration (MIOSHA) 23(g) compliance program in the context of agreed upon monitoring measures.

A detailed explanation of the findings and recommendations of the MIOSHA performance evaluation is found in Section III, Assessment of State Plan Progress and Performance. The FY 2018 Follow-up FAME identified three continued observations. All three observations have now been closed. One new finding and two new observations have been identified. A summary of the new finding is found in Appendix A, New and Continued Findings and Recommendations. A summary of all observations is found in Appendix B, Observations and Federal Monitoring Plans.

The MIOSHA Strategic Management Plan for FY 2019 to FY 2023 established three strategic goals. In the FY 2019 State OSHA Annual Report (SOAR), MIOSHA provided information that outlines their accomplishments toward meeting their Five-Year Strategic Management Plan. Their progress at meeting performance plan goals has been reviewed and MIOSHA's SOAR is attached as Appendix E. All but two of the annual performance goals have been met or exceeded.

Quarterly monitoring meetings were held during FY 2019, at which time the State Activity Mandated Measures (SAMM) report and the State Indicators Report (SIR) were reviewed and discussed with MIOSHA management staff. The FY 2019 SAMM is Appendix D of this report.

Following the completion of a CASPA investigation in FY 2018 and receipt of media inquiries involving MIOSHA's handling of a fatality inspection at a multi-employer worksite, the Regional Administrator directed a special study be conducted during FY 2019. The special study focused on fatality inspections conducted at multi-employer construction worksites during FYs 2017 and 2018. OSHA's special study found no evidence that MIOSHA mischaracterized the State Plan's coverage of workplace fatalities or that management inappropriately overruled the compliance officers' investigative findings and proposed violations. Case file management irregularities found during the special study were generally consistent with those found during the on-site review as discussed in Section III, Assessment of State Plan Progress and Performance.

II. State Plan Background

A. Background

The Michigan Department of Labor and Economic Opportunity (LEO), formed in June 2019, is responsible for the state's regulatory services and programs that protect and promote the labor market, including the MIOSHA program. The program received initial approval on October 3, 1973 and certification on January 16, 1981. MIOSHA includes the

General Industry Safety and Health Division (GISHD); Construction Safety and Health Division (CSHD); Appeals; Consultation, Education and Training (CET); and the Technical Services Division (TSD). Enforcement of safety and health rules, adoption of standards, consultation services and other related OSHA activities are conducted within these five divisions. MIOSHA's CET division administers the private sector on-site consultation program funded under a 21(d) grant.

The mission of MIOSHA is to help protect the safety and health of Michigan workers with the overall mission to reduce workplace fatalities, injuries and illnesses. This is done through a combination of compliance, education and training, and consultation activities supported by standards promulgation, data management, and administrative functions. MIOSHA has historically focused its efforts on the most hazardous industries and occupations.

Jeff Donofrio was appointed Director of LEO in June of 2019. Barton Pickelman is MIOSHA's Director, and each of the five divisions has a division director. MIOSHA benchmarks include 56 safety and 45 health compliance officers. At the start of FY 2019, funding was allocated for 42 safety and 23.9 health full-time equivalents (FTE). MIOSHA's FY 2019 grant included funding totaling \$22,573,200, which includes a \$2,646,600 overmatch. There were no furloughs or hiring freezes during FY 2019.

B. New Issues

Maximum Penalty Increase

In accordance with the Bipartisan Budget Bill passed on November 2, 2015, OSHA published a rule on July 1, 2016, raising its maximum penalties. As required by law, OSHA then increased maximum penalties annually according to the Consumer Price Index (CPI). The Michigan State Plan has not yet completed the legislative changes to increase maximum penalties.

III. Assessment of State Plan Progress and Performance

A. Data and Methodology

OSHA established a two-year cycle for the FAME process. FY 2019 is a comprehensive year and as such, OSHA was required to conduct an on-site evaluation and case file review. A four-person team, which included a whistleblower supervisor, was assembled to conduct a full on-site case file review. The case file review was conducted at the Michigan OSHA State Plan office during the timeframe of February 3 - 7, 2020. A total of 95 safety and health inspection case files were reviewed. The safety and health inspection files were randomly selected from closed inspections conducted during the evaluation period (October 1, 2018 through September 30, 2019). The selected population included:

- Forty (40) programmed/programmed related case files
- Thirty-seven (37) fatality case files

- Eleven (11) complaint case files
- Seven (7) referral case files
- In addition, 30 closed whistleblower case files

Five non-formal complaint case files were also reviewed.

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 (Appendix D)
- State Information Report
- Mandated Activities Report for Consultation
- State OSHA Annual Report (Appendix E)
- State Plan Annual Performance Plan
- State Plan Grant Application
- Quarterly monitoring meetings between OSHA and the State Plan
- Full case file review

Each state activity mandated measure 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.

The special study was completed during FY 2019 and focused on fatality inspections conducted at multi-employer construction worksites during FYs 2017 and 2018. The study included MIOSHA's written policies and procedures, 34 reports of fatalities, 20 fatality inspections, and 50 additional inspections initiated during this review period. Additional information was obtained from data entered in OSHA's Information System (OIS) by State Plan staff, OIS reports, and discussions with MIOSHA personnel.

Throughout the entire process, MIOSHA was cooperative, shared information, and ensured staff was available to discuss cases, policies, and procedures. MIOSHA staff members were eager to work with the evaluation team.

B. Review of State Plan Performance

1. PROGRAM ADMINISTRATION

a) Training

MIOSHA has implemented its own training program, as outlined in MIOSHA instructions TRG-05-1R3 and TRG-09-1R2. MIOSHA's General Industry Safety and Health Division (GISHD) and Construction Safety and Health Division's (CSHD) in-

house training on occupational safety and health standards is coordinated with standard courses that are offered by the MIOSHA Training Institute (MTI).

Field training for technical staff is provided during the probationary period and is scheduled throughout the state to enhance understanding of hazards at a variety of worksites and industries. Safety Officers (SO) and Industrial Hygienists (IH) are required to attend and complete compliance training outlined in the instructions during his/her employment. The purpose of the training courses is to provide the SO/IH with technical knowledge, skills, and information pertaining to MIOSHA inspection requirements. MIOSHA's equivalent to the OSHA Training Institute's (OTI) course #1000, Initial Compliance, and MIOSHA's General Industry Standards (General Industry Safety and General Industry Health) courses are required to be completed within the first year of a SO/IH's career. The instructions' appendices list courses required to be taken by technical staff during their first year, during years one through three, through year five, during years six through eight, and in year nine and beyond. After the SO/IH has completed training on MIOSHA safety and health standards, the Investigative Interviewing Techniques and Inspection Techniques and Legal Aspects courses are required to be taken at the OTI.

New technical staff has greater training requirements than experienced MIOSHA technical employees and are permitted to attend one or more out-of-state technical courses per year for the first three years of their career as time and funding allows. Experienced MIOSHA employees will be permitted, upon approval, to attend one out-of-state technical course every three years.

Employees are trained on significant changes in agency or division policies and procedures that affect their job tasks. These trainings are on-going and conducted during staff meetings. Staff is expected to stay current on changes by reading new and revised documents as they are published in the MIOSHA Messenger, a bi-weekly internal newsletter for staff. Supervisors are responsible for assessing individual training needs and discussing training needs as a part of the employee performance evaluation.

b) OSHA Information System

MIOSHA uses a combination of administrative and technical staff to enter information into OIS. When necessary, shared drives are used to transfer information between district offices and the main office. MIOSHA's GISHD uses an ACCESS database called the 'universal log' to summarize data for tracking specific information about cases and is used to locate files within the office. Support staff runs reports from this database and OIS at least weekly and the reports are provided to supervisors to track case file status, including 90-day dates, which is when citations must be issued. Various other target dates are also tracked on the reports, including abatement and post citation activity. Data is entered into OIS and the ACCESS database in a timely manner.

In some of the files reviewed, coding of inspections including the inspection type, related activities, and related event codes contained errors. MIOSHA is encouraged to work

with OSHA to clarify and correct coding concerns to ensure MIOSHA's activities are reflected appropriately.

Since FY 2002, OSHA has been collecting data on immigrant/Hispanic worker fatalities and catastrophes through a procedure referred to as IMMLANG. The procedure involves answering the following question: *Did the fatality or catastrophe involve an immigrant worker and/or Hispanic worker and/or a possible language barrier?* The answer is yes if any one of the following conditions is true:

- the worker immigrated to the U.S. from any foreign country,
- the worker was Hispanic (whether an immigrant or natural-born U.S. citizen),
- the worker (regardless of country of origin) spoke a language other than English as his or her primary language (this would include U.S. citizens for whom English is not their primary tongue), or
- the primary language of the work site (among fellow workers or supervisors) was not the primary language of the worker.

The procedure is contained in MIOSHA's Fatality Procedures Manual, page 34. However, the criteria used is limited to 'if there were potential language barriers related to this victim (i.e. the victim's primary language is something other than English). MIOSHA is encouraged to expand the instructions in their manual to include the four criteria listed above, and to update staff on proper collection of the requested information.

c) State Internal Evaluation Program Report

For FY 2019, MIOSHA evaluated the effectiveness of their Michigan Voluntary Protection Program (MVPP). An audit was conducted to review the application process, initial onsite review, approval process, post-approval assistance, re-evaluation of participants, and the program specific to the construction industry.

Upon completion of their evaluation, MIOSHA made several recommendations that included:

- Replace the current spreadsheet with a database and train employees to more accurately track program information.
- Establish an overall timeline and modify procedures to reflect a deadline for report review and other steps in the process.
- Utilize more special government employees (SGEs) in the MVPP process.

A summary of MIOSHA's SIEP evaluation is provided in the FY 2019 State OSHA

Annual Report (SOAR), which is included as Appendix E of this FAME report.

d) Staffing

MIOSHA’s administration consists of five divisions, each of which is headed by a director. The divisions are General Industry Safety & Health (GISHD); Construction Safety & Health (CSHD); Technical Services (TSD); Consultation, Education & Training (CET); and Appeals. In addition to the directors, GISHD has four managers and nine supervisors; CSHD has two managers and four supervisors; and TSD has three managers and one supervisor. MIOSHA was comprised of 124.76 FTE in FY 2018 and 138.63 FTE in FY 2019.

The benchmark for safety and health has been 56 and 45 positions, respectively. In FY 2019, 42 safety and 23.9 health compliance officer positions were allocated.

Enforcement Staffing Levels

		FY 15	FY 16	FY 17	FY 18	FY 19
Safety	Benchmark	56	56	56	56	56
	Positions Allocated	39	42	40	41	42
	Positions Filled	39	35	35	35	34
	Vacancies	0	7	5	6	8
	% Of Benchmarks Filled	70%	63%	63%	63%	61%
Health	Benchmark	45	45	45	45	45
	Positions Allocated	22.66	21.13	22.10	22.85	23.9
	Positions Filled	22.66	21.13	20.10	21.85	23.9
	Vacancies	0	0	2	1	0
	% Of Benchmarks Filled	50%	47%	45%	49%	53%

2. ENFORCEMENT

During FY 2019, MIOSHA conducted 4,422 inspections: 3,440 safety and 982 health. The total number of inspections increased 1.7% from FY 2018. An inspection summary report dated February 25, 2020, showed a total of 4,488 inspections. Of those, 2,792 were programmed, 1,000 were complaints and referrals, 264 were employer-reported referrals, and 63 were follow-ups.

a) Complaints

During FY 2019, MIOSHA received 1,583 complaints, of which 785 (49.6%) were formal and 798 (50.4%) were nonformal. The average number of days to initiate a complaint inspection in FY 2019 was 6.5, below the negotiated standard of 10 days. The average number of days to initiate a complaint investigation was 5.45, below the negotiated standard of eight days. OSHA randomly selected five nonformal complaint and referral investigations for review during this evaluation of the MIOSHA program.

MIOSHA's complaint process is defined in Chapter IV of the MIOSHA Field Operations Manual (FOM). Inspections will be conducted in response to complaints when specific criteria are met, including:

- The complaint is reduced to writing, signed by a current employee, employee representative, or former employee and the complainant states the reason for the inspection request. The complaint must also indicate there has been a violation of a safety or health standard or danger exists.
- The complaint alleges physical harm, such as disabling injuries or illnesses have occurred as a result of an alleged hazard, and there is reason to believe the hazard still exists.
- The complaint alleges an imminent danger situation.
- The complaint identifies an establishment or hazard covered by a local or special emphasis.
- The employer fails to provide an adequate response to a letter inspection or the complainant provides evidence that the employer's response is false or does not adequately address the hazard(s).
- The establishment that is the subject of the complaint has a history of instance-by-instance, willful, or failure-to-abate citations.
- A whistleblower investigator requests that a complaint inspection be conducted.
- A companion complaint can be scheduled for inspection if it is a complaint that would normally be investigated by telephone/fax and an on-site inspection has already been scheduled or begun.
- When a complainant does not provide their name and address for a complaint on a construction site, the CSHD can schedule an on-site inspection due to rapidly changing conditions on the site.

MIOSHA refers to complaints addressed with the employer by letter and/or telephone as off-site inspections. These are complaints which do not meet the criteria for an on-site inspection. In the case of a *letter complaint inspection*, MIOSHA advises the employer of the alleged hazards by telephone, fax, letter, and/or email. The employer is required to provide a written response and MIOSHA provides a copy of the response to the complainant upon request. In situations of an other-than-serious nature, when it is believed that the issue(s) can quickly be addressed by telephone, a *telephone complaint inspection* may be conducted. After contacting the employer, explaining the allegations, and providing abatement assistance as necessary, MIOSHA sends a letter to the employer

and the complainant summarizing the findings if they are satisfied the conditions have been addressed.

b) Fatalities

A total of 33 fatalities were reported to MIOSHA in FY 2019, a decrease from 41 in FY 2018. All 33 of the fatalities were responded to within one day. MIOSHA's Five-Year Strategic Management Plan for FYs 2019-2023 outlines a reduction of fatalities in both general industry and construction by 10% and 5% respectively over the five years. The targets each year are the number of fatalities that occurred in the prior calendar year and are compared to baselines. For example, the general industry baseline is the number of program-related fatalities during CY 2017. The construction baseline is the average fatality rate for calendar years 2013-2017.

Information about fatalities is recorded in OIS and in MIOSHA's fatality report. MIOSHA's FOM, Fatality Procedures Manual, and instruction MIOSHA-COM-06-1R4 Inclusion of Victim's Families in Fatality Investigations, detail fatality procedures, including initial notification and follow-up communication with next-of-kin.

MIOSHA's FOM and Fatality Procedures Manual contain procedures for conducting complete and thorough investigations. Investigations are to determine whether a violation of MIOSHA safety and health standards, regulations, or the general duty clause occurred. The safety or health compliance officer is to identify witnesses and conduct interviews as early as possible. The files are to be documented with the victim's personal data, incident data, equipment or processes involved, witness statements, safety and health program, analysis of multi-employer worksite, and requested records. Additionally, the investigation is recorded and tracked in OIS through the completion of various forms and modules. Forms completed in OIS and letters sent to the next-of-kin are to be included in the case file.

Twenty-two of the 37 (59%) fatality case files reviewed did not contain evidence and/or documentation consistent with MIOSHA's FOM, Fatality Procedures Manual, and/or instruction MIOSHA-COM-06-1R4 Inclusion of Victim's Families in Fatality Investigations, including: complete and accurate fatality/catastrophe report, investigation summary, violation worksheets, field narrative, diary sheet, letters to the next-of-kin, victim's personal data, photographs, measurements, police and medical examiner reports, witness statements, and/or multi-employer worksite description.

Observation FY 2019-OB-01: Twenty-two of the 37 (59%) fatality case files reviewed did not contain evidence and/or documentation consistent with MIOSHA's FOM, Fatality Procedures Manual, and/or instruction MIOSHA-COM-06-1R4 Inclusion of Victim's Families in Fatality Investigations. These included: complete and accurate fatality/catastrophe report, investigation summary, violation worksheets, field narrative, diary sheet, letters to the next-of-kin, victim's personal data, photographs, measurements, police and medical examiner reports, witness statements, and/or multi-employer worksite description.

Federal Monitoring Plan FY 2019-OB-01: OSHA will discuss and evaluate MIOSHA's internal audits conducted in this area during quarterly monitoring meetings.

c) Targeting and Programmed Inspections

During FY 2019, MIOSHA conducted 4,422 inspections, with approximately 63% opened as programmed inspections. MIOSHA's strategic management plan emphasizes a 10% reduction in injuries and illnesses (Total Recordable Cases, TRC) in eight industries selected as having rates above the state average. FY 2019 was the first year of the plan and MIOSHA met their goal of 2% reduction for six of the eight industries. MIOSHA determines whether to continue an emphasis after a 10% reduction is achieved. The following industries were included: wood product manufacturing, primary metal manufacturing, fabricated metal product manufacturing, machinery manufacturing, transportation equipment manufacturing, support activities for transportation, hospitals, and nursing and residential care facilities.

MIOSHA extended a state emphasis program (SEP) for fall prevention in the construction and general industry sectors that covered all industries, but focused on construction and tree-trimming employers where fall fatalities are prevalent or employees have the potential to be exposed. They also continued a SEP for employers performing blight work in construction. Sites will have higher priority than other programmed inspections and inspections will focus on asbestos related hazards. A new SEP was implemented to address fatalities while performing work in roadways. The SEP includes extensive outreach to increase awareness and provide information to keep employees safe. MIOSHA typically participates in national emphasis programs (NEP).

Sites receiving priority for inspections in MIOSHA's GISHD are selected from directories (for example, Hoovers) of establishments in specific NAICS (North American Industry Classification System) codes targeted in the five-year strategic plan. Dodge lists of major projects provided by the University of Tennessee in the state are sorted and used for scheduling construction (CSHD) inspections. The targeting plan is designed to get staff on-site at randomly selected projects when they are between 30 and 60% complete, when the greatest number of employees is expected to be on the construction site. In addition, construction safety officers and industrial hygienists identify construction projects while traveling in their work areas. Field staff is also expected to stop and conduct inspections for potential imminent danger conditions viewed. This includes: employees working at heights with a high probability of falls resulting in death or serious injuries; employees working in trenches greater than five feet deep with no protective systems in place; employees working with cranes, boom trucks, aerial lift platforms in close proximity to overhead power lines; employees working on roadway projects where the lack of traffic control may be a hazard; and employees working on projects where there is the potential for excessive exposure to lead, silica, noise, asbestos, hexavalent chromium, or isocyanate containing compounds.

d) Citations and Penalties

Chapter VI of MIOSHA's FOM contains the requirements and policies for citations and penalties. The citations and penalties are reviewed at multiple levels in MIOSHA's management system prior to issuance. MIOSHA citations are not to be issued more than 90 days after the completion of the physical inspection or investigation of the establishment.

The further review level (FRL) for percent in-compliance for safety inspections is +/- 20% of the three-year national average of 30.30%, which equals a range of 24.24% to 36.36%. The MIOSHA State Plan's percent in-compliance for safety is 40.91%, which is higher than the FRL. The FRL for percent in-compliance for health inspections is +/- 20% of the three-year national average of 36.12%, which equals a range of 28.90% to 43.35%. MIOSHA's percent in-compliance for health is 47.02%, which is also higher than the FRL.

Michigan's in-compliance rate was higher in FY 2019 than in FY 2018, when safety was also above the FRL. The rate for health increased from 37.58% to 47.02%. Eighteen of 37 (49%) fatality inspection files reviewed did not result in citations issued to the employer. Thirty-four of 58 (59%) programmed, complaint, referral, and related inspection files reviewed also did not result in citations to the employer.

MIOSHA utilizes a Notice of Potential Hazard (NOPH) form to provide information to the employer on how to correct an identified hazard, when a MIOSHA rule does exist that can be applied to the identified hazard, but employee exposure cannot be determined or is not sufficient to document a violation. Two of the case files reviewed containing a NOPH form did not include enough documentation to evaluate whether a violation was present or a citation item was appropriate. In one additional case, where eight items were listed on the Notice, no employee exposure was stated in the narrative. In light of MIOSHA's high in-compliance rate, the use of NOPH forms should be well documented and closely evaluated.

MIOSHA's 4,422 inspections resulted in 7,128 hazards identified. Sixty percent of the inspections resulted in violations (serious, willful, repeat, or other-than-serious), with 47% of those violations classified as serious. The average number of serious/willful/repeat violations per inspection was 1.38. The FRL is +/-20% of the three-year national average of 1.79, which equals a range of 1.43 to 2.15. The average number of other-than-serious violations per inspection was 1.29. The FRL is +/-20% of the three-year national average of 0.97, which equals a range of 0.78 to 1.16. MIOSHA's average violations per inspection falls outside of the expected range in both categories.

MIOSHA's FOM and instruction MIOSHA-COM-15-4R1 Employee Interviews in Safety and Health Investigations, contain procedures for the documentation of inspections. Information to be documented includes, but is not limited to: inspection report, narrative, interview statements, photographs, safety & health management system evaluation, records obtained during the inspection, diary sheet, chronology of actions

taken, employee exposure, potential exposure, employer knowledge, measurements, control measures in place, and training.

Twenty-six of the 58 (49%) programmed, complaint, referral, and related inspection files reviewed did not contain evidence and/or documentation consistent with MIOSHA's FOM and instruction MIOSHA-COM-15-4R1 Employee Interviews in Safety and Health Investigations, including: complete and accurate diary sheet, chronology of actions taken, field narrative, violation worksheets, employee exposure, potential employee exposure, photographs, measurements, witness statements, and/or documentation of interviews.

The average initial penalty per serious violation in the private sector during FY 2019 was \$1,402.55 (SAMM 8: 1-250+ workers). The FRL is -25% of the three-year national average (\$2,871.96), which equals \$2,153.97. In accordance with the Bipartisan Budget Bill passed on November 2, 2015, OSHA published a rule on July 1, 2016, raising its maximum penalties. As required by law, OSHA then increased maximum penalties annually according to the Consumer Price Index (CPI). The Michigan State Plan has not yet completed the legislative changes to increase maximum penalties.

In 10 of the 67 (14.9%) case files reviewed for FY 2017, the severity and probability assessments were not appropriate. Seven (70%) of those were construction case files. Concerns with severity and probability assessments were not noted by the FY 2019 review team. Consequently, Observation FY 2018-OB-01 is closed.

Observation FY 2019-OB-02: Twenty-six of the 58 (49%) programmed, complaint, referral, and related inspection files reviewed did not contain evidence and/or documentation consistent with MIOSHA's FOM and instruction MIOSHA-COM-15-4R1 Employee Interviews in Safety and Health Investigations. These included: complete and accurate diary sheet, chronology of actions taken, field narrative, violation worksheets, employee exposure, potential employee exposure, photographs, measurements, witness statements, and/or documentation of interviews.

Federal Monitoring Plan FY 2019-OB-02: OSHA will discuss and evaluate MIOSHA's internal audits conducted in this area during quarterly monitoring meetings.

Finding FY 2019-01: The percentage of safety (40.91%) and health inspections (47.02%) that were in-compliance was higher than the FRL of 24.24% to 36.36% for safety and 28.90% to 43.35% for health.

Recommendation FY 2019-01: Ensure inspection resources are spent in workplaces that are exposing workers to hazards.

e) Abatement

The compliance officer and their supervisor determine a reasonable abatement period using their best judgement. Abatement dates exceeding 30 days are not normally

necessary. However, if an initial abatement date is granted in excess of 30 days, the reason is documented in the case file. MIOSHA instruction MIOSHA-COM-05-2R5 requires abatement documentation, for all serious, willful, repeat and failure-to-abate (FTA) notifications, that is adequate to assure the department that the citation has been abated. The MIOSHA FOM outlines examples of abatement documentation and includes: photographic or video evidence; evidence of purchase or repair of equipment; training records; and/or safety and health professionals' reports. Employers are not required to submit abatement for violations which were abated and observed by compliance officers during the on-site portion of the inspection. Managers and supervisors in the GISHD along with two or three safety officers use the universal log to track abatement. These safety officers come in to the Lansing office three days each week to review abatement for all safety case files. Several safety officers in the CSHD review abatement. Industrial hygienists in both GISHD and CSHD review and track hazard abatement.

An employer can petition the Board of Safety Compliance and Appeals for an extension of the abatement date (PMA) after a citation has become a final order. Late requests accompanied by a statement of exceptional circumstances are submitted to the Appeals Division for the Board's consideration. A PMA that is filed timely and meets all of the requirements will be granted by the issuing division on behalf of the Board.

If an employer does not respond to requests for abatement documentation and provide appropriate documentation within 30 days after the final request, a supervisor will generally assign a follow-up inspection. Follow-up inspections may be assigned for all fatalities, willful, and high gravity serious violations regardless of abatement received, unless the condition was abated during the on-site inspection. Follow-up inspections may also be conducted on a random basis or when deemed necessary. Follow-up inspections must be conducted by a safety officer or industrial hygienist within 30 days of assignment.

During the FY 2017 review, adequate abatement information was found in the majority of case files reviewed. However, five of the 67 (7.5%) case files reviewed did not have complete abatement for all citation items. During the FY 2019 review, adequate abatement was found in all of the case files reviewed containing a citation. Consequently, Observation FY 2017-OB-02 is closed.

f) Worker and Union Involvement

Section 29(4) of the MIOSHA Act and Chapter V of the MIOSHA FOM require that an employee representative be given an opportunity to participate in the inspection. This includes the opening conference, walk around and closing conference.

SAMM 13, Percent of initial inspections with worker walk around representation or worker interview, was slightly less than the 100% FRL, at 99.41%. However, OSHA believes this is a matter of coding with respect to inspections opened on multi-employer worksites where an employer may not have employees at the site.

Instruction MIOSHA-COM-04-2R2 Appeal and Settlement Processes for MIOSHA Enforcement Divisions states that an employer may file a first appeal in writing, seeking modification or dismissal of a citation, proposed penalty, and/or an extension of time for abatement within 15 days of the receipt of a citation. An employee or employee representative may appeal in writing the reasonableness of the abatement date(s). Michigan Rule 408.21417(1) requires an employer post a copy of an appeal notice at the place where citations are posted and provide a copy of the notice to an authorized employee representative. The notice must inform the affected employees of their right to party status.

A second appeal is considered a formal appeal and must be delivered by the employer to the issuing division within 15 working days of the employer's receipt of the issuing division's decision in response to the first appeal. For employees or an employee representative that has elected party status, arrangements must be made to include them in pre-hearing discussions. When an employee representative has been identified during the inspection and has requested copies of the citation(s), or has elected party status at the second appeal level, contact with the employee representative is to be made to advise them of any settlement agreement in which there will be a significant modification to the citation(s) or abatement date(s). A significant modification to the citation includes: vacating or dismissal; standard or rule change; or classification change.

3. REVIEW PROCEDURES

Section 41 of the MIOSHA Act and instruction MIOSHA-COM-04-2R2 describe the policies and procedures to be followed in the application of the appeals process. In addition to the appeal rights afforded by the MIOSHA Act, MIOSHA implemented a penalty reduction program (PRA), formally known as an informal settlement agreement, that can result in a 50% reduction if completed within 15 working days from the date the citations were received by the employer.

MIOSHA has two levels in the appeals process. Initially, an employer can request to have a citation modified, a citation or penalty dismissed, or an extension of time for abatement. The issuing division makes the decision. Thereafter, the employer can accept the decision and it will become a final order or the employer can file a second appeal. The second appeal is transmitted to the Board of Health and Safety Compliance and Appeals and a prehearing conference is held in an attempt to settle the citations. If not settled, the case will be heard by an administrative law judge who issues a written decision.

In the case files reviewed during the FY 2019 file review, the majority of the changes were penalty reductions for settlement purposes.

4. STANDARDS AND FEDERAL PROGRAM CHANGES (FPCs) ADOPTION

a) Standards Adoption

During FY 2019, two applicable standards were required to be adopted by the State of Michigan, including the 2019 annual adjustment to civil penalties. The following table describes MIOSHA’s intent to adopt the standards along with effective dates.

**Table X
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	6/27/2019	Yes	Yes	11/14/2019	Pending
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	2/5/2019	Yes	Yes	7/23/2019	Pending
Final Rule on Crane Operator Certification Requirements 29 CFR Part 1926 (11/9/2018)	1/9/2019	12/11/2018	Yes	Yes	5/9/2019	9/16/2019
Interim Final Rule on Maximum Penalty Increases 29 CFR 1902, 1903 (7/1/2016)	9/1/2016	8/18/2016	Yes	Yes	1/1/2017	Pending

MIOSHA continues to provide timely notification to OSHA regarding all state-initiated standard changes. MIOSHA proposed and adopted several new and amended state rules during FY 2019 in order to be as effective as the OSHA standards. Michigan Rule changes addressed the following topics: walking working surfaces, Beryllium, cranes and derricks, silica, and recording and reporting injuries and illnesses.

b) Federal Program Change (FPC) Adoption

All FPC responses were submitted timely. Under the State Plan agreement for MIOSHA, the maritime activities of shipbuilding, shipbreaking, ship repairing, and longshoring remain within the exclusive jurisdiction of OSHA. Therefore, three directives specific to shipyard employment were not adopted. MIOSHA did not adopt Site-Specific Targeting 2016 because a pre-existing directive addresses the issue.

Table Y
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 (10/1/2018)	11/30/2018	11/29/2018	Yes	Yes	4/1/2019	3/30/2019
<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	6/27/2019	No	n/a	n/a adoption not required	n/a
Shipyard Employment "Tool Bag" Directive CPL 02-00-162 (5/22/2019)	7/21/2019	7/18/2019	No	n/a	n/a adoption not required	n/a
Enforcement Guidance for Personal Protective Equipment (PPE) in Shipyard Employment CPL 02-01-060 (5/22/2019)	7/21/2019	7/8/2019	No	n/a	n/a adoption not required	n/a
Site-Specific Targeting 2016 (SST-16) CPL 02-18-01 (10/16/2018)	12/15/2018	12/11/2018	No	n/a	4/16/2019	n/a
<i>Adoption Encouraged</i>						
Alternative Dispute Resolution (ADR) Processes for Whistleblower Protection Programs CPL 02-03-008 (2/4/2019)	4/5/2019	3/13/2019	No	n/a	n/a adoption not required	n/a

5. VARIANCES

There was one variance request received in FY 2017 and granted in FY 2018 by the GISHD. The variance allows the employer to use a specialized commercial lawn mower to mow grass on slopes up to 40 degrees provided additional requirements are met for

training, supervision, and accident/injury reporting to MIOSHA. There were no variance requests received or variances granted during FY 2019.

6. STATE AND LOCAL GOVERNMENT WORKER PROGRAM

MIOSHA's state and local government worker program operates identically to the private sector program. As with the private sector, state and local government employers can be cited with monetary penalties. The penalty structure for both sectors is the same. In FY 2019, MIOSHA conducted 128 inspections of state and local government workplaces, 2.89% of the total number of inspections conducted in Michigan. This number was within the SAMM 6 FRL of +/- 5% of 3.03%, which equals 2.88% to 3.18%. During the FY 2019 review, there were no apparent differences between the state and local government and private sector case files.

7. WHISTLEBLOWER PROGRAM

MIOSHA's Whistleblower Protection Program consists of a manager and three investigators. Procedurally, the MIOSHA Whistleblower Program adheres to OSHA's Whistleblower Investigations Manual (WIM), CPL 02-03-007, which provides guidelines for the investigation and disposition of discrimination complaints.

During the period covered by this report, the program employed three full-time whistleblower investigators in addition to the manager. All intakes are reviewed by the manager in Detroit, who then assigns them to the investigators for screening. The investigators work from home offices and are expected to cover the entire state. The manager started in 1991 and the other investigators have been on board since 2004, 2012 and 2015. Each of the investigators has been through the Basic Whistleblower Investigation course at the OTI and at least one has taken the interviewing course.

MIOSHA follows investigation procedures that are similar to OSHA's, but deviate in a couple of areas. For example, MIOSHA does not share the complainant's statement with the respondent, nor do they share the respondent's position with the complainant. This is to avoid having to put the documents through the Freedom of Information (FOIA) office prior to sharing, which would create delays in the investigation process. MIOSHA does provide the MIOSHA discrimination complaint form when notifying the respondent. Additionally, MIOSHA does not send the respondent notification at the same time the complainant's docketing letter is sent. The reason is to ensure the complainant is interested in moving forward by obtaining a signed complaint prior to notifying the respondent. The majority of complainant statements are performed in-person and witness interviews are performed onsite. If the complainant is located in a remote part of the state, travel costs may be prohibitive unless it is certain the case will move forward.

MIOSHA has implemented changes to expedite complaints and investigations. The response time for respondents to submit position statements is 14 days. Additionally, MIOSHA is using the early administrative closure letter in cases when a complaint is not prima facie or does not fall within MIOSHA jurisdiction.

MIOSHA's appeal review system provides complainants with an effective process for review of their cases. Unlike OSHA's committee review, MIOSHA offers complainants the opportunity for a hearing before an administrative law judge.

REVIEW PROCESS

MIOSHA utilizes the policies and procedures contained in the OSHA Whistleblower Investigations Manual (WIM). Accordingly, this review followed the guidelines, procedures, and instructions of OSHA's WIM, CPL 02-03-007, effective January 28, 2016. The MIOSHA whistleblower manager was also interviewed as part of the review.

This review was for the period October 1, 2018 through September 30, 2019. Reports utilized from OSHA's Whistleblower Application include the Whistleblower Case Listing, Length of Investigation, Activity Measures, and Investigation Data Report for the same period.

During FY 2019, MIOSHA completed 133 cases and ended the year with 28 cases pending. During the same time period, 141 new complaints were docketed and 89 complaints were administratively closed.

The case files reviewed were selected from those with final determinations during the review period and the selections were based on type of determination and the investigator of record. Thirty of the 133 (23%) completed case files were reviewed, including two settled with MIOSHA involvement, two settled between the parties without MIOSHA involvement, 15 non-merit/dismissals, and 11 withdrawal determinations.

WebIMIS REPORTS

A review of the Whistleblower State Plan Investigation Data report for the review period indicated that of the 133 completed cases, 41 (31%) were withdrawn, 71 (53%) were dismissed, and 21 (16%) were found to have merit, with 16 of the 21 (76%) merit cases resulting in settlement. The percentage of cases completed timely was 80%, with an average completion time of 70 calendar days.

MIOSHA had 10 appeals resulting in a 14% appeal rate. MIOSHA's appeal process allows complainants to go through the Michigan Administrative Hearing System providing for a hearing before an administrative law judge.

While there are some procedural and administrative differences between MIOSHA and OSHA's Whistleblower Protection Programs, the determinations made by MIOSHA were generally consistent with the evidence and reasoning contained in all case files reviewed.

COMPLAINT INTAKE AND SCREENING

Intakes and complaints are distributed by the manager. Complaints are screened by the investigators. All complaints that were docketed were timely filed, within the state's jurisdiction, and properly screened.

During FY 2019, MIOSHA administratively closed 89 complaints. Of those, 10 were selected for review. All of the administratively closed complaints contained a closing letter to the complainant as well as a memorandum detailing the screening interview.

COMPLAINANT STATEMENT AND INTERVIEWS

MIOSHA investigators complete a complainant statement for each complaint assigned to them. All case files contained complainant interview statements. Complainant statements may be taken over the phone, especially for complainants located a long distance from the investigator; however, MIOSHA prefers to handle all interviews in person when possible. Complainant interview statements are not redacted and shared with the respondent. MIOSHA utilizes the MIOSHA discrimination complaint form, similar to an OSHA-87, and shares that when notifying the respondent due to the time delay it would cause by having to send all statements through the FOIA office. (Note: this is the same for the respondent position statements. Each investigator completes a summary of the position statement, which is shared with complainants).

DOCKETING AND RESPONDENT NOTIFICATION

Once a complaint has been determined to be appropriate for investigation, the investigator will docket the complaint and the docketing letter is sent to the complainant. The notification letter to the respondent is sent after the investigator has conducted a complete interview and the complainant has signed the complaint. This has resulted in some withdrawals after docketing but before notification to the respondent. The docketing date in WebIMIS is the date of the letter to the complainant.

REPORT OF INVESTIGATION

MIOSHA prepares a Report of Investigation (ROI) when the complaint resulted in a full field investigation. The manager reviews all investigation files and signs and dates the ROIs and closing letters. Complaints that are closed for lack of cooperation, settlement, or withdrawals are closed in accordance with the streamlined procedures, allowing a Case Summary to be used in lieu of the ROI. The ROI used by MIOSHA follows the criteria provided in the WIM. All dismissal determinations were supported by evidence in the files. When a full field investigation was conducted, each of the elements in the ROI contained a proper analysis and exhibits were consistently referenced. Early during the review period four reviewed files did not fully test the respondent's defense. As a result, training was conducted during the period, and subsequent files reviewed confirmed that this issue has already been addressed. Most importantly, in all case files, the evidence supported the resulting determination.

SECRETARY'S FINDINGS

MIOSHA does not utilize a Secretary's Findings similar to that contained in OSHA's WIM. MIOSHA alternatively utilizes a letter that adequately sets forth the determination and provides the respective party their right to appeal the MIOSHA determination.

SETTLEMENTS

Sixteen cases were settled during the review period. Four of the cases were reviewed and two were coded settled and two were coded settled other. All files contained fully executed copies of the agreements as well as closing letters to the complainant and the respondent. All files contained information regarding how the remedy was determined and agreed to.

During the FY 2017 review, two files contained a standard OSHA settlement agreement along with a third party agreement; however, there was no reference to the third party agreement in the OSHA agreement. One file contained a third party agreement only and one file contained a standard OSHA agreement. In one of the four settled cases reviewed, the investigator signed as a witness in a third party settlement agreement. This could indicate that MIOSHA is a party to the agreement. While the standard agreement itself does not incorporate the third party agreements by reference, the closing letters that are sent to the parties do include the language recommended in OSHA's WIM.

All third party agreements are reviewed and approved by the manager. Language was included in the FY 2019 agreements in accordance with Chapter 6 of the WIM. Consequently, Observation FY 2018-OB-03 is closed.

CASE FILE MANAGEMENT

Each of the investigation files reviewed was organized in accordance with the WIM. While all files contained a Table of Contents and exhibits were separated by divider pages, tabs were not used.

All files are hand delivered or picked up in person by the manager.

TIMELINESS

During the review period, MIOSHA completed cases on average in 70 days. For the same time period, the average for all State Plans was 290 days.

PROGRAM MANAGEMENT

Dates and information in the case files reviewed were also compared to the entries made into the Whistleblower Application, WebIMIS. MIOSHA entries into WebIMIS include investigation information, party information, determination date and the adverse action

date under additional information. For the most part, all key dates were correctly entered for each file.

The manager uses WebIMIS reports weekly to stay abreast of investigations and ensure their timely completion.

RESOURCES

Based on file reviews and the manager interview, the training provided and available to investigators appears to be adequate. MIOSHA investigators attend courses through the OTI when possible and when the courses are available. The manager indicated that once advanced courses are offered, they will take advantage of those as well. The manager meets with staff each month in Detroit to have case discussions and provide any necessary updates regarding policies and procedures.

Staffing appears to be adequate. While the manager investigated seven cases, the case load per investigator ranged between 37 and 54 cases. The pending case load as of February 27, 2020 was 19, with each investigator having between five and nine open investigations. (Source: Case Listing and Pending Cases reports dated February 27, 2020)

While there are slight differences procedurally from those of OSHA, it was concluded after review of the investigation files that the determination reached in each case was supported by the evidence and documentation contained in the files. Procedures are in place which provide for effective and timely investigations, subsequent review, and an effective appeals system.

8. COMPLAINT ABOUT STATE PROGRAM ADMINISTRATION (CASPA)

OSHA received one Complaint About State Program Administration (CASPA) about Michigan during FY 2018: CASPA MI-2018-29. The allegation and outcome of OSHA's investigation are described in the Regional Special Study subsection below.

No CASPAs were received regarding MIOSHA during FY 2019.

9. VOLUNTARY COMPLIANCE PROGRAM

Cooperative Programs (MVPP)

MIOSHA's Voluntary Protection Program (MVPP) assists employers and employees by providing a mechanism and a set of criteria designed to evaluate and recognize outstanding safety and health management systems. The Rising Star program provides a "stepping stone" for those establishments that have the desire and potential to achieve Star status within one to three years. Rising Star participants have a good safety and health management system and have incidence rates at or below the industry average for two out of the last three years. MIOSHA follows their Voluntary Protection Program

(MVPP) Policies and Procedures Manual which follows OSHA's CSP 03-01-003 Voluntary Protection Programs (VPP): Policies and Procedures Manual (April 18, 2008).

In FY 2019, there were three new Star and one new Rising Star VPP sites and 10 participants were reevaluated and renewed.

Partnerships

MIOSHA had four active Partnerships in FY 2019. MIOSHA instruction ADM-04-1R4, Partnerships for Worker Safety and Health, is consistent with OSHA's Strategic Partnership Program for Worker Safety and Health, CSP 03-02-003 (November 6, 2013). MIOSHA enters into cooperative relationships with an individual employer, employees, and/or their representatives. Partnerships may be developed with a group of employers, employees and/or their representatives in order to encourage, assist, and recognize their voluntary efforts to focus on and eliminate serious hazards and achieve a high level of safety and health.

Alliances

In FY 2019, there were 16 MIOSHA Alliances. One new Alliance was formed in FY 2019 with the Michigan Electrical Training Director's Association (MiETDA). In addition, seven Alliances were renewed in FY 2019. Instruction MIOSHA-ADM-03-3R4, Alliance Policies and Procedures, is consistent with OSHA's Alliance Program, CSP 04-01-002, (July 29, 2015).

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

MIOSHA conducted 10 onsite consultation visits in state and local government during FY 2019, less than the grant projection of 15 visits. All nine of the nine (100%) initial visits were coded as high hazard visits, as defined by MIOSHA's high hazard emphasis program. All of the 63 serious hazards identified were corrected timely. (Source: Mandated Activities Report for Consultation (MARC) dated February 27, 2020)

11. REGIONAL SPECIAL STUDY

During FY 2018, the Chicago Regional Office received a CASPA alleging MIOSHA had given preferential treatment to a particular company. The complaint alleged the preferential treatment resulted in both the dismissal of citations issued to the company and the lack of MIOSHA inspections conducted at this company's worksites. OSHA's investigation of the CASPA determined that MIOSHA followed its policies and procedures.

Following the completion of the FY 2018 CASPA investigation, the Regional Administrator directed a special study be conducted. The special study was done in FY 2019 and focused on fatality inspections performed at multi-employer construction

worksites during FYs 2017 and 2018. The study included MIOSHA's written policies and procedures, 34 reports of fatalities, 20 fatality inspections, and 50 additional inspections initiated during this review period. Additional information was obtained from data entered in OIS by State Plan staff, OIS reports, and discussions with MIOSHA personnel.

OSHA's special study found no evidence that MIOSHA mischaracterized the State Plan's coverage of workplace fatalities or that management inappropriately overruled the compliance officers' investigative findings and proposed violations. Case file management irregularities found during the special study were generally consistent with those found during the on-site review as discussed in Section III, Assessment of State Plan Progress and Performance.

Appendix A – New and Continued Findings and Recommendations

FY 2019 MIOSHA Comprehensive FAME Report

FY 2019-#	Finding	Recommendation	FY 2018-# or FY 2018-OB-#
FY 2019-01	The percentage of safety (40.91%) and health inspections (47.02%) that were in-compliance was higher than the FRL of 24.24% to 36.36% for safety and 28.90% to 43.35% for health.	Ensure inspection resources are spent in workplaces that are exposing workers to hazards.	

Appendix B – Observations and Federal Monitoring Plans

FY 2019 MIOSHA 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 2017, 10 of 67 (14.9%) inspection case files with citations did not assess severity and probability appropriately.		Closed
	FY 2018-OB-02	In FY 2017, five of 67 (7.5%) case files did not have adequate abatement documentation.		Closed
	FY 2018-OB-03	Language contained in the WIM, Ch. 6.XII.D.2 referencing a third party agreement was not incorporated into the settlement agreement in two of the four (50%) settled case files reviewed in FY 2017.		Closed
FY 2019-OB-01		Twenty-two of the 37 (59%) fatality case files reviewed did not contain evidence and/or documentation consistent with MIOSHA’s FOM, Fatality Procedures Manual, and/or instruction MIOSHA-COM-06-1R4 Inclusion of Victim’s Families in Fatality Investigations. These included: complete and accurate fatality/catastrophe report, investigation summary, violation worksheets, field narrative, diary sheet, letters to the next-of-kin, victim’s personal data, photographs, measurements, police and medical examiner reports, witness statements, and/or multi-employer worksite description.	OSHA will discuss and evaluate MIOSHA’s internal audits conducted in this area during quarterly monitoring meetings.	New
FY 2019-OB-02		Twenty-six of the 58 (49%) programmed, complaint, referral, and related inspection files reviewed did not contain evidence and/or documentation consistent with MIOSHA’s FOM and instruction MIOSHA-COM-15-4R1 Employee Interviews in Safety and Health Investigations. These included: complete and accurate diary sheet, chronology of actions taken, field narrative, violation worksheets, employee exposure, potential employee exposure, photographs, measurements, witness statements, and/or documentation of interviews.	OSHA will discuss and evaluate MIOSHA’s internal audits conducted in this area during quarterly monitoring meetings.	New

Appendix C - Status of FY 2018 Findings and Recommendations

FY 2019 MIOSHA 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 MIOSHA Comprehensive FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Michigan – MIOSHA			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)	6.50	10	The further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	4.32	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)	5.45	8	The further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	4.53	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)	100%	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 MIOSHA Comprehensive FAME Report

5	Average number of violations per inspection with violations by violation type	SWRU: 1.38	+/- 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: 1.29	+/- 20% of Other: 0.97	
6	Percent of total inspections in state and local government workplaces	2.89%	+/- 5% of 3.03%	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 2.88% to 3.18%.
7	Planned v. actual inspections – safety/health	S: 3,440	+/- 5% of S: 3,505	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 3,329.75 to 3,680.25 for safety and from 834.10 to 921.90 for health.
		H: 982	+/- 5% of H: 878	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,402.55	+/- 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)	\$670.57	+/- 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)	\$1,403.76	+/- 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)	\$1,940.99	+/- 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 MIOSHA Comprehensive FAME Report

	d. Average current serious penalty in private sector (greater than 250 workers)	\$3,266.06	+/- 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: 40.91%	+/- 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: 47.02%	+/- 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: 43.46	+/- 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: 69.66	+/- 20% of H: 57.23	
12	Percent penalty retained	59.42%	+/- 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	99.41%	100%	The further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	80%	100%	The further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	16%	+/- 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	70	90	The further review level is fixed for all State Plans.

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

FY 2019 MIOSHA Comprehensive FAME Report

17	Percent of enforcement presence	2.46%	+/- 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)

FY 2019 MIOSHA Comprehensive FAME Report



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

FY 2019

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

FY 2019 MIOSHA Comprehensive FAME Report

INTRODUCTION

The State OSHA Annual Report (SOAR) for FY 2019 provides a summary of MIOSHA activities and results for the Strategic Plan, grant commitments, and other program accomplishments. The strategic goals and emphases have provided the focus for MIOSHA's enforcement, education and training, outreach, and administrative programs.

During FY 2019, MIOSHA conducted activities directly related to the first year of the five-year MIOSHA Strategic Plan for FY 2019-2023. MIOSHA has selected eight industries for strategic plan emphasis 1.1, selecting industries with Injury and Illness (I & I) rates above the state average, but not making a full five-year commitment to each. MIOSHA determines whether or not to continue an emphasis after a 10 percent reduction has been achieved. Reductions in the Total Recordable Cases (TRC) rate greater than the first year goal of two percent were noted for six of the eight industries:

- 12.7% Decrease for Wood Product Manufacturing
- 8.5% Decrease in Machinery Mfg.
- 20.0% Decrease for Transportation Equipment Mfg.
- 54.9% Decrease in Support Activities for Transportation
- 9.1% Decrease in Hospitals
- 18.8% Decrease for Nursing & Residential Care Facilities

MIOSHA strategic plan emphasis 1.2 focused on a 10 percent reduction, two percent per year, in the number of fatalities for General Industry. In CY 2018, the number of fatalities increased from 25 in CY 17 to 28 in CY 18, resulting in a 12% increase.

MIOSHA strategic plan emphasis 1.3 focused on a five percent reduction, one percent per year, in the Days Away, Job Restriction, or Job Transfer (DART) rate for the Construction industry. In FY 18, the DART rate decreased from 1.9 to 1.5, or 21.0%, far exceeding the first year goal of a 1% decrease.

MIOSHA strategic plan emphasis 1.4 focused on a five percent reduction, one percent per year, in the fatality rate for the Construction industry. In CY 2018, the fatality rate per 100,000 employees, dropped from 7.70 to 7.00, resulting in a 9.1% decrease, far exceeding the first year goal of a 1% decrease.

Section 1 of the SOAR for FY 2019 covers performance related to Strategic Goals 1, 2, and 3. Section 2 is a Primary Outcome Measure Summary Chart. Section 3 lists the Consultation Education and Training (CET) Grants and links them to strategic plan emphases. Section 4 includes the State Internal Evaluation Plan (SIEP). Section 5 includes MIOSHA Program Accomplishments, and Section 6 notes the major communication accomplishments for the past fiscal year.

During FY 2019, MIOSHA continued existing and initiated new activities to fulfill the overall mission of the program—to reduce workplace fatalities, injuries, and illnesses. Some major program accomplishments during FY 2019 included:

- MIOSHA awarded 20 Consultation Education and Training (CET) grants, totaling \$621,000, to non-profit groups to enhance safety and health training and to support worker safety and health across the state. These grants were funded with 100% State of Michigan restricted funding.
- MIOSHA started its MiWISH, or Workplace Improvement to Safety and Health Program. The program awarded \$250,570 to 72 employers to enhance their workplace safety by purchasing safety and health

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

FY 2019 MIOSHA Comprehensive FAME Report

equipment. The employers exceeded the matching funds requirement by \$74,450 and spent a total of \$325,020 of their own funds. The amounts added up to \$575,590 spent to help improve the safety and health of Michigan employees. These grants were funded with 100% State of Michigan restricted funding.

- Initiated a State Internal Emphasis Plan (SIEP) The SIEP consisted of an audit to evaluate the MVPP process. The audit included review of the application process, initial onsite review, approval process, post-approval assistance, reevaluation of participants, and MVPP for construction. The SIEP evaluated whether MIOSHA followed the policies and procedures established in the MVPP Policies and Procedures Manual, the MIOSHA Field Operations Manual, the MVPP Application Guidelines, and other policies or procedures related to the MVPP process. The audit was also done to determine how the MVPP process flows and how the process is tracked.
- As part of the “Connecting MIOSHA to Industry” initiative, five “Coffee with MIOSHA” events were held to provide an informal opportunity for employers and employees to talk with MIOSHA staff.
- Participation in the 15th annual “Take a Stand Day” with 89 requests for a special one-on-one consultation without citations or penalties from MIOSHA consultation and enforcement staff.

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

FY 2019 MIOSHA Comprehensive FAME Report

Section 1 EMPHASIS AND PERFORMANCE FOR STRATEGIC GOALS 1-3

Michigan State OSHA Annual Report (SOAR)

SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Strategic Goal #1	Objective #1.1
Help assure improved workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.	Reduce the rate of worker injuries and illnesses in high-hazard industries.
Emphasis #1.1-1	Reduce by 10% (2% per year) the rate of worker injuries and illnesses in Wood Product Manufacturing (321).

Enforcement Indicators												
Inspections initiated:				Employees covered:								
49				1,029								
Compliance Assistance Indicators												
Number of seminars, workshops & other training programs held:	Number of attendees:	Number of Michigan Challenge Programs ongoing:	Number of Michigan Challenge Programs Completed:	Number of Hazard surveys:	Number of Consultations:	Number of articles published:						
1	3	0	0	5	17	173*						
<div style="text-align: center;"> <p>Wood Product Manufacturing. (321) I & I 1.1-1</p> <table border="1" style="margin-top: 10px; width: 100%; border-collapse: collapse;"> <caption>Wood Product Manufacturing (321) I & I 1.1-1 Data</caption> <thead> <tr> <th>Plan Year</th> <th>I & I Rate</th> </tr> </thead> <tbody> <tr> <td>Baseline</td> <td>7.1</td> </tr> <tr> <td>1</td> <td>6.2</td> </tr> </tbody> </table> </div>				Plan Year	I & I Rate	Baseline	7.1	1	6.2	<p>Baseline: BLS, 2016 Injuries & Illnesses – 7.1</p> <p>Target: 10% total or (2% per year) reduction in the rate of injuries and illnesses.</p> <p>Achievement: Rate of 6.2 (BLS, 2018) is a 12.7% decrease from the baseline. Goal of 2% met in year 1.</p> <p>Data Source(s): BLS, IMIS/OIS, Internal Measurement System.</p>		
Plan Year	I & I Rate											
Baseline	7.1											
1	6.2											

* Press Releases issued (46), MIOSHA News (4), Fact Sheets (5), GovDelivery messages sent (118), and 2019 MTI schedules printed (72,000).

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FY 2019 MIOSHA Comprehensive FAME Report

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SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Strategic Goal #1	Objective #1.1
Help assure improved workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.	Reduce the rate of worker injuries and illnesses in high-hazard industries.
Emphasis #1.1-2	Reduce by 10% (2% per year) the rate of worker injuries and illnesses in Primary Metal Mfg. (331).

Enforcement Indicators												
Inspections initiated:				Employees covered:								
52				2,191								
Compliance Assistance Indicators												
Number of seminars, workshops & other training programs held:	Number of attendees:	Number of Michigan Challenge Programs ongoing:	Number of Michigan Challenge Programs Completed:	Number of Hazard surveys:	Number of Consultations:	Number of articles published:						
0	0	0	0	11	17	173*						
<div style="text-align: center;"> <p>Primary Metal Mfg. (331) I & I 1.1-2</p> <table border="1" style="margin-top: 10px; width: 100%; border-collapse: collapse;"> <caption>I & I Rates Data</caption> <thead> <tr> <th>Plan Year</th> <th>I & I Rate</th> </tr> </thead> <tbody> <tr> <td>Baseline</td> <td>4.5</td> </tr> <tr> <td>1</td> <td>6.6</td> </tr> </tbody> </table> </div>				Plan Year	I & I Rate	Baseline	4.5	1	6.6	<p>Baseline: BLS, 2016 Injuries & Illnesses – 4.5</p> <hr/> <p>Target: 10% (2% per year) reduction in the rate of injuries and illnesses; sprains & strains.</p> <hr/> <p>Achievement: Rate of 6.6 (BLS, 2018) is a 46.7% increase from the baseline. Goal of 2% reduction was not met in year 1.</p> <hr/> <p>Data Source(s): BLS, IMIS/OIS, Internal Measurement System.</p>		
Plan Year	I & I Rate											
Baseline	4.5											
1	6.6											

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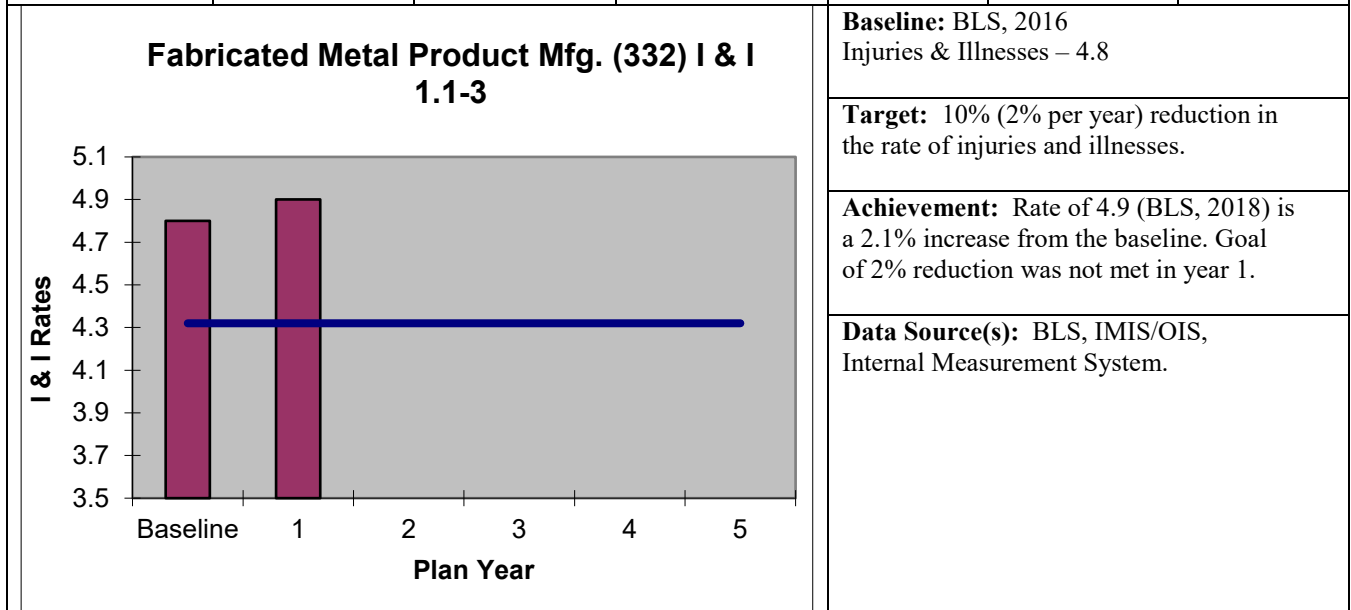
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SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Strategic Goal #1	Objective #1.1
Help assure improved workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.	Reduce the rate of worker injuries and illnesses in high-hazard industries.
Emphasis #1.1-3	Reduce by 10% (2% per year) the rate of worker injuries and illnesses in Fabricated Metal Product Mfg. (332).

Enforcement Indicators	
Inspections initiated:	Employees covered:
224	8,913

Compliance Assistance Indicators						
Number of seminars, workshops & other training programs held:	Number of attendees:	Number of Michigan Challenge Programs ongoing:	Number of Michigan Challenge Programs Completed:	Number of Hazard surveys:	Number of Consultations:	Number of articles published:
17	142	1	0	27	65	173*



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Strategic Goal #1	Objective #1.1
Help assure improved workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.	Reduce the rate of worker injuries and illnesses in high-hazard industries.
Emphasis #1.1-4	Reduce by 10% (2% per year) the rate of worker injuries and illnesses in Machinery Mfg. (333).

Enforcement Indicators																				
Inspections initiated:				Employees covered:																
104				3,939																
Compliance Assistance Indicators																				
Number of seminars, workshops & other training programs held:	Number of attendees:	Number of Michigan Challenge Programs ongoing:	Number of Michigan Challenge Programs Completed:	Number of Hazard surveys:	Number of Consultations:	Number of articles published:														
6	35	0	1	16	70	173*														
<div style="text-align: center;"> <p>Machinery Mfg. (333) I & I 1.1-4</p> <table border="1" style="margin: 10px auto; border-collapse: collapse;"> <caption>I & I Rates Data</caption> <thead> <tr> <th>Plan Year</th> <th>I & I Rate</th> </tr> </thead> <tbody> <tr> <td>Baseline</td> <td>4.7</td> </tr> <tr> <td>1</td> <td>4.3</td> </tr> <tr> <td>2</td> <td>-</td> </tr> <tr> <td>3</td> <td>-</td> </tr> <tr> <td>4</td> <td>-</td> </tr> <tr> <td>5</td> <td>-</td> </tr> </tbody> </table> </div>				Plan Year	I & I Rate	Baseline	4.7	1	4.3	2	-	3	-	4	-	5	-	<p>Baseline: BLS, 2016 Injuries & Illnesses – 4.7</p> <hr/> <p>Target: 10% (2% per year) reduction in the rate of injuries and illnesses.</p> <hr/> <p>Achievement: Rate of 4.3 (BLS, 2018) is a 8.5% decrease from the baseline. Goal of 2% reduction met in year 1.</p> <hr/> <p>Data Source(s): BLS, IMIS/OIS, Internal Measurement System.</p>		
Plan Year	I & I Rate																			
Baseline	4.7																			
1	4.3																			
2	-																			
3	-																			
4	-																			
5	-																			

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Strategic Goal #1	Objective #1.1
Help assure improved workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.	Reduce the rate of worker injuries and illnesses in high-hazard industries.
Emphasis #1.1-5	Reduce by 10% (2% per year) the rate of worker injuries and illnesses in Transportation Equipment Mfg. (336).

Enforcement Indicators	
Inspections initiated:	Employees covered:
202	27,270

Compliance Assistance Indicators						
Number of seminars, workshops & other training programs held:	Number of attendees:	Number of Michigan Challenge Programs ongoing:	Number of Michigan Challenge Programs Completed:	Number of Hazard surveys:	Number of Consultations:	Number of articles published:
11	330	1	0	16	91	173*

<p style="text-align: center;">Transport Equipment Mfg. (336) I & I 1.1-5</p> <table border="1" style="margin-top: 10px; width: 100%; border-collapse: collapse;"> <caption>I & I Rates Data</caption> <thead> <tr> <th>Plan Year</th> <th>I & I Rate</th> </tr> </thead> <tbody> <tr> <td>Baseline</td> <td>5.5</td> </tr> <tr> <td>1</td> <td>4.4</td> </tr> <tr> <td>2</td> <td>-</td> </tr> <tr> <td>3</td> <td>-</td> </tr> <tr> <td>4</td> <td>-</td> </tr> <tr> <td>5</td> <td>-</td> </tr> </tbody> </table>	Plan Year	I & I Rate	Baseline	5.5	1	4.4	2	-	3	-	4	-	5	-	<p>Baseline: BLS, 2016 Injuries & Illnesses – 5.5</p> <p>Target: 10% (2% per year) reduction in the rate of injuries and illnesses.</p> <p>Achievement: Rate of 4.4 (BLS, 2018) is a 20.0% decrease from the baseline. Goal of 2% reduction met in year 1.</p> <p>Data Source(s): BLS, IMIS/OIS, Internal Measurement System.</p>
Plan Year	I & I Rate														
Baseline	5.5														
1	4.4														
2	-														
3	-														
4	-														
5	-														

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Strategic Goal #1	Objective #1.1
Help assure improved workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.	Reduce the rate of worker injuries and illnesses in high-hazard industries.
Emphasis #1.1-6	Reduce by 10% (2% per year) the rate of worker injuries and illnesses in Support Activities for Transportation (488).

Enforcement Indicators																				
Inspections initiated:				Employees covered:																
16				405																
Compliance Assistance Indicators																				
Number of seminars, workshops & other training programs held:	Number of attendees:	Number of Michigan Challenge Programs ongoing:	Number of Michigan Challenge Programs Completed:	Number of Hazard surveys:	Number of Consultations:	Number of articles published:														
1	6	0	0	1	5	173*														
<div style="text-align: center;"> <p>Support Activities for Transportation (488) 1.1-6</p> <table border="1" style="margin: 10px auto; border-collapse: collapse;"> <caption>Support Activities for Transportation (488) I & I Rates</caption> <thead> <tr> <th>Plan Year</th> <th>I & I Rate</th> </tr> </thead> <tbody> <tr> <td>Baseline</td> <td>5.1</td> </tr> <tr> <td>1</td> <td>2.3</td> </tr> <tr> <td>2</td> <td>-</td> </tr> <tr> <td>3</td> <td>-</td> </tr> <tr> <td>4</td> <td>-</td> </tr> <tr> <td>5</td> <td>-</td> </tr> </tbody> </table> </div>				Plan Year	I & I Rate	Baseline	5.1	1	2.3	2	-	3	-	4	-	5	-	<p>Baseline: BLS, 2016 Injuries & Illnesses – 5.1</p> <p>Target: 10% (2% per year) reduction in the rate of injuries and illnesses.</p> <p>Achievement: Rate of 2.3 (BLS, 2018) is a 54.9% decrease from baseline. Goal of 2% reduction was met in year 1.</p> <p>Data Source(s): BLS, IMIS/OIS, Internal Measurement System.</p>		
Plan Year	I & I Rate																			
Baseline	5.1																			
1	2.3																			
2	-																			
3	-																			
4	-																			
5	-																			

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Strategic Goal #1	Objective #1.1
Help assure improved workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.	Reduce the rate of worker injuries and illnesses in high-hazard industries.
Emphasis #1.1-7	Reduce by 10% (2% per year) the rate of worker injuries and illnesses in Hospitals (622).

Enforcement Indicators																				
Inspections initiated:				Employees covered:																
32				4,892																
Compliance Assistance Indicators																				
Number of seminars, workshops & other training programs held:	Number of attendees:	Number of Michigan Challenge Programs ongoing:	Number of Michigan Challenge Programs Completed:	Number of Hazard surveys:	Number of Consultations:	Number of articles published:														
1	1	0	0	1	4	173*														
<div style="text-align: center;"> Hospitals (622) I & I 1.1-7 </div> <table border="1" style="margin-top: 10px; width: 100%; border-collapse: collapse;"> <caption>Hospitals (622) I & I Rates</caption> <thead> <tr> <th>Plan Year</th> <th>I & I Rate</th> </tr> </thead> <tbody> <tr> <td>Baseline</td> <td>6.6</td> </tr> <tr> <td>1</td> <td>6.0</td> </tr> <tr> <td>2</td> <td>-</td> </tr> <tr> <td>3</td> <td>-</td> </tr> <tr> <td>4</td> <td>-</td> </tr> <tr> <td>5</td> <td>-</td> </tr> </tbody> </table>				Plan Year	I & I Rate	Baseline	6.6	1	6.0	2	-	3	-	4	-	5	-	<p>Baseline: BLS, 2016 Injuries & Illnesses – 6.6</p> <p>Target: 10% (2% per year) reduction in the rate of injuries and illnesses.</p> <p>Achievement: Rate of 6.0 (BLS, 2018) is a 9.1% decrease from baseline. Goal of 2% reduction was met in year 1.</p> <p>Data Source(s): BLS, IMIS/OIS, Internal Measurement System.</p>		
Plan Year	I & I Rate																			
Baseline	6.6																			
1	6.0																			
2	-																			
3	-																			
4	-																			
5	-																			

* Press Releases issued (46), MIOSHA News (4), Fact Sheets (5), GovDelivery messages sent (118), and 2019 MTI schedules printed (72,000).

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Strategic Goal #1	Objective #1.1
Help assure improved workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.	Reduce the rate of worker injuries and illnesses in high-hazard industries.
Emphasis #1.1-8	Reduce by 10% (2% per year) the rate of worker injuries and illnesses in Nursing & Residential Care Facilities (623).

Enforcement Indicators																				
Inspections initiated:				Employees covered:																
43				3,597																
Compliance Assistance Indicators																				
Number of seminars, workshops & other training programs held:	Number of attendees:	Number of Michigan Challenge Programs ongoing:	Number of Michigan Challenge Programs Completed:	Number of Hazard surveys:	Number of Consultations:	Number of articles published:														
1	84	0	0	4	20	173*														
<div style="text-align: center;"> <p>Nursing and Residential Care Facilities (623) I & I 1.1-8</p> <table border="1" style="margin: 10px auto; border-collapse: collapse;"> <caption>I & I Rates Data</caption> <thead> <tr> <th>Plan Year</th> <th>I & I Rate</th> </tr> </thead> <tbody> <tr> <td>Baseline</td> <td>6.9</td> </tr> <tr> <td>1</td> <td>5.6</td> </tr> <tr> <td>2</td> <td>-</td> </tr> <tr> <td>3</td> <td>-</td> </tr> <tr> <td>4</td> <td>-</td> </tr> <tr> <td>5</td> <td>-</td> </tr> </tbody> </table> </div>				Plan Year	I & I Rate	Baseline	6.9	1	5.6	2	-	3	-	4	-	5	-	<p>Baseline: BLS, 2016 Injuries & Illnesses – 6.9</p> <hr/> <p>Target: 10% (2% per year) reduction in the rate of injuries and illnesses.</p> <hr/> <p>Achievement: Rate of 5.6 (BLS, 2018) is a 18.8% decrease from baseline. Goal of 2% reduction was met in year 1.</p> <hr/> <p>Data Source(s): BLS, IMIS/OIS, Internal Measurement System.</p>		
Plan Year	I & I Rate																			
Baseline	6.9																			
1	5.6																			
2	-																			
3	-																			
4	-																			
5	-																			

* Press Releases issued (46), MIOSHA News (4), Fact Sheets (5), GovDelivery messages sent (118), and 2019 MTI schedules printed (72,000).

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SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Strategic Goal #1	Objective #1.2
Help assure improved workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.	Reduce the number of MIOSHA-covered general industry fatalities by 2% a year (10% total for 5 years).
Emphasis #1.2	General industry workplaces.

Enforcement Indicators																				
Inspections initiated:				Number of employees covered by inspections:																
1,790				94,973																
Compliance Assistance Indicators																				
Number of seminars, workshops & other training programs held:	Number of consultation visits:	Number of Michigan Challenge Programs on-going:	Number of Michigan Challenge Programs Completed:	Number of Hazard surveys:	Number of articles published															
229	368	0	0	17	173*															
<div style="text-align: center;"> <h3 style="margin: 0;">General Industry Fatalities</h3> <table border="1" style="margin-top: 10px; width: 100%; border-collapse: collapse;"> <caption>General Industry Fatalities Data</caption> <thead> <tr> <th>Plan Year</th> <th>Number of Fatalities</th> </tr> </thead> <tbody> <tr> <td>Baseline</td> <td>25</td> </tr> <tr> <td>1</td> <td>28</td> </tr> <tr> <td>2</td> <td>26</td> </tr> <tr> <td>3</td> <td>25</td> </tr> <tr> <td>4</td> <td>24</td> </tr> <tr> <td>5</td> <td>22.5</td> </tr> </tbody> </table> </div>				Plan Year	Number of Fatalities	Baseline	25	1	28	2	26	3	25	4	24	5	22.5	<p>Baseline: Number of fatalities, program-related: 25 in CY 2017</p> <p>Target: Reduce the number of MIOSHA-covered general industry fatalities by 2% a year (10% total for 5 years).</p> <p>Achievement: 28 GI fatalities for CY 2018, which is a 12% increase and does not meet the 2% goal for year one.</p> <p>Data Source(s): Internal Measurement System, data obtained from the Agency program-related fatality log.</p>		
Plan Year	Number of Fatalities																			
Baseline	25																			
1	28																			
2	26																			
3	25																			
4	24																			
5	22.5																			

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SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Strategic Goal #1	Objective #1.3
Help assure improved workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.	Reduce by 1% a year over the 5 years (5% total for five years) the Days Away, Restricted, or Transfer (DART) injury and illness rate in the construction industry.
Emphasis #1.3	Construction Worksites

Enforcement Indicators				
Accident/Incident investigations:	Complaint investigations:	Programmed/Routine inspections:	Residential construction inspections:	Number of partnerships developed and/or enhanced:
78	124	2,321	402	3 new

Compliance Assistance Indicators					
Number of consultations:	Number of seminars, workshops & other training programs:	Number of hazard surveys:	Number of seminar attendees:	Number of newly developed MTI courses:	Number of alliances developed and/or renewed:
510	172*	123	1,354	2	1 new/ 7 renewal

<p style="text-align: center;">Construction-Related Injuries & Illnesses - DART 1.3</p>	<p>Baseline: Days away, restricted, transferred (DART) of 1.9/200,000 hours (BLS, average 2012 - 2016)</p> <p>Target: To reduce injuries and illnesses in the construction industry by 5% over a five-year period, or 1% per year compared to the baseline.</p> <p>Achievement: The DART rate for 2018 is 1.5, which is a decrease of 21.0% of the baseline. This meets the goal of a 1% decrease for the 1st year of the strategic plan.</p> <p>Data Source(s): BLS.</p>
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Note: Enforcement Indicators and Compliance Assistance Indicators are for both 1.3 & 1.4.

* Number of individuals attending seminars, workshops and other training programs were not registered by specific goals (1.3 & 1.4). This amount represents total participation in all seminars, workshops and other training programs.

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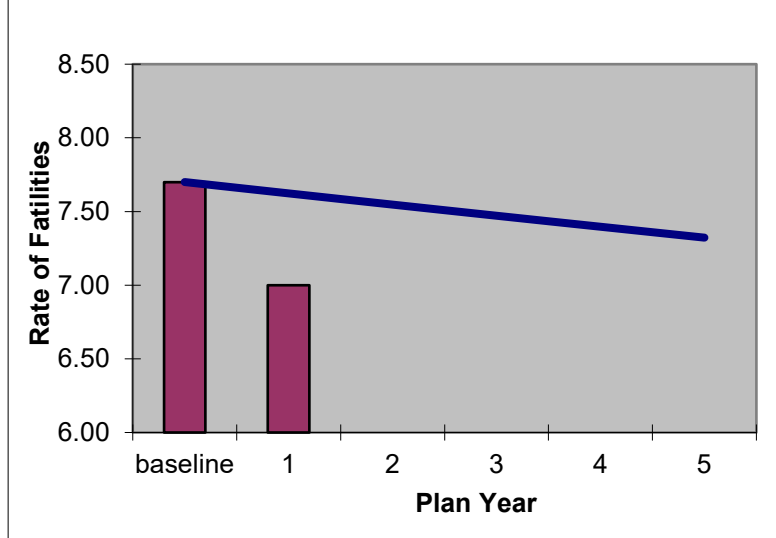
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Strategic Goal #1	Objective #1.4
Help assure improved workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.	Decrease fatality rate in the construction industry by 1% a year (5% total for 5 years) by focusing on the four leading causes of fatalities (fall, electrocution, struck-by, crushed by/caught between).
Emphasis #1.4	Construction Worksites

Enforcement Indicators				
Accident/Incident investigations:	Complaint investigations:	Programmed/Routine inspections:	Residential construction inspections:	Number of partnerships developed and/or enhanced:
78	124	2,321	402	3 new

Compliance Assistance Indicators					
Number of consultations:	Number of seminars, workshops & other training programs:	Number of hazard surveys:	Number of seminar attendees:	Number of newly developed MTI courses:	Number of alliances developed and/or renewed:
510	172*	123	1,354	2	1 new/ 7 renewal

Construction-Related Fatalities 1.4



Baseline: The baseline is the fatality rate [(number of MIOSHA-covered fatalities in construction/number of construction employees) x 100,000] average for the five-year period, CY 2013 through CY 2017. The baseline is 7.7 (Average Fatality Rate, 2013-2017).

Target: Decrease fatality rates in the construction industry by 5% over a five-year period or 1% per year compared to the baseline.

Achievement: The CY 2018 rate was 7.00, which is a 9.1% decrease, which meets the goal of a 1% decrease for the 1st year of the strategic plan.

Data Source(s): Data obtained from the Agency program-related fatality log and BLS data for overall industry rates.

Note: Enforcement Indicators and Compliance Assistance Indicators are for both 1.3 & 1.4.

* Number of individuals attending seminars, workshops and other training programs were not registered by specific goals (1.3 & 1.4). This amount represents total participation in all seminars, workshops and other training programs.

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SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Strategic Goal #2	Objective #2.1
Promote employer and worker awareness of, commitment to, and involvement with safety and health to effect positive change in the workplace culture.	Promote safety and health programs (SHP) during 100% of MIOSHA visits. Evaluate the SHP during 100% of comprehensive consultative visits.
Emphasis #2.1	SHP's will be promoted during all MIOSHA contacts.

Enforcement, Consultation, and Other Indicators			
Number of SHP evaluations completed:		Number of employers who received an SHP promotion:	
CETD - 414		Safety – 3,440 Health - 982	
Baselines: FY 2018 total number of promotions, FY 2018 total number of CET SHP evaluations.			
Target: Promote safety and health programs (SHP) during 100% of MIOSHA visits.			
Achievement: SHP's were promoted during all compliance inspections and consultation interventions.			
Outcome Measure/Data Source(s): OIS and Internal Measurement System. Consultation: Using an internal CET database, determine the percent of employers where their SHP was promoted and evaluated. Intermediate: During CET return visits, compare recalculated injury and illness rates to initial visits			

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SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Strategic Goal #2	Objective #2.2
Promote employer and worker awareness of, commitment to, and involvement with safety and health to effect positive change in the workplace culture.	Increase awareness of and participation in the MIOSHA Training Institute (MTI) by 5% each year by marketing the MTI to targeted groups.
Emphasis #2.2	Increase MTI participants by 5% each year by marketing the MTI to targeted groups.

Consultation and Other Indicators			
Number of MTI contact lists created:	Number of MTI promotional letters mailed:	Number of MTI consultations and training given to targeted groups:	Number of enforcement inspections:
Two ongoing (13,001 on MTI GovDelivery subscriber list and 17,243 on CET GovDelivery). There are also 2,430 Facebook friends, 1,892 Twitter followers, and 219 YouTube subscribers.	20 MTI emails were sent to MTI GovDelivery subscribers. 72,000 MTI schedules distributed. 3,500 TASD letters went out to the following industries: Construction, Support Activities for Transportation, and Wood Products Manufacturing.	1,008	4,422 HEALTH – 982 SAFETY – 3,440
Baselines: 1,949 attendees in FY 2018;			
Target: Increase awareness of and participation in the MIOSHA Training Institute (MTI) by 5% each year by marketing the MTI to targeted groups.			
Achievement: For FY 2019, number of MTI Participants – 2,332 This was an 19.6% increase above the baseline and does meet the 1st year goal of 5% increase.			
Data Source(s): MTI database, Internal Measurement System.			

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SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Strategic Goal #2	Objective #2.3
Promote employer and worker awareness of, commitment to, and involvement with safety and health to effect positive change in the workplace culture.	Increase participation in MIOSHA cooperative programs.
Emphasis #2.3	Increase participation in MIOSHA cooperative programs. The following cooperative programs will increase participation over the 5-year period by 8 new MVPP awards/10 renewals; 5 new MSHARP awards/10 renewals; 10 new CET Awards (Silver, Gold, Bronze Certificate of Recognition, and Ergonomic Success); initiate 15 new Michigan Challenge Programs (MCP); initiate 400 promotions of the MCP; 5 new Alliances/10 renewals; and 10 new Partnerships.

Consultation Indicators			
Number of cooperative program presentations given at other division meetings:	Number of news releases promoting cooperative programs:	Number of new MVPP renewals:	Number of renewals and annual re-evaluations for alliances:
1	19	10 renewals 4 new	1 new 7 renewals
<p>Baselines: 8 new MVPP awards/10 renewals; 5 new MSHARP awards/10 renewals; 10 new CET Awards (Silver, Gold, Bronze Certificate of Recognition, and Ergonomic Success); initiate 15 new Michigan Challenge Programs (MCP); initiate 400 promotions of the MCP; 5 new Alliances/10 renewals; and 10 new Partnerships.</p>			
<p>Target: 8 New /10 renewals MVPP awards (two per year) 10 New CET (Bronze Certificate of Recognition, Silver Award, Gold Award, and Ergo Success Award) 15 Michigan Challenge Programs (one per year) 5 New Alliances (one per year) /10 Alliance renewals (two per year) 5 New MSHARPS (one per year) /10 MSHARPS renewals (two per year) 10 New Partnerships (two per year)</p>			
<p>Achievement: For FY 2019 4 - New MVPP Awards = yes; 10 renewals = yes 0 - New CET (Bronze Certificate of Recognition, Silver Award, Gold Award, and Ergo Success Award) = no 4 - Michigan Challenge Programs = yes 1 - New Alliances = yes; 7 renewal = yes 0 -New MSHARP = no; 1 renewal = no 3 - New Partnerships = yes</p>			
<p>Data Source(s): Internal measurement using CET program records.</p>			

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SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Strategic Goal #2	Objective #2.4
Promote employer and worker awareness of, commitment to, and involvement with safety and health to effect positive change in the workplace culture.	"Connect MIOSHA to Industry" by increasing collaboration and communication to create collective ownership for workplace safety and health.
Emphasis #2.4	

Compliance Assistance and Enforcement Indicators			
Number of contact lists created:	Number of promotional letters mailed to targeted groups:	Number of enforcement visits:	
118 GovDelivery messages were sent 20 MTI GovDelivery messages were sent 17,361 CET GovDelivery members 13,001 MTI GovDelivery members 11,962 Standards GovDelivery members 2,430 Facebook members 1,892 Twitter members 219 YouTube subscribers 5 Coffee with MIOSHA events 36,755 web page views 1 video created 1 Connecting Phase IV trainings	3,500 Take a Stand Day letters sent to the following employers: Construction, Support Activities for Transportation, and Wood Products Manufacturing. 478 letters sent to employers with high injury and illness rates that submitted their information electronically to the OSHA injury and illness data system.	4,422 Health - 982 Safety – 3,440	
Baselines: FY18 customer comment card satisfactory response rate (95% useful).			
Target: Provide safety & health awareness during every intervention.			
Achievement: FY19 customer comment card satisfactory response rate (99.6% useful).			
Data Source(s): CET, IMIS/OIS, BLS and DIT.			

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SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Strategic Goal #3	Objective #3.1
Strengthen public confidence through continued excellence in the development and delivery of MIOSHA's programs and services.	Foster a culture of integrity, inclusion, teamwork, and excellence to strengthen confidence in the delivery of MIOSHA services.
Emphasis #3.1	<p>Internal – Promote the value of Continuous Improvement (CI) and MIOSHA as a CI organization through sharing of project success stories and customer feedback and solicit ideas from staff for improvements to existing work processes.</p> <p>External: Promote MIOSHA as a CI organization in publications and solicit ideas from customers for improvements to existing work processes.</p>

Indicators	
Number of articles/publications marketing of MIOSHA as a CI organization or soliciting ideas	1
Number of staff who have participated in CI projects	5
Number of CI projects reported as started	1
Percent of positive feedback on post-implementation surveys of CI project customers	NA
Number of Operational Excellence Projects	0
Number of comment cards received via hardcopy or electronic	546
Percent of positive feedback on customer comment cards	99.6
Baselines: FY 2018 Activities for:	
Number of articles/publications marketing of MIOSHA as a CI organization or soliciting ideas	0
Number of staff who have participated in CI projects	0
Number of CI projects reported as started	0
Percent of positive feedback on post-implementation surveys of CI project customers	99.4%
Number of Operational Excellence Projects	5
Number of comment cards received via hardcopy or electronic	305
Percent of positive feedback on customer comment cards	99.3
Target:	
Achievement: See above table	
Outcome Measure/Data Source(s): Internal measurement	

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SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Strategic Goal #3	Objective #3.2
Strengthen public confidence through continued excellence in the development and delivery of MIOSHA's programs and services.	Respond to onsite complaints within an average of 10 working days of receipt by MIOSHA.
Emphasis #3.2	Respond to onsite complaints within an average of 10 working days of receipt by MIOSHA.

Enforcement Indicator	
Number of complaints opened within ten working days and average days for opened within 10 days:	
Baselines: 100%	
Target: 100% of complaints responded to within 10 working days.	
Achievement: For FY 2019, MIOSHA received 785 complaints with an average response time of 6.50 days	
Data Source(s): Fat/Cat and Complaint response data (OIS).	

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SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Strategic Goal #3	Objective #3.3
Strengthen public confidence through continued excellence in the development and delivery of MIOSHA's programs and services.	Respond to all MIOSHA-covered fatalities within 1 working day.
Emphasis #3.3	Respond to all MIOSHA-covered fatalities within 1 working day.

Enforcement Indicators		
Number of MIOSHA-Fatalities:	Number of MIOSHA-Covered Fatalities responded to within one day:	% MIOSHA-Covered Fatalities responded to within one day
GISHD – 24 CSHD - 9	GISHD – 24 CSHD - 9	100% 100%
Baselines: 100%		
Target: 100%		
Achievement: For FY 2019, MIOSHA responded to 33 number of MIOSHA-Covered FATALITIES. 33 of 33 were responded to within one working day.		
Data Source(s): MIOSHA Fatal Log and OIS SAMM # 10		

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SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Strategic Goal #3	Objective #3.4
Strengthen public confidence through continued excellence in the development and delivery of MIOSHA's programs and services.	Use information technology (IT) to better deliver MIOSHA Services.
Emphasis #3.4	Use information technology (IT) to better deliver MIOSHA Services.

<p>Baseline: 1. N/A.</p>
<p>Target: 1) Implement where feasible, IT solutions that move the agency from paper to electronic data collection, workflow processing, and record retention. 2) Review strategies of other strategic plan workgroups. Analyze for areas where IT could assist in achieving goals. 3) Where opportunities and resources exist, create, acquire, or enhance web or mobile applications to better deliver information or services to internal staff or the public. 4) Expand promotion of our social media with the public, outside agencies, and MIOSHA staff. 5) Acquire hardware, software, internal training, or pilot programs where feasible to improve agency operations.</p>
<p>Achievement: 1) MIOSHA has initiated a "paperless file" system for all enforcement case files. The includes scanning all archived case files. We expect completion of the new process to be fully implemented in FY 2020. 2) Ongoing 3) Ongoing 4) MIOSHA increased its Facebook friends by 332 (2,430 from 2,098), increased Twitter followers by 421 (1,892 from 1,471, and increased the number of YouTube subscribers by 32 (219 from 187) 5) New computers for field staff, this allows for remote signing of citations, appeals, petitions to modify abatements, and settlements. This has resulted in a shorter overall lapse times and the time it takes to settle cases.</p>
<p>Data Source(s): Internal measurement systems.</p>

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SECTION 2 - PRIMARY OUTCOME MEASURE SUMMARY CHART FY 2019 (Year 1 of 5-year MIOSHA Strategic Plan for FY 2019-2023)

<u>Strategic Plan Emphasis</u>	<u>Year 1 Goal</u>	<u>Year 1 Achievement</u>	<u>Met Goal(s)</u>
1.1A-1 Wood Product Mfg.	2% Decrease	12.7% decrease	yes
1.1A-2 Primary Metal Mfg.	2% Decrease	46.7% increase	no
1.1A-3 Fabricated Metal Product Mfg.	2% Decrease	2.1% increase	no
1.1A-4 Machinery Mfg.	2% Decrease	8.5% decrease	yes
1.1A-5 Transportation Equipment Mfg.	2% Decrease	20.0% decrease	yes
1.1A-6 Support Activities for Transportation	2% Decrease	54.9% decrease	yes
1.1A-7 Hospitals	2% Decrease	9.1% decrease	yes
1.1A-8 Nursing and Residential Care Facilities	2% Decrease	18.8% decrease	yes
1.2 General Industry Fatalities	2% Decrease	12.0% increase	no
1.3 Construction-Related Injuries & Illnesses (DART)	1% Decrease	21.0% decrease	yes
1.4 Construction-Related Fatalities	1% Decrease	9.1% decrease	yes
2.1 Safety and Health Management Systems	100% Promote	100% Achieved	yes
2.2 Participation in MTI	5% Increase yearly	19.6% increase	yes
2.3 Participation in Cooperative Programs	Nine Program Goals	Met 6 of 9	6 yes/ 3 no
2.4 Increasing collaboration and communication	95% Satisfied	99.6%	yes
3.1 Foster a culture of integrity, inclusion, teamwork, and excellence.	N/A	N/A	N/A
3.2 Respond to Complaints Within 10 days	Average <10 days	6.26 days	yes
3.3 Respond to all fatalities within 1 working day	100%	100%	yes
3.4 Use information technology (IT) to better deliver MIOSHA services.	N/A	N/A	N/A

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SECTION 3 – CONSULTATION, EDUCATION AND TRAINING (CET) GRANTS FOR FY 2019*

Links with Strategic Plan Emphasis

<u>Name of Organization</u>	<u>Emphasis</u>
AFL-CIO of Michigan: HRDI	1.1/1.2/1.3/1.4/2.1
Alpena Community College	1.1/1.2/1.3/1.4
Associated General Contractors of Michigan	1.3/1.4/2.1
Baker College	1.1
Bay de Noc Community College	1.1/1.2/2.1
Center for Workplace Violence Prevention, Inc.	1.1/1.2
Eastern Michigan University	1.3/1.4/2.1
Emergency Services Rescue Training	1.2
Great Lakes Safety Training Center	1.1/1.2
MARO Employment and Training Association	1.1/1.2
Michigan Association of Chiropractors	1.1/2.1
Michigan Green Industry Association	1.2
Michigan Infrastructure and Transportation Association	1.3/1.4/2.1
Michigan State University	1.2/2.1
North Central Community College	1.1/1.3/2.1
Parents for Student Safety Employment Standards	1.2/1.3/1.4/2.1
Retail, Wholesale, and Department Store Union	1.2/2.1
United Auto Workers International Union	1.1/1.2/1.3/1.4/2.1
University of Michigan	1.1/2.1
Wayne State University	1.3/1.4

* All of the CET grants are funded with 100% State of Michigan funds.

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SECTION 4 - MIOSHA STATE INTERNAL EVALUATION PLAN (SIEP) FOR FY 2019

Activity/Program Component Evaluated: Michigan Voluntary Protection Program (MVPP)

The audit was conducted to evaluate the MVPP process. The audit included review of the application process, initial onsite review, approval process, post-approval assistance, reevaluation of participants, and MVPP for construction. The SIEP evaluated whether MIOSHA followed the policies and procedures established in the MVPP Policies and Procedures Manual, the MIOSHA Field Operations Manual, the MVPP Application Guidelines, and other policies or procedures related to the MVPP process. The audit was also done to determine how the MVPP process flows and how the process is tracked.

Background:

The MVPP emphasizes the importance of worksite safety and health worker protection systems in meeting the goals of MIOSHA, Public Act 154 of 1974, as amended, to provide safe and healthful work environments that are free from recognized hazards. The program recognizes employers and employees who have established effective safety and health programs. There are two levels of recognition in the MVPP. Companies can apply for either the Michigan Star program or the Rising Star program. The Star award is the highest level of recognition that can be achieved through this program. There are currently 30 companies who have achieved this recognition. The MVPP was designed primarily for fixed workplaces, however, the MVPP model was adapted for the construction industry. The MVPPC program was launched in 2009 and there are three construction companies who have achieved this recognition.

The Consultation Education and Training (CET) Division follows procedures for administering the MVPP as outlined in the MVPP Policies and Procedures Manual and the MVPP Application Guidelines. CET staff also have available an internal division procedure (MVPP Procedures) which provides guidance in processing requests for MVPP information, applications, annual submissions, reevaluation packets, and ordering flags. In 2016, the MVPP process began going paperless. There have been some staff turnover which has slowed down this process. As part of the audit process, interviews were conducted with the CET VPP manager and VPP specialist. The auditor also attended an MVPP Mentor's meeting, an MVPP presentation at the Michigan Safety Conference, and a re-evaluation. In addition, files (electronic and hard copies) were randomly selected and reviewed for 13 MVPP companies and compared with the Control Chart.

MIOSHA did not do a straight adoption of federal OSHA's VPP. Some differences between the two programs include; federal OSHA's VPP is managed by enforcement staff, whereas MIOSHA's MVPP is managed by CET consultants. Companies under federal OSHA can qualify for VPP if their injury and illness rates are below the three years' average. In Michigan, a company's injury and illness rates have to be below average for all three years. Federal OSHA allows company's 90 days to correct hazards. MIOSHA only allows 30 days for hazard corrections. Federal OSHA uses State Government Employee (SGEs) which are involved in 90 percent of their VPPs. SGEs are used in Michigan for reevaluations or for special topics, i.e., process safety management, combustible dust, robotics.

The number of new MVPP companies and re-evaluations are reported and tracked in the State OSHA Annual Report (SOAR) and MIOSHA's 2019-2023 Strategic Plan. Monthly participation updates on the MVPP activities are shared with the National Office, MVPP participants, the program manager, and CET division director.

Findings: Through the review of policies and procedures established in the MVPP Policies and Procedures Manual, the MVPP Application Guidelines, and the internal MVPP Procedures, the following findings were determined:

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- The current tracking system for MVPP and renewals is cumbersome. An Excel document is being used to track the progress of MVPPs and renewals (Control Chart). There are currently 42 columns of potential information to be entered. Not all of the information on the control chart is accurate or current. For example, there is one company, that was not entered on the chart. There is one company that withdrew from the program but is still listed as an active participant.
- Staff did not enter dates on the Control Chart as documents were received. The internal procedure was revised in February 2019 and indicates dates for specific information (e.g., application approved date, onsite review dates, and final report date) is to be entered on the Control Chart. This was not done for every company.
- The internal procedure indicates a Chronology of events form is maintained in each file. The agency director received a copy of the chronology of events form with the final report for approval. Staff discontinued using this form in 2017.
- The electronic file folder system on the s-drive does not contain all of the documents for every company. Some documents in the electronic file folder contained an automatically inserted date which changes each time the document is opened. Some documents are maintained in a hard copy file folder and some documents are in the VPP supervisor's email. Several documents for one company were found in another companies electronic file folder.
- The MVPP Procedures does not include an internal timeframe for all major steps in the process including when draft reports are reviewed.
- According to the Control Chart, the process to obtain Star status may take as few as four months or it could take up to 18 months.

Recommendations of MVPP Process Evaluation:

- Explore implementing the use of a database in lieu of an Excel spreadsheet to more accurately track this information.
- Provide additional training to staff on the MVPP tracking system and establish back-up support. Emphasize the importance of proper filing and tracking of documents.
- Consider designating the VPP specialist as the gate keeper to ensure that the packages move their way through the entire process.
- Ensure the timely processing and tracking of reports and documents.
- Reestablish the practice of maintaining a chronology of events form for each company. Ensure the agency director receives the chronology with the final report.
- Ensure the electronic file folder system is up to date. Insert a date on each electronic document to avoid the system from automatically inserting one.
- Modify the language in the MVPP Procedures to reflect an internal deadline for the review process of reports and other major steps in the process.
- Establish an acceptable timeline for the overall MVPP process.
- Utilize more SGEs in the MVPP process.

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Major Program Accomplishments

Consultation and Education Training Grants

In 2019, MIOSHA awarded 20 Consultation Education and Training grants to non-profit groups to enhance safety and health training and to support worker safety and health across the state. The funding comes from 100% State of Michigan monies. The grants require a minimum 10% match from the training entities. The MIOSHA CET Grant Program provides additional options for safety and health education and training to employers and employees. Most of the grants focus on the performance goals identified in the MIOSHA Strategic Plan, with a particular emphasis on hazard recognition and prevention for high hazard industries. The CET Grant Program is designed to:

- Increase the number of employers and employees receiving occupational safety and health education, training and prevention services, especially employers with less than 100 employees.
- Encourage the development of new strategies for providing occupational safety and health education, training and prevention services.
- Encourage new providers of occupational safety and health education, training and prevention services for Michigan businesses.
- Evaluate the effectiveness of those alternative strategies and providers.

The awarded projects include a wide range of training activities and proficiency levels, some of which include: crane rigging and signaling; silica safety; masonry; confined space entry; ergonomics; tree trimming and chainsaw safety; workplace violence prevention; emergency action plans; hazard communication; lockout/tagout; machine guarding; noise exposure; electrical hazard awareness; personal protective equipment; aerial lift rescue; emergency evacuation; safety and health management system; hazard communication; youth safety; and powered industrial trucks.

MIOSHA Training Institute (MTI)

In FY 2008, MIOSHA implemented a new safety and health training/certificate program. These programs are 100% State of Michigan funded. Seminars offered through MTI provide an opportunity to earn a certificate. In FY 2019, 134 seminars were offered across the state. Also, in FY 2019, CET:

- Continued to provide MTI outreach through printed seminar brochures. Printed and mailed 72,000 seminar brochures.
- Continued to conduct MTI outreach while participating at expositions, meetings and conferences. Provided MTI seminar brochures at 22 events in FY 2019.
- Continued to promote the MTI Scholarship Program to increase MTI attendance when funding is available. In 2019, a total of \$32,280 was paid out for 656 scholarships.
- Routinely communicated with MIOSHA stakeholders through listserv, MIOSHA eNews, Facebook and Twitter announcements to keep them aware of the MTI offerings. In 2019, there were 20 MTI emails.
- Two Level 2 boot camps were held in FY 2019. Based on positive attendee feedback, will continue to offer Level 2 boot camps in FY 2020.
- MIOSHA Training Institute (MTI) Accomplishments: Since its inception, close to 30,000 participants have been trained. 1,280 MTI students have earned Level One certificates for General Industry and Construction; 407 students have earned Level Two certificates; and 114 students have earned Occupational Health certificates.
- MIOSHA and Oakland University Form Alliance – On September 21, 2017, MIOSHA and Oakland University formed a new alliance establishing the MTI to Bachelor of Science in Environmental Health and Safety (EHS) Degree Program. The new program is available to those who have a valid MTI Level Two Safety and Health Management Systems certificate. These individuals will be granted up to 11

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credits through a course competency by examination process to satisfy part of the minimum course requirements towards the EHS Bachelor of Science Degree from Oakland University.

Connecting MIOSHA to Industry

Customer focus is a core MIOSHA value. We strive to “Connect MIOSHA to Industry” through collaboration and information sharing. Examples of our on-going information sharing and other activities include:

- Managing a robust website
- Providing fatality notices
- Quarterly MIOSHA News
- Monthly e-news
- Training of MIOSHA staff

Connecting MIOSHA to Industry –New 5-year strategic plan FY 19 – 2023. Emphasis: 2.4 - "Connect MIOSHA to Industry" by increasing collaboration and communication to create collective ownership for workplace safety and health. The new Phase VI workgroup started this year. The workgroup:

Designed and provided “Connecting” business cards to all MIOSHA staff

Developed an on-boarding survey for all new hires.

Developed and presented “Connecting” training at September Agency wide meeting.

Improving “Ask MIOSHA” to make it a better connecting tool.

Providing staff training on ways of “Sharpening the Focus”

Coffee with MIOSHA

MIOSHA held five “Coffee with MIOSHA” events around the state to invite businesses and employees to have a cup of coffee and meet MIOSHA staff to learn about training opportunities and other resources MIOSHA has to offer. These events were open to the public and sponsored by a variety of different industries, associations, and businesses. Attendance for the five events was 311 people.

Take a Stand Day

On August 14, 2019, the 15th annual “Take a Stand Day” was held. “Take a Stand Day” provides an opportunity for employers to receive a special one-on-one consultation with NO CITATIONS and NO PENALTIES. MIOSHA dedicated its professional staff to visit Michigan high-hazard industries targeted by the MIOSHA Strategic Plan. A total of 89 requests were received in the CET Division and assigned to MIOSHA staff – both enforcement and consultation staff. This event provides all MIOSHA staff an opportunity to “connect with industry.”

MIOSHA Emphasis Program

Fall Prevention

The MIOSHA Fall Prevention State Emphasis Program (SEP), Stop Falls. Save Lives, continued. In FY 2019, MIOSHA participated in the National Safety Stand-Down To Prevent Falls in Construction campaign. In collaboration with Partnership Program participants, MIOSHA held eleven events to increase the focus on “fall hazards” and reinforce the importance of “fall prevention”. MIOSHA conducted 417 inspections related to this SEP. MIOSHA issued 287 citations for serious violations of the rules and 21 citations for repeat violations. Initial penalties equaled \$631,220.00.

Excavation and Trenching

MIOSHA adopted the National Emphasis Program on excavation and trenching operations to help prevent deaths, accidents and serious injuries during construction excavation and trenching activities. MIOSHA participated in the 4th National Trench Safety Stand Down campaign. In collaboration with Partnership

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Program participants, MIOSHA held eight events to increase awareness of trenching and excavation hazards while promoting the use of trench protective systems.

Work in Roadways

In response to several fatalities of workers in the roadway, the MIOSHA Work in Roadways SEP was implemented to educate MIOSHA staff, employers and employees on the importance of identifying hazards in roadways. MIOSHA provided more presence on roadway worksites to enforce MIOSHA regulations and protect workers during construction and general industry activities. The applicable regulations not only protect the employees performing the work but also the general public that travel through work zones or occupations that place workers in or adjacent to the roadway. MIOSHA enforcement and consultation staff participated in the United States Department of Transportation (DOT) Federal Highway Administration (FHA) Work Zone Awareness Week, April 8, 2019 thru April 12, 2019.

Inspections of Employers Performing Blight Work

MIOSHA launched a SEP to inspect employers working to clean-up blighted areas. Employees who perform blight work are potentially exposed to asbestos and other hazardous materials and need to be protected. This state emphasis program provided for additional MIOSHA presence during this blight work. The asbestos and other regulations that employers must comply with not only protect the employees doing the work but also the general public in the area of the work.

During the SEP in FY 2019, MIOSHA conducted 21 inspections. Most of the inspections took place during removal of asbestos from structures before they were demolished. MIOSHA issued citations for 21 violations of the MIOSHA rules. Sixty-two percent of the violations were categorized as serious. Initial penalties equaled \$7,900.00.

Staff distributed the MIOSHA Asbestos Program's brochure "Asbestos & Demolition/Renovation, MIOSHA Requirements" during the inspection to assist employers in identifying asbestos hazards during demolition and renovation work operations. This brochure is also available on MIOSHA's website.

MIOSHA Partnerships and Alliances

In May 2004, MIOSHA established a program to permit partnerships between MIOSHA and an individual employer, employees, and/or their representatives or a group of employers, employees, and/or their representatives. Partnerships are cooperative agreements that provide an opportunity for the agency to carry out its mission through use of non-traditional approaches for enforcement, provide opportunities to share best practices on safety and health approaches, and leverage program resources. MIOSHA construction partnerships have had injury/illness rates far below the industry average for similar work.

Partnerships

MIOSHA had four active partnerships in FY 2019:

- Skanska Closner – On December 15, 2016, MIOSHA entered into a partnership with Skanska Closner at the construction site of a new hospital and medical office building in Marquette, Michigan. The new facility will replace the current facility with a 265-bed, 542,817 square-foot building. The project included more than 97,000 square-foot adjoining medical office building and parking structure. Construction began in June of 2016, and was completed in July 2019.
- Pioneer Construction Company - Grand Valley State Universities Health and Medical Science

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Laboratory and Classroom Building project consists of 193,000 +/- square feet of subterranean parking, student activity, library, classroom, office and medical simulation laboratories. There will be a physical building connection (both below and above grade) to the existing Center for Health Sciences. The overall project construction budget is \$57.5 million – inclusive of the subterranean parking deck. The project started in March 2018 and has a construction completion date of March 2021.

- Westwind Construction – On May 2, 2018, MIOSHA entered into a partnership with Westwind Construction for Phase 3 of Ridge 45 Apartment Community. Phase 3 will include seven three-story, 24-unit apartment buildings and associated site work in Garfield Township, Grand Traverse County, Michigan (“Ridge 45”). Anticipated completion date of April 2020.
- MIOSHA/UAW/Ford Partnership – In 2002, Ford Motor Company, Visteon, the United Auto Workers and MIOSHA entered into a partnership to improve worker safety and health in Ford and Visteon facilities. These partnerships were designed to share information and resources and to allow all parties to work together to address workplace safety and health issues in a focused, efficient and effective manner.

The MIOSHA/UAW/Ford partnership expired in March 2019. A total of five MIOSHA Day visits were held in FY '19, successfully completing the goals of the partnership agreement, Ford/UAW has expressed interest in renewing the partnership agreement. In preparation for the new agreement, MIOSHA staff reviewed and edited the previous agreement language. The goal is to finalize the new agreement by FY 2020 Q1 and begin MIOSHA Day visits FY 2020 Q2.

Alliances

In December 2003, MIOSHA established a program to encourage formal alliances between MIOSHA and a variety of organizations. Alliances are a formal agreement between MIOSHA and an organization or employer committed to workplace safety and health. An alliance provides the opportunity for MIOSHA to partner with organizations to reach out, educate, and to encourage improvements in workplace safety and health.

Active MIOSHA alliances and highlighted activities:

American Subcontractors Association-Michigan

CET consultants completed hazard assessments for two ASA member worksites

ASSP (Greater Detroit, Mid Michigan, and West Michigan)

Coffee with MIOSHA hosted by Detroit ASSP chapter

Central Michigan Manufacturers Association (CMMA) Safety Special Interest Group (SIG)

MIOSHA Director, Barton Pickelman, was the keynote speaker for the CMMA’s annual meeting & safety awards presentation.

Great Lakes Safety Training Center

GLSTC shared Safe + Sound Week info on website & newsletter

Macomb Community College Alliance for MIOSHA Training Institute

Creation and distribution of MTI Cosponsor Kits, and student database management

Michigan Assisted Living Association

MIOSHA Workplace Violence Prevention presentation and promotional exhibitor at the MALA annual Conference. Training Workshop held on “Preparing for a MIOSHA Inspection”.

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Michigan Green Industry Association

MIOSHA Consultants participated in MGIA two-day spring Trade Show
MIOSHA promotional exhibitor at the MGIA Snow Conference Trade Show

Manufacturing Technology Mutual Insurance Company (MTMIC)

MTMIC hosted an Excavation and Trenching Stand Down Event

Renewed Agreements

American Society of Safety Professionals - Greater Detroit Chapter, West Michigan Chapter, and Mid-Michigan Chapter

Renewed: August 15, 2019

Associated Builders and Contractors: Greater Michigan Chapter, Southeastern Michigan Chapter, Western Michigan Chapter, ABC of Michigan

Renewed: May 17, 2019

Central Michigan Manufacturers Association (CMMA) Safety Special Interest Group (SIG)

Renewed: June 5, 2019

Construction Association of Michigan (CAM)

Renewed: May 13, 2019

Macomb Community College (MCC)

Renewed: June 15, 2019

Manufacturing Technology Mutual Insurance Company (MTMIC) (formerly Michigan Tooling Association Workers' Compensation Fund (MTA WCF))

Renewed: February 27, 201

Michigan Laborers' Training & Apprenticeship Institute (MLTAI)

Renewed: January 3, 2019

New Alliance Agreement

Michigan Electrical Training Director's Association (MiETDA)

Signed: July 29, 2019

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Other Significant Activities

Significant Cases

On October 23, 2018, the General Industry Safety and Health Division issued citations with penalties totaling \$145,600 to Royal Building Services Inc dba Eagle Window Cleaning. The penalty is a result of a complaint inspection with two serious and three willful violations.

Michigan Industrial Ventilation Conference

The 68th Annual Michigan Industrial Ventilation Conference was held February 11 – 15, 2019. Each year MIOSHA sponsors this internationally recognized conference with the help of experts from across the U.S., Canada, Puerto Rico, and Brazil who provide instruction on the design, use, maintenance, testing, and troubleshooting of industrial ventilation systems. CET Division staff worked with Michigan State University, the Lansing Area Safety Council, the University of Michigan's Center for Occupational Health and Safety Engineering, and 29 additional instructors to make sure the conference was a great learning experience for the attendees. This year's conference had 110 attendees. Another 57 individuals attended two optional workshops addressing combustible dust and troubleshooting of industrial ventilation systems. A review of the conference evaluations shows that the conference was an overwhelming success. Three MIOSHA employees have served the conference for a combined 54 years!

Website Improvements

During FY 2019, MIOSHA used the website to provide timely access to information supporting our strategic goals including:

- Added the FY 2018-2019 issues of the MIOSHA eNews':
 - 2018: [October](#), [November](#), [December](#)
 - 2019: [January](#), [February](#), [March](#), [April](#), [May](#), [June](#), [July](#), [August](#), [September](#)
- Created a new [Excavation and Trenching Initiative webpage](#)
- Added the [2018 Fall](#), [2019 Winter](#), [2019 Spring](#), and [2019 Summer](#) MIOSHA Newsletters.
- Updated the [CET Grant Page](#) for FY 2018-2019
- Added five new MIOSHA posters in [Vietnamese](#), [Arabic](#), [Chinese](#), [Korean](#), and [Polish](#):
- Revised the [Coffee with MIOSHA](#) dates and locations.
- Revised the 2019 Spring and Summer [MIOSHA Training Institute \(MTI\) Schedule](#) (CET #0154)
- Created a new link to the [2018 MIOSHA Fatalities](#)
- Created new webpages for [Radiation Safety's new Data System](#)
- Revisions were made to the following Asbestos forms:
https://www.michigan.gov/documents/lara/lara_miosha_training_course_notification_form_645861_7.pdf
https://www.michigan.gov/documents/lara/lara_miosha_training_roster_class_list_form_645863_7.pdf
https://www.michigan.gov/lara/0,4601,7-154-89334_11407_15333_15369-489237--,00.html
- Revised the [Strategic Plan](#) for FY 2019-2023 document
- Added the [2019 VPP Annual Self-Evaluation Template](#) and PSM Questions to the MVPP page.
- Added the [2019 Take A Stand Day flyer](#) to the website.
- Added the [2019 MSC PowerPoints](#) to the website.
- Revised the following MIOSHA Alliance Templates:

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- [Construction Association of Michigan \(CAM\)](#)
 - [Associated Builders and Contractors \(ABC\)](#)
 - [Macomb Community College \(MCC\)](#)
 - [Central Michigan Manufacturers Association \(CMMA\) Safety Special Interest Group \(SIG\)](#)
 - [American Society of Safety Professionals \(ASSP\)](#)
 - [Manufacturing Technology Mutual Insurance Company \(MTMIC\)](#)
 - [Michigan Laborers' Training & Apprenticeship Institute \(MLTAI\)](#)
 - [Michigan Assisted Living Association \(MALA\)](#)
-
- Revised the [Occupational Disease Reporting](#) form
 - Added several [new strike-bold standards](#) on the Standards Spotlight page.
 - Added a webpage about the increase in [MTI Registration Fees](#) for FY 2019-2020
 - Added new [MIFACE Summaries](#) to the MIOSHA Fatality Webpage
 - Revised our [FOIA contact information](#)
 - Revised the [Other Resources](#) tab on the Stop Falls webpage
 - Added a new “Wood Product Manufacturing” [Fact Sheet \(CET-0191\)](#)
 - Added two new Occupational Safety and Health in the Marijuana Industry modules
 - [Module 1](#)
 - [Module 2](#)
 - Added the new [FY 2019-2020 Fall and Winter MTI Training Catalog](#) to the website

 - Revised these Onsite forms:
 - https://www.michigan.gov/documents/lara/lara_miosha_osc_sh001_417176_7.doc
 - https://www.michigan.gov/documents/lara/lara_miosha_osc_sh002_384333_7.doc
 - https://www.michigan.gov/documents/dleg/wsh_osc94_287989_7.doc
 - Revised the [MTI Scholarship Program fact sheet](#)

MIOSHA Awards

Michigan Voluntary Protection Program (MVPP)

MIOSHA has long recognized the value of cooperative efforts by employers, employees, and government agencies to reduce hazards and strengthen worker protection. The Michigan Voluntary Protection Program (MVPP), which recognizes employers and employees who have established effective safety and health management systems, has been particularly successful. The MVPP is awarded to both general industry and construction companies.

MVPP for Construction (MVPPC) Star Companies

Updates can be found at www.michigan.gov/mvppc

Construction Star sites are available to mentor other companies that have an interest and desire to improve their safety and health management system. Mentors inform, counsel, train, provide tours, and assist other establishments with reducing injuries and illnesses, and strive to achieve excellence in safety and health through the MVPPC.

Walbridge

MVPPC Star Award for Couzens Hall Project: August 25, 2010

MVPPC Continued Star Award for Alice Lloyd Hall Project: July 21, 2011

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Designated Geographical Area (DGA) Star: August 14, 2012
MVPPC Star Reevaluation: November 2, 2015

Holly Construction Company
MVPPC Rising Star Award: September 14, 2010
MVPPC Star Award: March 8, 2013
MVPPC Star Reevaluation: April 4, 2017

MVPPC Rising Star Company

Walbridge Ford Dearborn Campus, Dearborn
Rising Star Award: June 12, 2017

Michigan Voluntary Protection Programs (MVPP) Star Companies

Updates can be found at www.michigan.gov/mvpp Star sites are available to mentor other companies that have an interest and desire to improve their safety and health management system. Mentors inform, counsel, train, provide tours, and assist other establishments with reducing injuries and illnesses, and strive to achieve excellence in safety and health through the MVPP.

Verso Quinnesec, LLC
Star Award: March 26, 2001
Reevaluation: March 9, 2005, October 23, 2008
Reevaluation: October 10, 2011
Reevaluation: August 31, 2015

Johnson Technology, Inc.
Latimer Plant
Rising Star: November 27, 2002
Star Award: March 10, 2003
Reevaluation: February 16, 2007
Reevaluation: November 23, 2010
Reevaluation: March 24, 2014
Reevaluation: February 9, 2018

Occidental Chemical Corporation (OXY) (formally Dow Chemical)
Cal/Mag Business Ludington Plant
Star Award: October 10, 2002
Reevaluation: January 17, 2006
Reevaluation: July 28, 2009
Reevaluation: October 8, 2012
Reevaluation: May 24, 2016

Huntsman Polyurethanes
Peter H. Panourgias, Contact
Rising Star Award: August 7, 2002
Star Award: February 27, 2004
Reevaluation: June 11, 2007
Reevaluation: February 3, 2011
Reevaluation: June 1, 2015
Reevaluation: June 5, 2019

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Johnson Technology Inc.
Norton Shores Plant
Rising Star Award: November 26, 2003
Star Award: April 14, 2004
Reevaluation: January 23, 2007
Reevaluation: November 23, 2010
Reevaluation: March 29, 2014
Reevaluation: March 9, 2018

DTE Energy
Fermi 2 Nuclear Power Plant
Star Award: May 7, 2004
Reevaluation: August 15, 2007
Reevaluation: September 3, 2010
Reevaluation: February 19, 2014
Reevaluation: November 7, 2017

Arconic
Whitehall Operations
Star Award: May 7, 2004
Reevaluation: September 4, 2007
Reevaluation: October 6, 2010
Reevaluation: April 3, 2014
Reevaluation: December 4, 2017

Atlantic Packaging
Converting & Distribution Center
Star Award: February 10, 2005
Reevaluation: August 25, 2008
Reevaluation: October 26, 2011
Reevaluation: November 5, 2015
Reevaluation: May 15, 2019

Herman Miller, Inc.
Midwest Distribution Center
Star Award: December 22, 2006
Reevaluation: June 11, 2009
Reevaluation: November 20, 2012
Reevaluation: May 24, 2016

Georgia-Pacific
Beaver Creek Resin Plant
Star Award: May 10, 2007
Reevaluation: May 13, 2011
Reevaluation: July 28, 2014
Reevaluation: February 2, 2018

Monsanto Company
Star Award: December 4, 2007
Reevaluation: January 27, 2011

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Reevaluation: May 10, 2016

Pfizer Global Manufacturing

Kalamazoo Operations

Star Award: March 31, 2008

Reevaluation: November 2, 2011

Reevaluation: November 25, 2014

Reevaluation: March 9, 2018

Dow Performance Silicones

Auburn Site

Star Award: April 2, 2008

Reevaluation: May 24, 2011

Reevaluation: June 19, 2014

Reevaluation: July 24, 2019

DTE Energy

Milford Compressor Station/Michcon

Star Award: April 17, 2008

Reevaluation: December 13, 2011

Reevaluation: April 6, 2015

Herman Miller, Inc.

Main Site Operations

Star Award: July 17, 2008

Reevaluation: August 3, 2011

Reevaluation: December 23, 2014

Reevaluation: March 11, 2019

Marathon Petroleum Company

Detroit Refinery

Rising Star Award: April 7, 2009

Star Award: July 28, 2010

Herman Miller, Inc.

Hickory Facility

Star Award: January 20, 2012 Press Release

Reevaluation: September 1, 2016 Press Release

Reevaluation: September 12, 2019

SUEZ

Wixom Waste Water Treatment Plant

Rising Star Award: March 10, 2009

Star Award: September 27, 2012

Reevaluation: November 13, 2015

Reevaluation: June 4, 2019

Michigan Packaging Company

Rising Star Award: September 10, 2010

Star Award: January 29, 2013

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Reevaluation: June 29, 2017

PotlatchDeltic

Gwinn Lumber Mill

Rising Star Award: November 8, 2010

Star Award: February 8, 2013

Reevaluation: December 20, 2016

Reevaluation: September 20, 2019

Albemarle Corporation

Mike Helms, Contact

Rising Star Award: April 20, 2012

Star Award: November 21, 2014

Reevaluation: March 9, 2018

Marathon TT&R North Muskegon Terminal

Star Award: July 11, 2016

Eaton Aerospace, LLC

Star Award: June 12, 2017

Marathon Pipe Line, LLC

Northeast Area

Star Award: December 11, 2017

Robert Bosch, LLC

Farmington Hills, Michigan Facility

Star Award: May 14, 2018

Cintas First Aid & Safety

Star Award: May 15, 2019

Marathon Petroleum Company

TT&R Lansing Terminal and Fleet

Star Award: May 15, 2019

Cintas Fire Protection #D26

Star Award: September 20, 2019

MVPP Rising Star Company

Cintas Cleanroom Resources -

Location K15

MVPP Rising Star Award: April 4, 2017

Honeywell - Burdick & Jackson

MVPP Rising Star Award: April 11, 2019

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SECTION 6 -- Communication Accomplishments FY 2019

MIOSHA News

The MIOSHA News is a quarterly publication of the Michigan Occupational Safety and Health Administration (MIOSHA). The purpose is to educate Michigan employers and employees about workplace safety and health. The newsletter covers a wide range of safety and health information and the benefits of protecting workers, with special emphasis on Strategic Plan goals and objectives.

Four electronic issues of MIOSHA News were circulated this fiscal year to more than 23,627 online subscribers. All past issues of the MIOSHA News are available on our website at www.michigan.gov/mioshanews.

MIOSHA eNews

The MIOSHA eNews is an electronic newsletter that is emailed out via GovDelivery the first Tuesday of every month to more than 23,627 subscribers.

MIOSHA also reaches an additional 17,291 customers regarding Consultation Education and Training (CET) Division events and the MIOSHA Training Institute (MTI). Since the start of FY 2018, MIOSHA's number of subscribers to the newsletters, events and MTI grew by more than 3,432.

Press Material

Press releases and media advisories are disseminated to the media and trade publications to provide valuable, public information that is relevant to employer and employee communities. Events are planned for significant activities, such as MIOSHA cooperative programs and awards; special seminars or conferences; and other outreach activities. These events may have featured the Michigan Department of Licensing and Regulatory Affairs (LARA) director, LARA deputy director, MIOSHA director and other MIOSHA officials to enhance the newsworthy aspects of the events. Many of the press releases and events received media coverage. The advisories and press releases are available on the MIOSHA website at www.michigan.gov/mioshanewsreleases.

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Compliance

Activities mandated under the Occupational Safety and Health Act are considered core elements of Michigan's occupational safety and health program. The accomplishment of these core elements is tied to achievement of the State's strategic goals. Many mandated activities are "strategic tools" used to achieve outcome and performance goals.

"Mandated activities" include program assurances and state activity measures. Fundamental program requirements that are an integral part of the MIOSHA program are assured through an annual commitment included as part of the 23(g) grant application. Program assurances include:

- Implementation of first instance sanctions,
- Abatement assurance for all harmful or fatal conditions,
- Prompt and effective standards promulgation,
- Appropriate allocation of resources,
- Prompt and appropriate responses to imminent danger situations,
- Appropriate responses to employee complaints that include on-site investigations of all serious issues, as well as phone and letter responses to non-formal and some other-than-serious complaint issues,
- Prompt and appropriate responses to reports of fatalities and catastrophes,
- Prompt and appropriate responses to complaints of employee discrimination,
- Readily available access to pertinent health and safety information for all employers and employees,
- Coverage of all state and local government employers and employees,
- Requirements for mandated recordkeeping and reporting, and
- Substantial voluntary assistance through 21(d) safety and health consultation programs, implementation of a SHARP Program, and safety and health education services. These programs include on-site assistance focusing on small employers, seminars and training programs for employers and employees, preparation and distribution of informational documents, publication of a quarterly newsletter (MIOSHA News) and the maintenance and upgrading of the MIOSHA web page.

Mandated activities are tracked on a quarterly basis using the SAMM (State Activity Mandated Measures) Report which compares State activity data to an established reference point. A comparison of MIOSHA activity measures for FY 17, FY18, and FY19 is provided in the table below. Notable improvement was seen in three of the following mandated activities in FY 19:

- The average number of days to initiate a complaint inspection decreased in FY19 to 6.50 days and remains well below the established goal of 10 days.
- The overall average current penalty per serious violation increased by 20% over FY 18.
- MIOSHA continued to work on the backlogged cases. The percent of 11(c) investigations completed within 90 days increased to 80% in FY19.

Consultation

Mandated activities are tracked on a quarterly basis using the MARC (Mandated Activities Report for Consultation) and the CAPP (Consultation Annual Performance Plan) Report which compares State consultation data to an established reference point. Some specific performance measures that are monitored (and any corresponding targets/requirements):

- Percent of initial visits in high hazards establishments (not less than 90%);
- Percent of initial visits to smaller businesses (not less than 90%);
- Percent of visits where consultant conferred with employee (100%);
- Percent of serious hazards verified corrected in a timely manner, <= 14 days of latest correction due date (100%);
- Percent of serious hazards verified corrected in original time or on-site (65%).

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The MIOSHA Public Sector Consultation program met CAPP total visit projections and met six of the MARC performance measures for FY 2019:

- Percent of initial visits in high hazard establishment...98.89
- Percent of initial visits to businesses with <250 employees at the establishment...96.67%
- Percent of initial visits to businesses with <500 employees controlled by employer... 97.04%
- Percent of visits where Consultant conferred with Employees100%
- Percent of serious hazards verified corrected in a timely manner... 98.53%
- Percent of serious hazards verified corrected (in original time or on-site)...90.66%

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COMPARISON OF FY17, FY18, and FY19 ACTIVITY MEASURES

MIOSHA Compliance

Performance Measure	FY17	FY18	FY19	Comments
Average number of work days to initiate complaint inspections (state formula)	6.58	6.58	6.50	The average number of days to initiate a complaint inspection decreased in FY19 to 6.50 days and remains well below the established goal of 10 days.
Average number of work days to initiate complaint inspections	4.71	4.85	4.32	(Federal formula)
Average number of work days to initiate complaint investigations (state formula)	4.71	4.49	5.45	The average number of days to initiate a complaint investigation increased in FY19 and remains below the established goal of 8 days.
Average number of work days to initiate complaint investigations	4.03	3.82	4.53	(Federal formula)
Percent of complaints & referrals responded to within 1 workday imminent danger	100.0	100.00	100.0	All imminent danger complaints were responded to within one day.
Number of denials where entry not obtained	0	0	0	Entry was obtained for all denials in FY19.
Average violations per inspection with violations - Serious/willful/repeat	1.59	1.47	1.38	The number of SWR citations decreased from FY18. MIOSHA continues to follow its training plan to assist investigative staff in identifying hazards.
Average violations per inspection with violations- Other than serious	1.42	1.38	1.29	The number of other citations decreased in FY19. MIOSHA continues to follow its training plan to assist investigative staff in identifying hazards.
Percent of total inspections in public sector	2.62	3.38	2.89	The percent of programmed public sector inspections decreased in FY19.
Inspections - Safety	3,448	3,283	3,440	The number of safety inspections increased in FY19.
Inspections - Health	1,063	1,064	982	The number of health inspections decreased in FY19.
Average current penalty per serious violation (Private Sector Only) Total 1-250+ EEs	\$1,165.33	\$1,118.33	\$1,402.55	The overall average current penalty per serious violation increased by 20% over FY 18.
Average current penalty per serious violation (Private Sector Only) 1-25 EEs	\$615.80	\$576.52	\$670.57	The average penalty for this size employer increased in FY19
Average current penalty per serious violation (Private Sector Only) 26-100 EEs	\$1,208.93	\$1,365.06	\$1,403.76	The average penalty for this size employer increased in FY19.
Average current penalty per serious violation (Private Sector Only) 101-250 EEs	\$1,796.49	\$1,937.00	\$1,940.99	The average penalty for this size employer increased in FY19.
Average current penalty per serious violation (Private Sector Only) 251+ EEs	\$2,739.11	\$2,870.00	\$3,266.06	The average penalty for the largest employers increased significantly in FY19.
Percent in compliance - Safety	33.14%	39.24	40.91	The percent in compliance safety inspections increased slightly in FY19.

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Percent in compliance - Health	41.28%	37.58	47.02	The percent in compliance health inspections increased in FY19.
% of work-related fatalities responded to in 1 work day	100.0	100.0	100.0	All fatalities were responded to within one day.
Average lapse time from opening conference date to issue date — Safety	30.81	38.39	43.46	Safety lapse time increased in FY19.
Average lapse time from opening conference date to issue date — Health	55.55	56.47	69.66	Health lapse time increased in FY19.
Percent penalty retained	56.07	58.06	59.42	The percent penalty retained increased in comparison to FY18.
% of initial inspections with employee walk around representation	99.11	99.36	99.41	The percent of inspections with walk around representation or employee interview increased in FY19.
Percent of 11(c) investigations completed within 90 days	66.0	75.0	80.0	MIOSHA continued to work on the backlogged cases. The percent of 11(c) investigations completed within 90 days increased to 80% in FY19.
Percent of 11(c) complaints that are meritorious	13.0	8.0	16.0	MIOSHA's percent meritorious 11(c) complaints increased in FY19.
Average number calendar days to complete 11(c) investigations	82.0	81.0	70.0	The average number of days to complete 11(c) investigations decreased from FY18. The discrimination unit continues to work on the backlogged cases.