

**FY 2019 Comprehensive  
Federal Annual Monitoring and Evaluation (FAME) Report**

**Puerto Rico Department of Labor  
Puerto Rico Occupational Safety and Health Administration (PR OSHA)**



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## I. Executive Summary

The purpose of this report is to assess the Puerto Rico Occupational Safety and Health Administration (PR OSHA) State Plan's performance for Fiscal Year (FY) 2019, and its progress in resolving outstanding findings from previous Federal Annual Monitoring Evaluation (FAME) reports.

PR OSHA continues to have a significant enforcement presence in the workplace, even while the Puerto Rican government is in the midst of a fiscal crisis and is still recovering from the effects of the two hurricanes that struck the island two years ago. PR OSHA actively engages with OSHA by providing requested information in a timely manner and maintaining open lines of communication. PR OSHA has been responsive to addressing OSHA's FAME findings and continuously works to improve its program.

In FY 2019, PR OSHA conducted 1,062 inspections – over 1,000 more than conducted in the previous year. PR OSHA's average response time to complaints (days from notification) also improved (from 4.26 in 2018 to 3.97 in 2019). In every case (100%) during 2019, PR OSHA responded within one day to imminent danger complaints or referrals, as well as to fatalities. Unions were present and involved in all aspects of the inspection process (100%), and PR OSHA followed proper policies and procedures regarding appropriate notification to workers and their union representatives.

PR OSHA's Voluntary Programs Division continues to provide assistance to employers and workers on safety and health matters. During FY 2019, four state and local government establishments received an on-site visit. PR OSHA has a comprehensive and very active outreach and training program. Thirteen trainings and conference sessions were delivered in different workplaces, including universities and schools reaching over 500 state and local government (SLG) workplaces. Staff provided informational materials, booklets, and other educational material related to safety and health to employers and workers.

PR OSHA made significant progress to address its two findings and six observations from the FY 2018 Follow-up FAME Report. Two findings were completed and four observations were closed. One new finding was identified, two previous observations were continued, and two new observations were identified during this year's comprehensive review; therefore, a total of one finding and four observations are included in this report.

Appendix A describes the new and continued findings and recommendations. Appendix B describes the observations and the related federal monitoring plans. Appendix C describes the status of previous findings with associated completed corrective actions.

## II. State Plan Background

### A. Background

PR OSHA under the direction of Luis E. Pardo, Assistant Secretary of Labor, is responsible for administering the Puerto Rico State Plan which is part of the Puerto Rico Department of Labor and Human Resources headed by Briseida Torres-Reyes, Secretary of Labor. PR OSHA serves a population of over 717,407 private sector workers and over 130,486 state and local government workers. There is a central administrative office and six area offices for enforcement activities.

PR OSHA's state and local government worker consultation program is funded under the 23(g) grant agreement and its services are provided primarily out of the central office.

In the private sector, PR OSHA covers all employers with the exception of those from the maritime industry (e.g. marine cargo handling, long shoring, shipbuilding, and ship repairing). Employers of the Commonwealth and local government are under PR OSHA's jurisdiction. The United States Postal Service (USPS), all federal agencies, and military facilities are under OSHA's jurisdiction.

OSHA safety and health standards are adopted identically by PR OSHA. The regulations and operational systems of the plan are essentially the same as the federal program. A hearing examiner handles review procedures with employer rights of appeal to the district court. The table below presents PR OSHA's funding history over the past five years:

PR OSHA's FY 2015-2019 Funding History					
Fiscal Year	Federal Award	State Plan Match	100% State Plan Funds	Total Funding	Percent of State Plan Contribution
2019	\$2,224,300	\$2,224,300	\$952,509	\$5,401,109	59%
2018	\$2,506,300	\$2,506,300	\$2,955,170	\$7,967,770	69%
2017	\$2,506,300	\$2,506,300	\$2,497,206	\$7,509,806	67%
2016	\$2,506,300	\$2,506,300	\$2,637,272	\$7,649,872	67%
2015	\$2,495,100	\$2,495,100	\$2,665,555	\$7,655,755	67%

In the FY 2019 grant application, PR OSHA allocated for 53 enforcement staff and has 27 onboard. In addition, the program allocated for 4.50 state and local government worker safety and health consultants and have 1.50 onboard. The program also has one whistleblower investigator and a compliance assistant specialist onboard (50%).

### 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 Puerto Rico Occupational Safety and Health Administration 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. This is a comprehensive year, and as such, OSHA performed a comprehensive on-site case file review. A three person OSHA team which included personnel from both the safety and the health discipline as well as the Whistleblower (WB) program was assembled to conduct a comprehensive on-site case file review.

The on-site case file review was conducted at PR OSHA's central office in Hato Rey, Puerto Rico during the timeframe of February 3 through February 7, 2020. A total of 91 safety, health, consultation, and whistleblower inspection case files were reviewed. The safety and health inspection files were randomly selected from closed inspections conducted during the evaluation period (Oct 1, 2018 through September 30, 2019). The selected population included:

- 80 enforcement case files (45 safety, 24 health, and 11 fatalities)
- Four consultation case files (3 health and 1 safety/health)
- One VPP case file
- Six whistleblower investigation case files

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

- State Activity Mandated Measures Report (Appendix D)
- State Information Report (SIR)
- Mandated Activities Report for Consultation (MARC)
- State OSHA Annual Report (SOAR) (Appendix E)
- State Plan Annual Performance Plan
- State Plan Grant Application
- Quarterly monitoring meetings between OSHA and the State Plan
- Comprehensive on-site case file review

Each State Activity Mandated Measures (SAMM) Report 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 State Activity Mandated Measures Report and includes the FRL for each measure.

#### B. Review of State Plan Performance

##### 1. PROGRAM ADMINISTRATION

###### a) Training

Training is essential for PR OSHA in order for them to continue to develop and improve their

case file documentation process. PR OSHA continues to provide compliance safety and health officers (CSHOs) the opportunity to attend the OSHA Training Institute (OTI) for needed technical safety and health training. Although PR OSHA staff did not attend any training courses at OTI, PR OSHA conducted two OTI trainings (Fire Protection #2070 and Advanced PSM #3430) in Puerto Rico.

#### b) OSHA Information System (OIS)

PR OSHA uses OIS data for tracking purposes. The FRL for average lapse time for safety is +/- 20% of the three-year national average of 47.61 days which equals a range of 38.08 days to 57.13 days. During FY 2019, PROSHA's average lapse time for citations was calculated at 58.86 days for safety – compared to 61.25 days in FY 2018. The FRL average lapse time for health is +/- 20% of the three-year national average of 57.23 which equals a range of 45.78 days to 68.68 days. PROSHA's health lapse time for FY 2019, was calculated at 69.95 days – compared to 74.86 days in FY 2018. Both the safety and the health lapse time are a tad higher than the FRL (SAMM #11) but considerably lower than the average over the past six years.

PROSHA is aware of the high lapse time for both safety and health and is continuing to implement processes to lower them. This observation (FY 2018-OB-01) from the FY 2018 Follow-up FAME Report was closed.

#### c) State Internal Evaluation Program (SIEP) Report

PR OSHA's State Internal Evaluation Program (SIEP) is used to identify potential policy and procedural weakness, areas for improvement, and unsatisfactory execution of the State Plan and any other activity discovered during evaluations. Evaluation activities are accomplished by conducting on-site visits, cases file reviews, OIS data reviews, questionnaire completion, and/or other documentation reviews. Evaluations are done annually.

#### d) Staffing

In the FY 2019 grant application, PR OSHA allocated for 53 enforcement staff and has 27 onboard; 4.50 safety and health consultants were allocated and 1.50 were on board. They also have one whistleblower investigator onboard. Due to the economic crisis, hurricanes and other factors, PR OSHA has been unable to hire personnel. In the spring of 2020, the Assistant Secretary announced that PR OSHA has received approval to hire an additional 13 enforcement inspectors.

## **2. ENFORCEMENT**

#### a) Complaints

During this evaluation period, PR OSHA responded to 341 complaints with an average response time of 3.97 days from notification. This represents a decrease from 4.26 days in FY 2018 (SAMM report SAMM #1a). PR OSHA did not conduct any complaint investigations during FY 2019 and FY 2018; therefore, the average number of days to initiate complaint investigations was zero (SAMM #2a). PR OSHA received three imminent danger complaints or

referrals (SAMM #3) which they responded with 1 day (100%). PR OSHA responded within one day (100%) to imminent danger complaints or referrals (SAMM #3) in both FY 2019 and FY 2018. There were no denials of entry (SAMM #4) in FY 2019 and FY 2018. During the review of eight formal complaint case files, all (100%) contained documentation that the employer and worker representative were provided with a copy of the complaint and the complaint items were adequately addressed prior to closing the case files.

#### *Non-Formal Complaint Investigations*

A finding in the FY 2018 Follow-up FAME (FY 2018-01) was that complaint items were not adequately addressed prior to closing the case files for non-formal (phone/fax) complaint investigations. This finding was not evaluated during the review. PR OSHA did not conduct non-formal complaint investigations in FY 2019; therefore, this finding was closed.

#### b) Fatalities

During FY 2019, 15 fatalities occurred under PR OSHA's jurisdiction. One day response time to fatalities in FY 2019 and FY 2018 was 100% (SAMM #10). Eleven (11) fatality case files were reviewed during this evaluation. Documentation that the next-of-kin (NOK) had been notified of PR OSHA's initial and final involvement was missing in one of the 11 (9%) case files reviewed. Due to this being an issue in only one case file, OSHA is not making a formal recommendation at this time. The OSHA 36 Fat/Cat form and the OSHA 170 Investigation form was not found in three of the 11 (27%) case files reviewed. Upon further investigation, it was determined that all but one the forms had been completed and were in OIS. OSHA is not making a formal recommendation at this time.

#### c) Targeting and Programmed Inspections

PR OSHA conducted 1,062 inspections in FY 2019, which is 5% below the projected goal of 1,116, and slightly more than the 1,019 inspections conducted in FY 2018. Of the 1,062 inspections conducted, 767 were in the private sector and 295 were in state and local government workplaces (SIR #1a and #1b). Safety staff conducted 728 inspections (15% below the goal) compared to the industrial hygiene staff who conducted 334 inspections (30% above the goal) (SAMM #7). The decline in safety inspections can be attributed to the reduction in the number of safety compliance officers. In FY 2019, PR OSHA had 27 CSHOs compared to 42 in FY 2018.

PR OSHA focused its inspection resources within the industries listed below:

- Amputations LEP industries – 131 inspections
- Gasoline Service Stations – 97 inspections
- Hazardous Public Activities for Mobile Crews – 67 inspections

The 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%. PR OSHA's percent in-compliance for safety is 57.36% 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%. PR OSHA's percent in-compliance for health is 50.18% which is higher than the FRL (SAMM #9).

**Observation 19-01 (FY 2018-OB-05): Safety Percent in-compliance**

In FY 2019, the percent in-compliance (SAMM 9) for safety inspections is 57.36% which is above the three-year national average of 30.30%.

**Federal Monitoring Plan 19-01:**

In FY 2020, OSHA will continue to monitor this issue by utilizing the quarterly SAMM reports.

**Observation 19-02 (18-OB-06): Health Percent in-compliance**

In FY 2019, the percent in-compliance (SAMM 9) for health inspections is 50.18% which is above the three-year national average of 36.12%.

**Federal Monitoring Plan 19-02:**

In FY 2020, OSHA will continue to monitor this issue by utilizing the quarterly SAMM reports.

During FY 2019 and FY 2018, there were no significant cases were noted.

d) Citations and Penalties

PR OSHA issued 1,235 violations in FY 2019 compared to 1,136 violations issued in FY 2018 – an increase of 99 (9%) violations (FY 2019 PR OSHA SOAR). Of the 80 case files reviewed, 50 had citations issued.

The FRL for the average number of violations per inspection with violations by violation type is +/- 20% of the three-year national average of 1.79 for serious/willful/repeat (S/W/R) violations which equals a range of 1.43 to 2.15. PR OSHA's S/W/R average is 1.42 violations which is slightly below the FRL range. The FRL for other-than-serious (OTS) violations is +/- 20% of the three-year national average of 0.97 which equals a range of 0.78 to 1.16. PR OSHA's OTS average is 1.19 which is above the FRL range (SAMM #5).

Only one of the 80 (1%) case files reviewed was identified as not having citations for all apparent violations. This does not represent a trend and OSHA is not making a formal recommendation at this time. All 50 (100%) case files with violations had adequate evidence to support violations and appeared to be grouped appropriately.

*Appropriateness of Violation Classification*

An observation from the FY 2018 Follow-up FAME Report (FY 2018-OB-05) was that one of nine (11%) case files reviewed with citations issued were classified incorrectly. During this evaluation period, 50 of the 50 (100%) case files with violations revealed that the violation classification was appropriate, therefore, this observation was closed.

PR OSHA's proposed penalties in FY 2019 were \$473,215 for safety and \$308,805 for health (PR OSHA SOAR FY 2019). The FRL for average current penalty per serious violation for private sector (1-250+ workers) is +/- 25% of the three-year national average of \$2,871.96



which equals a range of \$2,153.97 to \$3,589.95. PR OSHA's average current penalty per serious violation in the private sector (SAMM 8: 1-250+ workers) was \$700.49 in FY 2019 and below the FRL.

e) Abatement

The review of case files during this audit revealed that adequate verification/evidence of abatement was being obtained all 50 (100%) of the case files reviewed with citations issued. Follow-up inspections were performed when indicated.

f) Worker and Union Involvement

Unions were present and involved in all aspects of the inspection process in the 12 case files with unions reviewed. PR OSHA continues to follow proper procedures outlined in their FOM with regard to appropriate notification being delivered to workers and their union representatives. Of the 80 case files reviewed, 12 (15%) involved unions. Union representation was involved in 99.81% (SAMM #13) aspects of the inspection process. In those few cases where the union was not available during the inspection, the case file contained documentation that contact had been made with the representative.

### 3. REVIEW PROCEDURES

a) Informal Conferences

PR OSHA conducted 234 informal conferences in FY 2019 compared to 219 informal conferences in FY 2018. During this evaluation period, 40 case files reviewed had informal conferences.

*Adequacy of Procedures and Whether Followed -Informal Settlements*

An observation in the FY 2018 Follow-up FAME Report (FY 2018-OB-03) was that an informal conference was not held within 15 days. Informal conferences were conducted within 15 days in all 40 (100%) of the case files reviewed; therefore, this observation was closed.

PR OSHA was successful in completing a finding from FY 2018 Follow-up FAME Report (FY 2018-02). The finding noted that 46% of cases where informal conferences were held, approval from the director of the Bureau of Inspections for a penalty reduction above 50% was not obtained. PR OSHA's Evaluation Division audits informal conference cases to ensure they are complying with this requirement. Eighteen of the 40 informal conference case files reviewed have reductions above 50%, and only one did not have evidence of approval from the director of the Bureau of Inspections. This does not represent a trend that requires further action.

b) Formal Review of Citations

Contested cases are handled by the PR Department of Labor Hearing Examiner Division. According to PR OSHA's Field Operations Manual, the Occupational Safety and Health Examiner (OSHE), created under Section 21 of the Act, is an independent adjudicatory entity.

The Hearing Examiner’s Office (HEO) is separate from PR OSHA, and provides workers and employers hearing opportunities in matters associated with citations, proposed penalties, and abatement periods as provided by the Act. Formal settlement agreements and abatement documentation are kept at HEO in separate files and copies of such documentation are not included in the original case files at PR OSHA.

During FY 2019, the Legal Division received 138 contested cases. One hundred and thirteen (113) out of 138 (82%) cases were closed with HEO Resolutions as follows: 38 hearing with stipulated agreement, four cases closed with hearing examiner resolution, 10 dismissed, 17 discharged, and 44 pending notification from the secretary. The remaining 25 cases are under legal analysis from HEO pending resolution (PR OSHA SOAR FY 2019). A total of two contested case files were reviewed and both had timely contests filed.

#### 4. STANDARDS AND FEDERAL PROGRAM CHANGES (FPCs) ADOPTION

In accordance with 29 CFR 1902, State Plans are required to adopt standards and Federal Program Changes (FPCs) within a six-month time frame. State Plans that do not adopt identical standards and procedures must establish guidelines which are "at least as effective as" the federal rules. State Plans also have the option to promulgate standards covering hazards not addressed by federal standards. During FY 2019, PR OSHA responded in a timely manner with the required notice of intent to adopt. The tables below provide a complete list of the federal directive and standards which required action during this period:

##### a) Standards Adoption

Standard	Response Due Date	State Plan Response Date	Intent to Adopt	Adopt Identical	Adoption Due Date	State Plan Adoption Date
Final Rule on the Standards Improvement Project - Phase IV 1904,1910,1915,1926 (5/14/2019)	7/13/2019	7/13/2019	Y	Y	11/14/2019	11/14/2019
Final Rule on the Implementation of the 2019 Annual Adjustment to Civil Penalties for Inflation 29 CFR 1902, 1903 (1/23/2019)	3/23/2019	3/23/2019	Y	N	7/23/2019	Pending state government legislature
Final Rule on Crane Operator Certification Requirements 29 CFR Part 1926 (11/9/2018)	1/9/2019	1/8/2019	Y	Y	5/9/2019	5/2/2019

b) 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
<b><i>Adoption Required</i></b>						
National Emphasis Program on Trenching and Excavation CPL 02-00-161 (10/1/2018)	11/30/2018	11/20/2018	Y	Y	4/1/2019	5/30/2019
<b><i>Equivalency Required</i></b>						
Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment CPL 02-01-061 (5/22/2019)	7/21/2019	7/21/2019	Y	N	11/22/2019	9/3/2019
Shipyard Employment "Tool Bag" Directive CPL 02-00-162 (5/22/2019)	7/21/2019	7/21/2019	Y	N	11/22/2019	9/3/2019
Enforcement Guidance for Personal Protective Equipment (PPE) in Shipyard Employment CPL 02-01-060 (5/22/2019)	7/21/2019	7/21/2019	Y	N	11/22/2019	9/3/2019
Site-Specific Targeting 2016 (SST-16) CPL 02-18-01 (10/16/2018)	12/15/2018	11/20/2018	N	N/A	N/A	PR OSHA does not have the data needed to comply with SST-16
<b><i>Adoption Encouraged</i></b>						
Alternative Dispute Resolution (ADR) Processes for Whistleblower Protection Programs CPL 02-03-008 (2/4/2019)	4/5/2019	3/28/2019	N	N/A	N/A	Adoption not required

## 5. VARIANCES

Variance requests were not received or processed during FY 2019 and FY 2018 (PR OSHA SOARs FY 2019 and FY 2018).

## 6. STATE AND LOCAL GOVERNMENT WORKER PROGRAM

PR OSHA conducted a total of 295 (28%) inspections in state and local government workplaces during FY 2019 (PR OSHA SOAR FY 2019 and SAMM report SAMM #6). PR OSHA's program contains provisions for the issuance of monetary penalties for state and local government employers found not to be in compliance with applicable standards on a first instance basis, except in cases of FTA violations.

## 7. WHISTLEBLOWER PROGRAM

PR OSHA investigated 12 allegations of workplace retaliation during FY 2019 compared to 15 in FY 2018. During this evaluation period, Region II's Investigator for the Whistleblower Protection Programs reviewed six case files completed during FY 2019. Of the six case files reviewed, two were administratively closed (no full investigations), and four were docketed full field investigations. Of the four docketed case files completed in FY 2019, three were dismissed (75%), and one (25%) was settled.

Case files contained evidence that complaints were screened and docketed in a timely fashion thereby affording complainants and respondents their due process rights. Since the last review, case files in general show significant improvement in the timeliness of screening new complaints, case file organization, and in the quality of the Reports of Investigation (ROI). The case files reviewed during this evaluation period showed that PR OSHA conducted the investigations appropriately and applied sound legal reasoning when analyzing the evidence. PR OSHA's program and policies are at least as effective as OSHA's.

### *Processing of Administratively Closed Whistleblower Complaints*

#### **Finding 19-01:**

- In two of two (100%) of administrative closures there was no supervisory review. The supervisor handles both the screening of the complaint and the approval of the administrative closure. If a supervisor is responsible for the complaint screening process, PR OSHA must have a second supervisor review and approve the administrative closure.
- In two of two (100%) administratively closed cases, complaints were timely screened. However, IMIS did not accurately reflect who conducted the screening. The supervisor is responsible for the screening of all complaints and at the time of these screenings, the supervisor was not registered in the Whistleblower web-based data system (OITSS-IMIS) as a user. All administratively closed complaints entered in IMIS will show that someone other than the supervisor was responsible for the work.

**Recommendation 19-01:**

PR OSHA should designate staff to review the administratively closed case files prepared by the supervisor. The supervisor should be registered in OITSS-IMIS.

**Observation 19-03:** *OITSS-IMIS Data Entry*

In one of four (25%) docketed whistleblower investigations, the OITSS-IMIS database did not accurately reflect timely docketing of the complaint although the parties were put on notice of the docketing and initiation of the complaint investigation in a timely fashion. The IMIS entry showed that the complaint was actually docketed four months after closure, although the case file itself clearly documented the docketing of the complaint and followed PR OSHA’s policy and procedures.

**Federal Monitoring Plan 19-03:**

In FY 2020, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.

**Observation 19-04:** *Settlement Procedures*

One of four (25%) docketed whistleblower cases was settled. The settlement agreement contained language that PR OSHA agreed to hold the settlement amount confidential. This contradicts the Whistleblower Investigations Manual page 6-19, PR OSHA will not approve or be a party to a confidentiality agreement. The case file appeared to indicate that a private agreement had also been signed by the parties; however, the agreement was not provided to PR OSHA for review and approval as per the manual page 6-18.

**Federal Monitoring Plan 19-04:**

In FY 2020, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.

**8. COMPLAINT ABOUT STATE PROGRAM ADMINISTRATION (CASPA)**

No CASPAs were filed against PR OSHA during FY 2019 and FY 2018 (PR OSHA SOAR FY 2019 and FY 2018).

**9. VOLUNTARY COMPLIANCE PROGRAM**

PR OSHA has a comprehensive VPP which mirrors OSHA’s VPP. The highest award, the “Guanin,” is similar to OSHA’s Star program, while the “Cemi” is similar to the Merit award. In addition, PR OSHA has a smaller category called the “Taino” for smaller employers and/or those working toward meeting all the core elements of the Guanin and/or Cemi. PR OSHA’s VPP currently has 11 participants all in the Guanin level. During FY 2019, one new site was evaluated and approved, another site was re-evaluated and placed on conditional status, both for the Guanin level (PR OSHA SOAR FY 2019). One VPP case file was reviewed. No findings or observations were identified. OSHA is recommending that PR OSHA add a Corrective Action Worksheet to track 90-day items and recommendations.

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

PR OSHA's state and local government workers' consultation program conducted four visits in FY 2019 compared to 10 in FY 2018. The four visits (three health and one safety and health) conducted represented 57% of the projected goal of seven visits. The percentage of visits with hazards abated within a timely manner was 100% in FY 2019 and FY 2018 (MARC #4a).

An observation from the FY 2018 Follow-up FAME Report (FY 2018-OB-04) was that the safety and health hazard survey (Form 33) comments section did not provide comments necessary to ensure that the number assigned and description corresponded. The Form 33 comments section was accurately completed in all four (100%) of the files reviewed; therefore, this observation was closed.

**Appendix A – New and Continued Findings and Recommendations**  
**FY 2019 PR OSHA Comprehensive FAME Report**

FY 2019-#	Finding	Recommendation	FY 2018-#
FY 2019-01	<p><i>Processing of Administratively Closed Whistleblower Complaints</i></p> <ul style="list-style-type: none"> <li>• In two of two (100%) of administrative closures there was no supervisory review. The supervisor handles both the screening of the complaint and the approval of the administrative closure. If a supervisor is responsible for the complaint screening process, PR OSHA must have a second supervisor review and approve the administrative closure.</li> <li>• In two of two (100%) administratively closed cases, complaints were timely screened. However, IMIS did not accurately reflect who conducted the screening. The supervisor is responsible for the screening of all complaints and at the time of these screenings, the supervisor was not registered as an OITSS-IMIS user. All administratively closed complaints entered in IMIS will show that someone other than the supervisor was responsible for the work.</li> </ul>	PR OSHA should designate staff to review the administratively closed case files prepared by the supervisor. The supervisor should be registered in OITSS-IMIS.	

**Appendix B – Observations Subject to Continued Monitoring**  
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Observation # FY 2019-OB-#	Observation# FY 2018-OB-#	Observation	Federal Monitoring Plan	Current Status
FY 2019-OB-01	FY 2018-OB-05	<i>Safety Percent in-compliance</i> In FY 2019, the percent in-compliance for safety inspections is 57.36% which is above the three-year national average of 30.30%.	In FY 2020, OSHA will continue to monitor this issue by utilizing the quarterly SAMM reports.	Continued
FY 2019-OB-02	FY 2018-OB-06	<i>Health Percent in-compliance</i> In FY 2019, the percent in-compliance for health inspections is 50.18% which is above the three-year national average of 36.12%.	In FY 2020, OSHA will continue to monitor this issue by utilizing the quarterly SAMM reports.	Continued
FY 2019-OB-03		<i>OITSS-IMIS Data Entry</i> In one of four (25%) docketed whistleblower investigations, the OITSS-IMIS database did not accurately reflect timely docketing of the complaint although the parties were put on notice of the docketing and initiation of the complaint investigation in a timely fashion. The IMIS entry showed that the complaint was actually docketed four months after closure, although the case file itself clearly documented the docketing of the complaint and followed PR OSHA’s policy and procedures.	In FY 2020, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.	New
FY 2019-OB-04		<i>Settlement Procedures</i> One of four (25%) docketed whistleblower cases was settled. The settlement agreement contained language that PR OSHA agreed to hold the settlement amount confidential. This contradicts the Whistleblower Investigations Manual page 6-19, PR OSHA will not approve or be a party to a confidentiality agreement. The case file appeared to indicate that a private agreement had also been signed by the parties, however, the agreement was not provided to PR OSHA for review and approval as per the manual page 6-18.	In FY 2020, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.	New



**Appendix B – Observations Subject to Continued Monitoring**  
**PR OSHA FY 2019 Comprehensive FAME Report**

Observation # FY 2019-OB-#	Observation# FY 2018-OB-#	Observation	Federal Monitoring Plan	Current Status
	FY 2018-OB-01 FY 2017-OB-01 FY 2016-OB-01 FY 2015-OB-01 FY 2014-OB-02	<i>Citation Lapse Time</i> Citation lapse time was calculated at 61.25 days for safety, which is above the further review level range of 36.96 to 55.44 days. The lapse time for health was 74.86 days, which is above the further review level range of 45.25 to 67.87 days.		Closed
	FY 2018-OB-02 FY 2017-OB-02 FY 2016-OB-02 FY 2015-OB-05 FY 2014-OB-03	<i>Violation Classification</i> In FY 2016, one of nine (11%) case files reviewed with citations issued, a violation related to general duty clause 6(a)(1): a microbiological contamination citation was issued as an other-than-serious when the related conditions should have been issued as serious.		Closed
	FY 2018-OB-03 FY 2017-OB-03 FY 2016-OB-03 FY 2015-OB-08	<i>Informal Conferences</i> In FY 2016, one of the 13 (7.7%) case files reviewed the informal conference was not held within 15 days.		Closed
	FY 2018-OB-04 FY 2017-OB-04 FY 2016-OB-04 FY 2015-OB-10 FY 2014-OB-06	<i>Consultation Case File Documentation</i> In FY 2016, the safety and health hazard survey (Form 33) comments section did not provide comments necessary to ensure that the number assigned and description corresponded in two of the eight (25%) consultation case files reviewed.		Closed

**Appendix C - Status of FY 2018 Findings and Recommendations**  
**PR OSHA FY 2019 Comprehensive FAME Report**

FY 2018-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status
FY 2018-01	<p><i>Non-Formal Complaint Investigations</i>                      In the two (100%) non-formal (phone/fax) complaint investigations reviewed, complaint items were not adequately addressed prior to closing the case files.</p>	<p>PR OSHA should ensure all complaint items are addressed using phone/fax procedures and/or assigned for inspection in accordance with PR OSHA's FOM.</p>	<p>Proper procedures for addressing non-formal and formal complaints (Chapter 9 of the FOM was reinforced with PR OSHA staff. In all eight formal complaint investigations, complaint items were adequately addressed prior to closing the case files.</p>	September 30, 2019	Completed
FY 2018-02	<p><i>Informal Settlements</i>                      In eight of 39 (20%) cases where informal conferences were held, area directors did not request approval from the Director of the Bureau of Inspections for a penalty reduction above 50% as described and required in PR OSHA's FOM.</p>	<p>PR OSHA should ensure that area directors request approval from the director of the Bureau of Inspections for a penalty reduction above 50% in accordance with PR OSHA's FOM.</p>	<p>Proper procedures for addressing the reduction of penalties above 50% (Chapter 8 of the FOM) was reinforced to PR OSHA area directors. In only one of 18 cases where informal conferences were held, the area director did not request approval from the Director of the Bureau of Inspections for a penalty reduction above 50% (FOM).</p>	September 30, 2019	Completed

**Appendix D – FY 2019 State Activity Mandated Measures (SAMM) Report  
PR OSHA FY 2019 Comprehensive FAME Report**

<b>U.S. Department of Labor</b>				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Puerto Rico – PR OSHA			FY 2019	
<b>SAMM Number</b>	<b>SAMM Name</b>	<b>State Plan Data</b>	<b>Further Review Level</b>	<b>Notes</b>
<b>1a</b>	Average number of work days to initiate complaint inspections (state formula)	3.97	5	The further review level is negotiated by OSHA and the State Plan.
<b>1b</b>	Average number of work days to initiate complaint inspections (federal formula)	2.59	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>2a</b>	Average number of work days to initiate complaint investigations (state formula)	0.00	1	The further review level is negotiated by OSHA and the State Plan.
<b>2b</b>	Average number of work days to initiate complaint investigations (federal formula)	0.00	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>3</b>	Percent of complaints and referrals responded to within one workday (imminent danger)	100%	100%	The further review level is fixed for all State Plans.
<b>4</b>	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
<b>5</b>	Average number of violations per inspection with violations by violation type	SWRU: 1.42	+/- 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: 1.19	+/- 20% of Other: 0.97	
<b>6</b>	Percent of total inspections in state and local government workplaces	27.78%	+/- 5% of 21.68%	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 20.60% to 22.77%.

**Appendix D – FY 2019 State Activity Mandated Measures (SAMM) Report  
PR OSHA FY 2019 Comprehensive FAME Report**

<b>SAMM Number</b>	<b>SAMM Name</b>	<b>State Plan Data</b>	<b>Further Review Level</b>	<b>Notes</b>
7	Planned v. actual inspections – safety/health	S: 728	+/- 5% of S: 860	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 817 to 903 for safety and from 243.20 to 268.80 for health.
		H: 334	+/- 5% of H: 256	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$700.49	+/- 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)	\$372.16	+/- 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)	\$786.04	+/- 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)	\$1,441.52	+/- 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.
	d. Average current serious penalty in private sector (greater than 250 workers)	\$1,549.50	+/- 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: 57.36%	+/- 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: 50.18%	+/- 20% of H: 36.12%	

**Appendix D – FY 2019 State Activity Mandated Measures (SAMM) Report  
PR OSHA FY 2019 Comprehensive FAME Report**

<b>SAMM Number</b>	<b>SAMM Name</b>	<b>State Plan Data</b>	<b>Further Review Level</b>	<b>Notes</b>
<b>10</b>	Percent of work-related fatalities responded to in one workday	100%	100%	The further review level is fixed for all State Plans.
<b>11</b>	Average lapse time	S: 58.86	+/- 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: 69.95	+/- 20% of H: 57.23	
<b>12</b>	Percent penalty retained	56.12%	+/- 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%.
<b>13</b>	Percent of initial inspections with worker walk around representation or worker interview	99.81%	100%	The further review level is fixed for all State Plans.
<b>14</b>	Percent of 11(c) investigations completed within 90 days	60%	100%	The further review level is fixed for all State Plans.
<b>15</b>	Percent of 11(c) complaints that are meritorious	20%	+/- 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%.
<b>16</b>	Average number of calendar days to complete an 11(c) investigation	122	90	The further review level is fixed for all State Plans.
<b>17</b>	Percent of enforcement presence	2.96%	+/- 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%.

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.



GOBIERNO DE PUERTO RICO

DEPARTAMENTO DEL TRABAJO Y RECURSOS  
HUMANOS

# PUERTO RICO OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

## STATE OSHA ANNUAL REPORT FISCAL YEAR 2019

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PUERTO RICO  
**OSHA**

**Appendix E – FY 2019 State OSHA Annual Report (SOAR)**  
**PR OSHA FY 2019 Comprehensive FAME Report**

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**STATE OSHA ANNUAL REPORT 2019**  
**PUERTO RICO**

**INTRODUCTION**

The Puerto Rico Occupational Safety and Health Administration established two interdependent and complementary strategic goals to guide the development of its activities, and achieve its vision.

PR OSHA’s two strategic goals are:

- ▶ To improve workplace safety and health for all employees, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.
- ▶ To change workplace culture, increase employer and employee’s awareness of commitment and involvement in safety and health.

The strategic, outcome, and performance goals discussed below will provide a performance assessment of the PR OSHA’s program and its accomplishments for FY 2019.

**PR OSHA PROGRESS TOWARD STRATEGIC PLAN ACCOMPLISHMENT**

Our assessment of the progress obtained at the beginning of Fiscal Year 2019 reflects improvements of our annual performance goals.

The Program has complied with our mandated activities.

**PR OSHA’s Strategic Goal 1**

**Annual Performance Goal 1.1.1A**

As stated in our Annual Performance Goal 1.1.1A for FY2019, we focused on the Local Emphasis Program on Amputations (NAICS Code 311, 322, 326, 327, 335, 451, 452, 445 and 722), using different strategic tools and activities.

PR OSHA Instruction CPL 003 LEP for Amputations, which targeted the Local Emphasis Program on Amputations (NAICS Code 311, 322, 326, 327, 335, 451, 452, 445 and 722) with was issued on October 1, 2016. This instruction describes the policies and procedures to implement a Local Emphasis Program for the programmed health inspections for the establishments that are targeted with the Amputations LEP (NAICS Code 311, 322, 326, 327, 335, 451, 452, 445 and 722) in accordance with the provisions of the Field Operations Manual (FOM), Chapter II, Program Planning.

The Bureau of Inspections (hence forth BI) identified three hundred eighty-four (384) establishments to which the LEP Directive would apply during the five-year strategic period. There was a balance of two hundred sixty-seven (267) establishments to be inspected in Fiscal Year 2019. The BI conducted one hundred thirty-one (131) inspections and there remain one hundred thirty-six (136) establishments that were not inspected. As a result of these one hundred thirty-one (131) inspections,

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### **PR OSHA FY 2019 Comprehensive FAME Report**

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a total of one hundred eighty-three (183) violations were issued and classified as follows: one hundred three (103) serious violations and eighty (80) other than serious violations.

Baseline:

NAICS 311, 322, 326, 327, 335, 451, 452, 445 and 722: FY 2016 data evaluated from OSHA 300's of year 2016, we obtained a TRC Rate = 4.50

During FY2019, the Voluntary Program is under the 21(d) grant and all their Consultation Services towards this goal in the Private Industry fell under the 21(d) Program and their work can't be awarded to the 23(g) goals.

The On-site Consultation Program provided support to this goal by delivering one (1) Open to Public training session about amputation prevention delivered in San Juan in April 02 2019, attendance of ninety-seven (97) employers and employees who were trained on the following topics:

- OSHA Act
- Machine Guarding
- Electrical Hazards
- Hand and Power Tools
- Personal Protective Equipment
- Safety and Health Program and Worker Involvement in Safety and Health Matters

Ninety-seven (97) CDs and or informational booklets were provided to participants and employers during these conferences and consultations.

#### **Annual Performance Goal 1.1.1B**

As stated in our Annual Performance Goal 1.1.1B for FY 2019, we focused on the Gasoline Service Stations NAICS 447110 and 447190 using different strategic tools and activities. PR OSHA Instruction CPL 18-003, which targeted the Gas Stations Establishments (NAICS 447110 and 447190), was issued on October 1, 2018. This instruction describes the policies and procedures to implement a Local Emphasis Program for the programmed safety inspections for Gasoline Service Stations in accordance with the provisions of the Field Operations Manual (FOM), Chapter II, Program Planning.

The Bureau of Inspections identified two hundred sixty-nine (269) establishments to which the LEP Directive would apply during the five-year strategic period. During FY 2019, there were two hundred sixty-nine (269) establishments to be inspected. For FY 2019 the BI conducted ninety-seven (97) inspections and there remain one hundred seventy-two (172) establishments. As a result of these inspections, a total of fifty-eight (58) violations were issued and classified as follows: thirty-eight (38) serious violations, twenty (20) other than serious none (0) failure to abate violations related to hazards associated with the LEP.



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Base Line from Year 2019 OSHA 300 Log, the TRC Rate = Will be determined based on information gathered on FY 2020 from OSHA 300 Logs of year 2019.

During FY2019, the Voluntary Program is under the 21(d) grant and all their Consultation Services towards this goal in the Private Industry fell under the 21(d) Program and their work can't be awarded to the 23(g) goals.

The On-site Consultation Program provided support to this goal by delivering one (1) Open to Public training session about safety and health for Gasoline Service Stations. One hundred five (105) employers and employees participated. The topics were:

- OSHA Act
- Means of Egress
- Walking/working surfaces
- Fire hazards/Life Safety Code
- Hazard Communication
- PPE
- Workplace Violence
- Recordkeeping Requirements (OSHA 300's)
- Safety and Health Program and Worker Involvement in Safety and Health Matters

One hundred five (105) CDs were provided to participants that attended the training session.

#### **Annual Performance Goal 1.1.1C**

As stated in our Annual Performance Goal 1.1.1C for FY 2019, we focused on Hazardous Public Activities for Mobile Crews (NAICS 561 and 562) using different strategic tools and activities.

PR OSHA Instruction CPL 001, which targeted the Hazardous Public Activities for Mobile Crews (NAICS 561 and 562), was issued on October 1, 2016. This instruction describes the policies and procedures to implement a Local Emphasis Program for the programmed safety and health inspections for Hazardous Public Activities for Mobile Crews in accordance with the provisions of the Field Operations Manual (FOM), Chapter II, Program Planning.

The Bureau of Inspections identified one hundred and four (104) establishments to which the LEP Directive would apply during the five (5) year strategic period. During FY 2019 there was a balance of eight-four (84) establishments to be inspected. The BI conducted sixty-seven (67) inspections and there remains seventeen (17) establishments to be inspected. As a result of these inspections, a total of forty-four (44) violations were issued and classified as follows: fifteen (15) serious violations and twenty-nine (29) other than serious violations.

Baseline:

Note: Due to Hurricane Irma and María, PR OSHA only took into consideration eight (8) Establishments that were inspected in FY 2018 for the purpose of creating the base line. We believe that the data obtained during FY 2019 with sixty-seven (67) establishments that provided us their data, it's a better year for creating the baseline.

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NAICS 5617, 2373, 2371, 2382 and 5621: from OSHA 300's of year 2018, we obtained a TRC rate = 5.95

During FY2019, the Voluntary Program is under the 21(d) grant and all their Consultation Services towards this goal in the Private Industry fell under the 21(d) Program and their work can't be awarded to the 23(g) goals.

The On Site Consultation Program provided support to this goal by delivering one (1) open training session about Safety and Health for Mobile Crews delivered in San Juan on April 2, 2019. Thirty-five (35) employers and employees were trained on the following topics:

- OSHA Act
- Safety and Health for Mobile Crews
  - Traffic Control devices
  - Signals
  - Work zones
- Personal Protective Equipment
- Safety and Health Program and Worker Involvement in Safety and Health Matters

Thirty-five (35) CD's and or informational booklets were provided to employers and employees during conferences, consultation services and orientation office visits.

### Annual Performance Goal 1.1.2

During FY 2019 the BI conducted one hundred fifty-eight (158) construction inspections, which breakdown as follows: sixty-six (66) programmed planned safety inspections and eighty-five (85) unprogrammed safety inspections, seven (7) unprogrammed health inspections, distributed in one hundred fifty-one (151) safety inspection and seven (7) health inspection.

During FY 2019 we investigated six (6) fatalities in the construction industry; six (6) were related to the four (4) leading causes: two (2) falls, none (0) struck-by, none (0) crushed-by and four (4) electrocutions. As a result of the six (6) fatalities investigated, twenty-two (22) citations were issued related to the four leading causes, twenty-one (21) serious and one (1) other citations were issued. In FY 2019, the fatality rate was 2.27

**Note:** The workforce in the construction industry for this period was 26,407 employees. The baseline for FY 2018 for the fatality rate was 1.88 per 10,000 employees. The low number of employees in the Construction Industry is impacting our fatality rate. As we get less and less employees working in Construction, with few fatalities the index goes over our projected goal.

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During FY2019, the On-Site Consultation Program did not conduct Consultations for Constructions under the 23(g) program, all of their private Consultations during FY 2019 were conducted under the 21(d) Consultation Program.

As part of our continuing effort to control the fatalities related to the four (4) leading causes in the construction industry, the On-Site Consultation Program and CAS offered one (1) 10-hour OSHA in the construction industry course was offered during the month of October 2018, were twenty-four (24) employers/employees were trained. On-Site Consultation Program and CAS offered one (1) 30-hour OSHA in the Construction Industry was offered during the month of November 2018, where thirty-nine (39) employers/employees were trained.

There were many Construction related training for the private industry, provided by the On-Site Consultation during FY 2019. But all of those trainings fell under the 21(d) Program and can't be counted towards the goals of the 23(g) Program.

### **PR OSHA's Strategic Goal 2**

#### **Annual Performance Goal 2.1.1A**

The Annual Performance Goal 2.1.1A for FY 2019 was to achieve 85% of the targeted employers in general industry that received an inspection and implemented a Safety and Health Program or improved their existing program. Of a total of two hundred twenty-one (221) inspections in General Industry, one hundred ninety-three (193) establishments implemented a Safety and Health Program or improved their existing program.

Through these comprehensive inspections, the Bureau of Inspections reached 87.33% of the targeted employers in General industry that received an inspection.

The consultation services requested during this Period for these specific Industries were performed under the 21(d) Consultation Services and cannot be counted in this report.

#### **Annual Performance Goal 2.1.1B**

The consultation services requested during this Period for these specific Industries were performed under the 21(d) Consultation Services and cannot be counted in this report.

Four thousand twenty (4,020) pieces (posters, booklets, flyers) were handed to the employers and employees during Public Sector activities in this period.

No sessions on the new guidelines on Safety and Health Programs were provided.

#### **Annual Performance Goal 2.2.2A**

The Annual Performance Goal 2.2.2A was developed to provide training to employers and workers on the skills necessary for effective worker involvement in safety and health matters in inspections related to amputations in the targeted industries.

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The Bureau of Inspections conducted one hundred thirty-one (131) inspections, of which all provided training to employers and workers, for 100%. As it arises from the evaluation of the Annual Performance Plan, a baseline of 92% has been established in inspections related to amputations in the targeted industries where employers and workers received training on the skills necessary for effective worker involvement in safety and health matters.

The consultation services requested during this Period for these specific Industries were performed under the 21(d) Consultation Services and cannot be counted in this report.

#### **Annual Performance Goal 2.2.2B**

The Annual Performance Goal 2.2.2B was developed to provide training to employers and workers on the skills necessary for effective worker involvement in safety and health matters in Retail Industries.

The Bureau of Inspections conducted ninety-seven (97) inspections, of which ninety-seven (97) provided training to employers and workers, for 100%. As it arises from the evaluation of the Annual Performance Plan, a baseline of 92% has been established in inspections related to Gas Service Stations where employers and workers received training on the skills necessary for effective worker involvement in safety and health matters.

During the FY 2019, Consultation Program provided three (3) training sessions during this period for the open public. One hundred twenty-two (122) employers were impacted.

#### **Annual Performance Goal 2.2.2C**

The Annual Performance Goal 2.2.2C was developed to provide training to employers and workers on the skills necessary for effective worker involvement in safety and health matters in the Hazardous Public Activities for Mobile Crews.

The Bureau of Inspections conducted sixty-seven (67) inspections, of which sixty-seven (67) provided training to employers and workers, for 100%. As it arises from the evaluation of the Annual Performance Plan, a baseline of 92% has been established in inspections related to Hazard Public Activities for Mobile Crews where employers and workers received training on the skills necessary for effective worker involvement in safety and health matters.

As a result of the sixty-seven (67) inspections conducted during this period, sixty-seven (67) trainings were offered to employers and workers. This represent a 100%, this goal was reached and exceeded from baseline. As it arises from the evaluation of the Annual Performance Plan, a baseline of 92% has been established in inspections related to Mobile Crews in the targeted industries where employers and workers received training on the skills necessary for effective worker involvement in safety and health matters.

During FY2019, the Consultation Services provided during FY 2019 were performed under the 21(d) Program, those Consultations Services do not count for the 23(g) Program.

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In addition, the On Site Consultation Program delivered one (1) open training session about Safety and Health for Mobile Crews in San Juan on October 5, 2018. Forty-nine (49) employers and employees were trained on the following topics:

- OSHA Act
- Safety and Health for Mobile Crews
  - Traffic Control devices
  - Signals
  - Work zones
- Personal Protective Equipment
- Safety and Health Program and Worker Involvement in Safety and Health Matters

#### **Assessment of State Performance of Mandated Activities**

During FY 2019, the Bureau of Inspections conducted a total of one thousand sixty-one (1,061) inspections which breakdown as follows:

#### **Safety Inspections**

During FY 2019, the Bureau of Inspections carried out seven hundred twenty seven (727) safety inspections, which breakdown as follows: two hundred thirteen (213) programmed inspections, one hundred seventy four (174) planned, thirty nine (39) programmed-related and none (0) programmed other, five hundred fourteen (514) unprogrammed inspections, nineteen (19) fatality/catastrophe investigations, one (1) accident investigations, one hundred thirty two (132) complaints, two hundred forty eight (248) referrals, sixteen (16) referral-employer reported, one (1) follow-up, ninety two (92) unprogrammed-related and five (5) unprogrammed other. During this period, eight hundred thirty-six (836) citations were issued we proposed \$473,215.00 in penalties for safety inspections.

#### **Health Inspections**

We also carried out three hundred thirty-four (334) health inspections, which breakdown as follows: eighteen (18) programmed inspections, seventeen (17) planned, none (0) programed other and one (1) programmed-related, and three hundred sixteen (316) unprogrammed inspections, two hundred eight (208) complaints, fifty-seven (57) referrals, one (1) follow-up, none (0) accident and fifty (50) unprogrammed-related and none (0) unprogrammed other. During this period, three hundred ninety-nine (399) citations were issued with a proposed penalty of \$308,805.00 for health inspections.

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#### **Bureau of Inspections Activities – Planned vs. Actual**

For FY 2019, the Bureau of Inspections projected one thousand one hundred sixteen (1,116) inspections. These inspections were projected as follows: six hundred twenty (620) in the private sector, one hundred twenty-nine (129) in Construction private sector and one hundred eleven (111) in the public sector, for a total of eight hundred sixty (860) safety inspections. Also, PR OSHA projected for Health a total of two hundred fifty-six (256): one hundred twenty-two (122) in the private, three (3) in the Private Construction sector and one hundred thirty-one (131) in the public sector.

The Bureau of Inspections conducted a total one thousand sixty-one (1,061) inspections. These inspections were conducted as follows: seven hundred twenty-seven (727) safety inspections; six hundred thirteen (613) in the private sector and one hundred fourteen (114) in the public sector. As to health inspections, PR OSHA conducted three hundred thirty-three (334) inspections; one hundred fifty-three (154) in the private sector and one hundred eighty (180) in the public sector.

The total number of inspections conducted during FY 2019 was below the projected by fifty-five (55) inspections. PR OSHA did not reach this goal by 5%, it is important to note that PR OSHA lost 4 more CSHO's during this fiscal year and the total count of CSHO's went to 27 CSHO's available to do inspections. We are in the process of recruiting new CSHO's for FY 2020 to replace the CSHO's we had been losing since FY 2017.

#### **Discrimination Program**

During FY 2019, The BI received fourteen (14) cases. The evaluation and results of those cases breakdown as follow: none (0) were merit cases, none (0) cases were withdrawn, four (4) were closed at the administrative level, ten (10) were dismissed and none (0) case a settlement agreement was reached. Two (2) discrimination cases were not completed within the established timeframe of ninety (90) days, for an achievement of 86% of completion within the 90 days.

#### **The Evaluation Division**

The Evaluation Division performed the following audits, monitoring and evaluations activities during FY 2019:

October 2018 – Informal conference evaluation San Juan Area office.

October 2018 - Analysis for Consultation standard frequency for FY 2018.

October 2018 - Analysis of Enforcement most cited Standards and their classification for FY 2017 and 2018.

January 2019– Informal conference evaluation Carolina Area office.

January 2019- Arecibo CFR for Citation Lapse Time FY 2018.

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January 2019- Caguas CFR for Citation Lapse Time FY 2018.

January 2019- Ponce CFR for Citation Lapse Time FY 2018.

February 2019- Informal conference evaluation Caguas Area office.

February 2019- Report Arecibo Area Office FY 2018 Citation Lapse Time analysis.

February 2019- Report on informal conference evaluation for Caguas, Carolina and San Juan Area Offices.

February 2019- San Juan CFR for Citation Lapse Time FY 2018.

February 2019- Report San Juan Area Office FY 2018 Citation Lapse Time analysis.

March 2019- Report Caguas Area Office FY 2018 Citation Lapse Time analysis.

March 2019- Report Ponce Area Office FY 2018 Citation Lapse Time analysis.

April 2019- CFR case closed in compliance Arecibo, Caguas and Carolina Area offices FY 2019.

April 2019 - CFR case closed in compliance for Mayaguez Area Office FY 2019.

April 2019 - CFR case closed in compliance for Ponce Area Office FY 2019.

April 2019 - CFR case closed in compliance for San Juan Area Office FY 2019.

June 2019- Report for the evaluation of cases closed on compliance for the Arecibo, Caguas and Carolina Area Offices.

June 2019- Arecibo and Mayagüez Area Office review of cases with non-formal conference and non-formal complaints.

June 2019 - Report for the evaluation of cases closed on compliance for Mayaguez, Ponce and San Juan Area Offices.

July 2019- Report on the evaluation of non-formal complaints and informal conference for Arecibo and Mayagüez Area Offices.

July 2019 - Review of cases with informal conference and non-formal complaints in San Juan Area Office.

July 2019 - Review of cases with informal conference and non-formal complaints in Ponce Area Office.

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July 2019 - Report on the evaluation of non-formal complaints and informal conference for Carolina, San Juan and Ponce Area Offices.

September 2019- Train Arecibo, Caguas, Mayagüez, Ponce and San Juan Area Offices personnel on the findings found in all the evaluations perform during FY 2019.

September 2019- Train Arecibo, Caguas, Mayagüez, Ponce and San Juan Area Offices personnel on the findings found in all the evaluations perform during FY 2019.

The Evaluation Division sent reports with the findings and recommendations to the Assistant Secretary, Bureau of Enforcement Director, the Area Directors and the Director of PR OSHA Consultation Division for their respective audits, special study, case file review and evaluation activities.

### **Alliance Program**

As stated previously the PR OSHA Consultation Division, changed to PR OSHA Consultation Program under the 21(d) Grant. The Consultation Division was in charge of providing the resources for the Alliances, Partnerships and VPP Programs, but now they can't do that work under the 21(d) Grant.

Taking in consideration that the Consultation Program can't work with the Alliance Program, PR OSHA created the new CAS Division that continues to work with the Alliances we had prior to our new circumstances.

AIREKO and the Mexican Consulate in its efforts to continue improving the Cooperative program. Two new alliances were signed with "Centro Unido de Detallistas" and Sustainable Workplace Alliance.

At the end of FY 2019 PR OSHA has been actively working with nine (9) Alliances and one (1) Strategic Partnership.

Five (5) Alliances were signed or renewed during FY 2019:

- Mexican Consulate – Renewed participation for 3 yrs – August 31, 2019
- Ferrovial y Agroman – New Alliance for 2 yrs – January 16, 2019
- Comité Estatal de Patronos – New Alliance for 2 yrs – May 24, 2019
- Site Safety - New Alliance for 2 yrs – May 24, 2019
- PR Methodist Church - New Alliance for 2 yrs – May 24, 2019

One (1) Strategic Partnership was signed:

- PR State Corporate Fund – New Partnership - July 18, 2019

PROSHA is a cosignatory of the following Alliances with Federal OSHA:

- University of PR Río Piedras – Renewed participation for 4yrs – March 29, 2019



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- Colegio de Ingenieros y Agrimensores de PR – Renewed participation for 4 yrs – March 19, 2019

PR OSHA has continued to actively work with the following Alliances:

- Centro Unido de Detallistas – Alliance is to be renewed on September 2020
- Sustainable Workplace Alliance - Alliance is to be renewed on September 2020

Through these Alliances we expect to provide employees and employers with information, guidance, and training sessions that will help employers to protect employees.

#### **On-site Consultation and Off-site Assistance**

PR OSHA's On-site Consultation Program transitioned to a 21(d) Grant in July 2018. Previously functioning as a 23(g) Program, PR OSHA initiated the formal request for transition with a letter from Ricardo Roselló Nevárez, Governor of Puerto Rico to OSHA's Regional Administrator, Robert D. Kulick on May 3, 2018. Upon receipt of the request, management of the PR OSHA Program worked closely and tirelessly with Region II and the National Office in order to obtain the approval of the 21(d) Consultation Program application.

PR OSHA On-site Consultation Program under the 21(d) Program began on July 1, 2018 and all Private Sector Consultations are accounted for under the 21(d) Program, only the Public Sector Consultations are accounted under the 23(g) Grant.

For FY 2019, the On-site Consultation Program conducted three (3) on-site consultation visits to the Public Sector: none (0) safety three (3) health for a total of three (3) inspections during FY 2019.

Also, the On-site Consultation Program provided over-the-phone and on-site assistance or orientations to employers and employees on safety and health matters. During this fiscal year the following services were provided:

- 18 public sector employers/employees were assisted per telephone and 2 employers/employees were assisted per office visits.

#### **SHARP**

During FY 2019, all Sharps were accounted for under the 21(d) Consultation Program and are no longer accounted for under the 23(g) Grant.

#### **Construction Industry**

All Constructions were accounted for under the 21(d) Consultation Program, there were no Public Constructions to be accounted for under the 23(g) Grant.

#### **Voluntary Protection Programs**

During FY 2019, one (1) site was re-evaluated for continuing participation at the Guanín level:

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Industrial C&S of PR, LLC – Vieques Plant – April, 2019

- The Vieques’ plant evaluation was delayed for 8 months due to the fact that the island of Vieques was without power until recently and the transportation to and from the small island was inaccessible and unsafe for our personnel. The evaluation was held in April 2019 and due to several deficiencies in the Safety and Health Management System the site was placed in a 1 yr conditional status until October 2020.

One (1) New VPP Site was evaluated for participation at the Guanín Level:

- AJ Oster Caribe of PR, Inc. – July 29 through August 20, 2019
- Site approval date October 29, 2019

For FY 2019 there are eleven (11) sites approved for VPP all participating at the Guanín Level.

- 1. Honeywell Aerospace – Aguadilla
- 2. Industrial C&S of PR LLC – Vega Alta
- 3. Industrial C&S of PR LLC -Arecibo
- 4. Industrial C&S of PR LLC – Humacao
- 5. Industrial C&S of PR LLC – Vieques
- 6. GE International of Puerto Rico – Añasco
- 7. Pfizer Consumer Healthcare – Guayama
- 8. Veolia ES Technical Solutions, LLC – Gurabo
- 9. Stryker Puerto Rico, Ltd – Arroyo
- 10. Pfizer Global Manufacturing – Vega Baja
- 11. Hamilton Sundstrand – Santa Isabel

### **External Training and Education**

As of September 30, 2019, thirteen (13) trainings and conference sessions were provided: thirteen (13) were delivered at different workplaces and thirteen (13) were addressed to employers, employees and general public in Arecibo, Aguadilla, San Juan, Carolina, and Hato Rey.

The total participation for the thirteen (13) trainings and conference sessions delivered in different workplaces, including universities and schools were as follows: five hundred eighty-six (586) employer representatives in the public sector.

### **Puerto Rico OSHA On Site Consultation Program Activities – Planned vs. Actual**

The On-Site Consultation Program conducted three (3) on-site consultation visits in the public sector, delivered training sessions and promotion of safety and health in different types of activities for the public sector; and conducted one (1) VPP reevaluation for participating sites.

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For FY2019, the On-Site Consultation Program projected seven (7) on-site consultation visits in the public sector: two (2) safety consultations and five (5) health consultations.

#### **Division of Technical Assistance**

##### **Standard adopted by the Program:**

- 1910.269, Subpart R, Electric Power Generation, Transmission and Distribution Final Rule, October 25, 2019.
- 1920.950-968, Subpart V, Electric Power Transmission and Distribution, Final Rule, October 25, 2019.
- 1910.21-30, Subpart D, Walking-Working Surfaces, Final Rule, October 25, 2019.
- CFR 1904, Tracking of Workplace Injuries and Illnesses, Final Rule, October 25, 2019
- 1926.1427, Subpart CC, Cranes and Derricks in Construction: Operator Qualification, Final Rule, October 25, 2019.

##### **Standard adopted by the Program (Not required):**

- None

##### **Administrative Regulation:**

- None

##### **Regulation adopted by the Program:**

- None

##### **OSHA Instruction Required:**

- PR OSHA Instruction CPL 02-01-160, 29 CFR 1915, Subpart I, Enforcement Guidance for Personal Protective Equipment (PPE) in Shipyard Employment, October 21, 2019.
- PR OSHA Instruction CPL 02-01-161, 29 CFR 1915, Subpart B, Confined and Enclosed Spaces and Other Dangerous Atmosphere in Shipyard Employment, October 21, 2019.
- PR OSHA Instruction CPL 02-01-162, Shipyard Employment “Tool Bag” Directive, October 21, 2019.

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**OSHA Instruction Not Required**

- None

**Local PR OSHA Instructions:**

- PR OSHA Catastrophic Incidents
- PR OSHA OIS Processing

**Variances**

- None

**State Supplement**

- None

**Standard translated and filed in the Department of State:**

- None

**Training and Education:**

- Cranes and Derricks in Construction, April 2019
- Trenching and Excavations, June 2019
- Tactical Chemistry for Emergency Responders, July 19, 2019.
- Fungi Cleaning and Sanitation in Buildings, Sept, 2019.

**Review Procedures - FY 2019 (October 1, 2018 - September 30, 2019)**

The Legal Division received one hundred thirty-eight (138) contested cases on FY 2019. One hundred thirteen (113) out of one hundred thirty-eight (138) cases were closed with Hearing Examiner Resolutions as follows: thirty-eight (38) hearing with stipulated agreement, four (4) cases closed with hearing examiner resolution, ten (10) dismissed, seventeen (17) discharged and forty-four (44) pending the Secretary notification. The remaining twenty-five (25) cases are under legal analysis from Hearing Examiner pending resolution.

<b>Penalty Collection</b>	
Cases received for collection until September 30, 2018	70
Outstanding cases in September 2018	93
Cases collected from October 2018 through September 2019	49
Penalties Collected	\$ 30,867.86

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Uncollectible Cases	12
Uncollectible Penalties	\$36,956.14
Outstanding Cases, includes public debt	137
Outstanding Penalty Amount, includes public debt	\$545,020.00
Total Closed Cases (Received during the fiscal year and previous years):	139

Note: 1. The figures in the table include uncontested cases referred for direct collection of payment and contested cases with adjudicated penalty.

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<b>State OSHA Annual Report: State Results Summary Chart</b>			
<b>Strategic Goal:</b>		To Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.	
<b>Performance Goal: 1.1.1A</b>		To reduce one of the most prevalent injuries/illnesses by focusing on those industries and occupations that cause the most injuries/illnesses and pose the greatest risk to workers in with industries that are targeted as having high amputation hazards (NAICS 311, 322, 326, 451, 452, 445 and 722).	
<b>Performance Indicator Type</b>	<b>Indicator</b>	<b>Results</b>	<b>Comments</b>
<b>Activity Measures</b>	Indicator 1 - Number of inspections conducted in FY 2019	One hundred thirty-one (131) establishments were inspected in FY 2019.	131 inspections conducted during FY2019.
	Indicator 2 - Number of inspections under LEP to be conducted.	267 – 131 = 136 inspections to be performed for the next two (2) years.	Three hundred eighty four (384) establishments scheduled for inspection in the Five-year Strategic Plan.
	Indicator 3 - Number of most common violations in the targeted industries with high amputation hazards	One hundred eighty-three (183) violations related to industries with high amputation hazards were issued.	One hundred three (103) serious and eighty (80) other.
	Indicator 4 – Number of Compliance assistance provided	None were provided.	
	Indicator 5 -Number of on-site visits (Number of technical assistance activities.)	The Voluntary Programs Division conducted visits in the industries targeted for high hazard in amputation but all were accounted for the 21(d) Consultation Program.	All hazards identified during the visits, were accounted towards the Consultation 21(d)
	Indicator 6- Number of offsite assistance	No offsite assistance was requested.	
	Indicator 7 - Number of training sessions conducted	One (1) close training session about Amputation Prevention were delivered in San Juan in April 2, 2019 <ul style="list-style-type: none"> <li>• OSHA ACT Hand and Power Tools</li> <li>• Guidelines for implementing a Safety and Health Program and Workers Involvement in Safety and Health Matters</li> </ul>	Participants:  97 employers and employees.
	Indicator 8- Number of materials disseminated	Ninety-seven (97) were provided to participants and employers in conferences and consultations.	

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<b>State OSHA Annual Report: State Results Summary Chart</b>			
<b>Strategic Goal:</b>		To Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.	
<b>Primary Outcome Measures</b>	Baseline established in 2017 with 2016 Data: Indicator 1-TRC Rate = 5.0	2018 TRC Rate = 4.50	FY 2019 Rate reduction: NAICS Included on LEP (OSHA 300): 0.5 FY 2018

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<b>State OSHA Annual Report: State Results Summary Chart</b>			
<b>Strategic Goal:</b>		To Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.	
<b>Performance Goal:</b>		To reduce one of the most prevalent injuries/illnesses by focusing on those industries and occupations that causes the most injuries/ illnesses and pose the greatest risk to workers in the	
<b>1.1.1B</b>		Gasoline Service Stations NAICS 447110 and 447190	
<b>Performance Indicator Type</b>	<b>Indicator</b>	<b>Results</b>	<b>Comments</b>
<b>Activity Measures</b>	Indicator 1 - Number of inspections conducted FY2019	Ninety-seven (97) inspections were conducted for FY 2019.	97 inspections conducted on FY 2019
	Indicator 2 - Number of inspections under LEP to be conducted.	269 – 97 =172 inspections to be conducted in the next two (2) years.	Two hundred sixty-nine (269) establishments scheduled for inspection in the Five-year Strategic Plan.
	Indicator 3 - Number of most common violations in Gas Service Stations	Fifty-eight (58) violations were issued related to Gas Service Stations.	Thirty-eight (38) serious, twenty (20) other than serious.
	Indicator 4 – Number of Compliance assistance provided	All the Consultation visits performed during this FY were services provided under the 21(d) Consultation Program.	
	Indicator 5 -Number of on-site visits (Number of technical assistance activities.)	All the Consultation on-site visits performed during FY 2019 were services provided under the 21(d) Consultation Program.	All hazards identified during FY 2019 were accounted towards the 21(d) Consultation Program.
	Indicator 6- Number of offsite assistance	No offsite assistance was requested.	
	Indicator 7 - Number of training sessions conducted	One (1) open training session of Safety and Health for Gasoline Service Stations was delivered this year. <ul style="list-style-type: none"> <li>• OSHA Act</li> <li>• Means of Egress</li> <li>• Walking/working surfaces</li> <li>• Fire hazards/Life Safety Code</li> <li>• Hazard Communication</li> <li>• PPE</li> <li>• Workplace Violence</li> <li>• Recordkeeping Requirements (OSHA 300s)</li> <li>• Safety and Health Program and Worker Involvement in Safety and Health Matters</li> </ul>	Participants: One hundred-five (105) employers and employees.



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	Indicator 8- Number of materials disseminated	One hundred-five (105) CDs disks were provided to participants in conference.	
<b>Intermediate Outcome Measures</b>	Indicator 1 - Number of programmed inspections resulting in the identification of targeted hazards	Fifty-eight (58) violations were identified during inspections.	Fifty-eight (58) violations were issued; thirty-eight (38) serious violations, twenty (20) other violations
	Indicator 2 – Number of the most common injuries/illnesses in targeted industry.		OSHA 300 - 2018
	Indicator 3 – Number of on-site visits resulting in the identification of targeted hazards	All the visits performed in FY 2019, accounted for the Consultation Programs 21(d).	All the hazards identified during FY 2019 visits were accounted for the 21(d) Consultation Program.
	Indicator 4- Number of compliance assistance provided	None were requested	
<b>Primary Outcome Measures</b>	Baseline will be established in 2020 with 2019 Data: Indicator 1-TRC Rate = To be gathered in 2020 in OSHA 300's 2019	2020 - TRC Rate (OSHA 300 ): BASE LINE YEAR 2019	

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<b>State OSHA Annual Report: State Results Summary Chart</b>			
<b>Strategic Goal:</b>		To Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.	
<b>Performance Goal:</b>		To reduce one of the most prevalent injuries/illnesses by focusing on those industries and occupations that causes the most injuries/ illnesses and pose the greatest risk to workers in the Hazardous Public Activities for Mobile Crews (NAICS 5617, 2373, 2371, 2382 and 5621)	
<b>1.1.1C</b>			
<b>Performance Indicator Type</b>	<b>Indicator</b>	<b>Results</b>	<b>Comments</b>
<b>Activity Measures</b>	Indicator 1 - Number of inspections conducted FY2019	Sixty-seven (67) inspections were conducted in FY 2019.	Sixty seven (67) inspections conducted
	Indicator 2 - Number of inspections under LEP to be conducted	84-67 = 17 inspections to be conducted during the next two (2) years.	Eighty-four (84) establishments scheduled for inspection in the Five-year Strategic Plan.
	Indicator 3 - Number of most common violations in the Hazardous Public Activities for Mobile Crews	Forty-four (44) violations were issued related to Hazardous Public Activities for Mobile Crews.	The violations were classified as follows: Fifteen (15) serious and twenty-nine (29) other.
	Indicator 4 – Number of Compliance assistance provided	None were requested	
	Indicator 5 -Number of on-site visits Number of technical assistance activities.)	All the visits performed in FY 2019, accounted for the Consultation Programs 21(d).	All the hazards identified during FY 2019 visits were accounted for the 21(d) Consultation Program.
	Indicator 6- Number of offsite assistance	No offsite assistance was requested.	
	Indicator 7 - Number of training sessions conducted	One (1) open training sessions about Safety and Health for Mobile Crews <ul style="list-style-type: none"> <li>• OSHA Act</li> <li>• Safety and Health for Mobile Crews <ul style="list-style-type: none"> <li>o Traffic control devices</li> <li>o Signals</li> <li>o Work zones</li> </ul> </li> <li>• Personal Protective Equipment</li> <li>• Safety and Health Program and Worker Involvement in Safety and Health Matters</li> </ul>	Participation was as follows:  35 employers and employees
	Indicator 8- Number of materials disseminated	Thirty-five (35) CDs disks/booklets were provided to participants in conference.	

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<b>State OSHA Annual Report: State Results Summary Chart</b>			
<b>Strategic Goal:</b>		To Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.	
<b>Performance Goal:</b>		To reduce one of the most prevalent injuries/illnesses by focusing on those industries and occupations that causes the most injuries/ illnesses and pose the greatest risk to workers in the Hazardous Public Activities for Mobile Crews (NAICS 5617, 2373, 2371, 2382 and 5621)	
<b>1.1.1C</b>			
<b>Performance Indicator Type</b>	<b>Indicator</b>	<b>Results</b>	<b>Comments</b>
<b>Intermediate Outcome Measures</b>	Indicator 1 - Number of programmed inspections resulting in the identification of targeted hazards	Forty four (44) hazards were identified during inspections.	Forty-four (44) violations were issued and were classified as follows: Fifteen (15) serious and twenty-nine (29) other.
	Indicator 2 – Number of the most common injuries/illnesses in targeted industry. identified		OSHA 300 – 2016
	Indicator 3 – Number of on-site visits resulting in the identification of targeted hazards	All the visits performed in FY 2019 accounted for the Consultation Program 21(d).	All hazards identified during visits were accounted towards the Consultation 21(d) Program.
	Indicator 4- Number of compliance assistance provided	None were requested	
<b>Primary Outcome Measures</b>	Baseline established in FY2017 with 2016 Data: Indicator 1-TRC Rate = 5.28	2018 - TRC Rate (OSHA 300): 5.95	We are taking 2019 OSHA 300 data as the base line, in FY 2018 we only gathered 8 OSHA 300 and was not a good sample to make the base line.

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<b>Strategic Goal:</b>	To Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.		
<b>Performance Goal:</b>	To decrease the fatality rate in the construction industry by an additional 5% from baseline by focusing on the four leading causes of fatalities: (falls, struck-by, crushed-by, electrocutions and electrical injuries).		
<b>1.1.2</b>	To establish baseline measure and performance measure to assess the strategic goal.		
Performance Indicator Type	Indicator	Results	Comments
<b>Activity Measures</b>	Indicator 1 - Number of fatalities inspected	FY 2019 Fatalities = Six (6)	
	Indicator 2 - Number of fatalities directly related to the four leading causes of fatalities	Six (6)	Two (2) falls and four (4) electrocutions.
	Indicator 3 - Number of citations issued	Twenty-two (22)	Twenty-two (22) violations were issued and were classified as follows: Twenty-one (21) serious and one (1) other
	Indicator 4 – Number of settlement agreements with safety and health programs included in fatalities inspections,	None	
	Indicator 5 - Number of on-site consultation visits in the Construction Industry	All the visits performed in FY 2019, accounted for the Consultation Programs 21(d).	All hazards identified during visits were accounted towards the Consultation 21(d) Program.
	Indicator 6 – Number of the Door to Door Initiative participants	All the visits performed in FY 2019, accounted for the Consultation Programs 21(d).	
	Indicator 7 - Number of training delivered	One (1) 10 hours course in of Safety and Health in the Construction Industry, was delivered during October, 2018. And one (1) 30 Hrs. course in the Construction Industry was delivered during November, 2018.	Participants: Sixty-three (63) employers/employees were trained
	Indicator 8 - Number of materials developed related to the four leading causes of fatalities	Sixty three (63) booklets were provided to participants in conference and on-site consultation.	
<b>Intermediate Outcome Measures</b>	Indicator 1 - Percent of fatalities in the construction industry resulting from the four (4) leading causes of fatalities in the FY 2019	Six (6) fatalities, three (3) cases with a total of seventeen (17) serious citations related to the leading causes in construction. Percent is $3/6= 50\%$	Fatality/Catastrophe Tracking Report. Six (6) fatality cases in the Construction Industry.
	Indicator 2 - Percent of citations with hazards on the four leading causes	Seventeen (17)	Seventeen (17)

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<b>Strategic Goal:</b>		To Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.	
<b>Performance Goal:</b>		To decrease the fatality rate in the construction industry by an additional 5% from baseline by focusing on the four leading causes of fatalities: (falls, struck-by, crushed-by, electrocutions and electrical injuries).	
<b>1.1.2</b>		To establish baseline measure and performance measure to assess the strategic goal.	
<b>Performance Indicator Type</b>	<b>Indicator</b>	<b>Results</b>	<b>Comments</b>
	Indicator 3 - Percent of SEP, LEP inspections resulting in the identification of targeted hazards.	During FY 2019, the bureau of inspections performed 370 SEP and LEP inspections. 238 out of 370 resulted with identification of targeted hazards, resulting in 64% hazard identification.	During FY 2019, SEP an LEP inspections resulted with 285 hazards identified, 156 serious and 129 other.
	Indicator 4 - Percent of on-site visits in the construction industry identifying hazards from the four leading causes of fatalities in the current year	The Construction visits during FY 2019 were accounted for the 21(d) Consultation Program.	All hazards identified during FY 2019, were accounted for the 21(d) Consultation Program.
<b>Primary Outcome Measures</b>	Indicator 1- Percent change from baseline Baseline 2012- 1.28	Six (6) fatalities, it is important to note that the number of employees in the Construction Industry augmented considerably after Hurricane Disaster, and the number of employees working in Construction augmented only to 26,407. The base number of employees is too low and with few fatalities the rate is too high.	2012: 5/48,000 = 1.28 2013: 3/35,614 = 0.84 2014: 5/36,050 = 1.38 2015: 3/37,000= 0.80 2016:4/30,095 = 1.33 2017:0/36,000 = 0.0 2018:4/21,279 =1.88 2019:6/26,407=2.27

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<b>State OSHA Annual Report: State Results Summary Chart</b>			
<b>Strategic Goal:</b>		To change workplace culture to increase employer and worker awareness of, commitment to, and involvement in safety and health.	
<b>Performance Goal:</b>		To achieve that eighty five percent (85%) of employers in general industries that are targeted for an inspection have either implemented an effective safety and health program or significantly improved their existing program.	
<b>2.1.1A</b>			
<b>Performance Indicator Type</b>	<b>Indicator</b>	<b>Results</b>	<b>Comments</b>
<b>Activity Measures</b>	Indicator 1 - Number of inspections in general industries where employers have either implemented an effective safety and health programs or improvement of existing programs.	Two hundred twenty-one (221) inspections in general industry.  (193) employers implemented or improved their safety and health program as result of the inspections. Representing an 87.33% of achievement in the strategic parameter.	One hundred ninety-three (193) out of two hundred twenty-one (221) inspections in general industry. The goal was 85 % for 2019, we achieved 85%.
	Indicator 2 - Number of training sessions on safety and health programs conducted	None formal open training sessions	Participants: None
	Indicator 3 - Number of informational materials disseminated	Sixteen (16) booklets were provided to visitors. One thousand four hundred twenty CD's were provided to participants in conferences.	
<b>Intermediate Outcome Measures</b>	Indicator 1 - Number of training sessions on safety and health program evaluation conducted	FY 2019 indicators belong to the 21 (d) Consultation Program	Participants: None
	Indicator 2 - Number of employers in the general industry that have implemented or improved their existing program	FY 2019 indicators belong to the 21 (d) Consultation Program	FY 2019 indicators belong to the 21 (d) Consultation Program
	Indicator 3 - Number of employers in the general industry targeted	FY 2019 indicators belong to the 21 (d) Consultation Program	FY 2019 indicators belong to the 21 (d) Consultation Program
<b>Primary Outcome Measures</b>	Indicator 1- Percent of targeted employers of on-site visits in general industry that have implemented or improved their existing program.  Baseline -2018 85%	85%	FY 2019 indicators belong to the 21 (d) Consultation Program

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<b>State OSHA Annual Report: State Results Summary Chart</b>			
<b>Strategic Goal:</b>		To change workplace culture to increase employer and worker awareness of, commitment to, and involvement in safety and health.	
<b>Performance Goal:</b>		To achieve that eighty five percent ( 85%) of employers in general industries who request an on-site visit have either implemented an effective safety and health program or significantly improved their existing program	
<b>2.1.1B</b>			
<b>Performance Indicator Type</b>	<b>Indicator</b>	<b>Results</b>	<b>Comments</b>
<b>Activity Measures</b>	Indicator 1 - Number of on-site visits in general industry where employers developed or improved their safety and health programs	FY 2019 indicators belong to the 21 (d) Consultation Program	FY 2019 indicators belong to the 21 (d) Consultation Program
	Indicator 2 - Number of training in safety and health programs conducted	FY 2019 indicators belong to the 21 (d) Consultation Program	FY 2019 indicators belong to the 21 (d) Consultation Program
	Indicator 3 - Number of informational materials disseminated	During FY2019 four thousand seven hundred-five (4,705) CDs and or informational booklets on how to develop and implement effective Safety and Health Program and Worker Involvement in Safety and Health Matters were given out to employers and employees during conferences, outreach trainings, on site consultation visits and office visits.	
	Indicator 4 – Number of VPP sites	One VPP site was re-certified in the Guanín level.	Industrial C & S of PR, LLC – Vieques Plant in April 2019
<b>Intermediate Outcome Measures</b>	Indicator 1 - Number of training sessions on safety and health program evaluation conducted	Thirteen (13) formal open training sessions on how to develop or improve an Effective Safety and Health Program and Worker Involvement in Safety and Health Matters were delivered on December 2018, February, March, April, June, September of 2019.	Participants: Two thousand six hundred forty-eight (2,648) employers and employees were trained.

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<b>State OSHA Annual Report: State Results Summary Chart</b>			
<b>Strategic Goal:</b>		To change workplace culture to increase employer and worker awareness of, commitment to, and involvement in safety and health.	
<b>Performance Goal:</b>		To achieve that eighty five percent ( 85%) of employers in general industries who request an on-site visit have either implemented an effective safety and health program or significantly improved their existing program	
<b>2.1.1B</b>			
<b>Performance Indicator Type</b>	<b>Indicator</b>	<b>Results</b>	<b>Comments</b>
	Indicator 2 - Number of VPP sites	Eleven (11) VPP sites actives, 1 VPP Site re-certified.	1.HoneywellAerospace – Aguadilla 2.Industrial C&S of PR LLC – Vega Alta 3.Industrial C&S of PR LLC -Arecibo 4.Industrial C&S of PR LLC – Humacao 5.Industrial C&S of PR LLC – Vieques 6.GE International of Puerto Rico – Añasco 7.Pfizer Consumer Healthcare – Guayama 8.Veolia ES Technical Solutions, LLC – Gurabo 9.Stryker Puerto Rico, Ltd – Arroyo 10.Pfizer Global Manufacturing – Vega Baja 11.Hamilton Sundstrand – Santa Isabel
	Indicator 3 - Number of employers in General Industries that developed or improved their safety and health program	During FY2019 the Consultation Program Division On site consultation visits to employers in general industry were accounted to the Consultation 21(d) Program.	FY 2019 indicators belong to the 21 (d) Consultation Program
	Indicator 4 - Number employers in general industry visited.	During FY2019 the Consultation Program Division On site consultation visits to employers in general industry were accounted to the Consultation 21(d) Program.	FY 2019 indicators belong to the 21 (d) Consultation Program
<b>Primary Outcome Measures</b>	Indicator 1- Percent of targeted employers of on-site visits in general industry that have implemented or improved their existing program.  Baseline 2018 – 85 %	During FY2019 the Consultation Program Division On site consultation visits to employers in general industry were accounted to the Consultation 21(d) Program.	FY 2019 indicators belong to the 21 (d) Consultation Program



**Appendix E – FY 2019 State OSHA Annual Report (SOAR)  
PR OSHA FY 2019 Comprehensive FAME Report**

<b>State OSHA Annual Report: State Results Summary Chart</b>			
<b>Strategic Goal:</b>		To change workplace culture to increase employer and worker awareness of, commitment to, and involvement in safety and health.	
<b>Performance Goal:</b>		To achieve that eighty five percent ( 85%) of employers in general industries who request an on-site visit have either implemented an effective safety and health program or significantly improved their existing program	
<b>2.1.1B</b>			
<b>Performance Indicator Type</b>	<b>Indicator</b>	<b>Results</b>	<b>Comments</b>

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<b>State OSHA Annual Report: State Results Summary Chart</b>			
<b>Strategic Goal:</b>		To change workplace culture to increase employer and worker awareness of, commitment to, and involvement in safety and health.	
<b>Performance Goal:</b>		To develop and provide training to employers and workers in the skills necessary for effective worker involvement in safety and health matters to 92% of employers who received inspections related to amputations in the targeted industry.	
<b>2.2.2A</b>			
<b>Performance Indicator Type</b>	<b>Indicator</b>	<b>Results</b>	<b>Comments</b>
<b>Activity Measures</b>	Indicator 1 -- Number of training skills provided to employers and workers in targeted industries	As a result of one hundred thirty-one (131) inspections conducted in the targeted industry, in all of the inspections trainings were provided to employers and workers.	One hundred thirty-one (131) trainings to employees and employer representatives.
	Indicator 2 - Number of training in employee involvement provided for employers and employees inspected for hazards related to amputations in the targeted industries.	During FY2019 the Consultation Program Division On site consultation training sessions to employers in general industry in Amputation were accounted to the Consultation 21(d) Program.	FY 2019 indicators belong to the 21 (d) Consultation Program
	Indicator 3 - Number of informational material disseminated	All the material disseminated for this industry was accounted for the 21(d) Consultation Program.	FY 2019 indicators belong to the 21 (d) Consultation Program
<b>Intermediate Outcome Measures</b>	Indicator 1 - Number of employers and workers in targeted industries trained	Six hundred fifty six (656) employees/employers	656 employers and employees trained in 131 inspections.
	Indicator 2 - Number of targeted industry establishments that incorporate worker involvement into safety and health matters	131 Establishments	One hundred thirty-one (131) out of one hundred thirty-one (131) inspections conducted for 100 % establishments that incorporate worker involvement in safety and health matters.

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<b>State OSHA Annual Report: State Results Summary Chart</b>			
<b>Strategic Goal:</b>		To change workplace culture to increase employer and worker awareness of, commitment to, and involvement in safety and health.	
<b>Performance Goal:</b>		To develop and provide training to employers and workers in the skills necessary for effective worker involvement in safety and health matters to 92% of employers who received inspections related to amputations in the targeted industry.	
<b>2.2.2A</b>			
<b>Performance Indicator Type</b>	<b>Indicator</b>	<b>Results</b>	<b>Comments</b>
<b>Primary Outcome Measures</b>	Indicator 1 - Percent of inspections related to amputations in the targeted industries where employers and workers received training on the skills necessary for workers involvement in safety and health matters  Base Line for FY2019 is 92%	100%	One hundred thirty-one (131) training sessions provided in one hundred thirty-one (131) inspections conducted.

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<b>State OSHA Annual Report: State Results Summary Chart</b>			
<b>Strategic Goal:</b>		To change workplace culture to increase employer and worker awareness of, commitment to, and involvement in safety and health.	
<b>Performance Goal:</b> <b>2.2.2B</b>		To develop and provide training to employers and workers in the skills necessary for effective worker involvement in safety and health matters to 91% of employers who received inspections in Gasoline Service Stations	
<b>Performance Indicator Type</b>	<b>Indicator</b>	<b>Results</b>	<b>Comments</b>
<b>Activity Measures</b>	Indicator 1 - Number of training skills provided by CSHO's to employers and workers in targeted industries	Ninety-seven (97) training sessions conducted during inspections in FY2019.	Ninety-seven (97) training sessions conducted during inspections.
	Indicator 2 - Number of training skills provided to employers and workers in targeted industries	During FY2019 the Consultation Program Division On site consultation training sessions to employers in general industry for Gasoline Service Stations were accounted to the Consultation Program 21(d).	FY 2019 indicators belong to the 21 (d) Consultation Program
	Indicator 3 - Number of informational materials developed and disseminated	CD's disks and materials provided to participants during conferences, consultations services and orientation office visits were accounted for the Consultation Program 21(d).	FY 2019 indicators belong to the 21 (d) Consultation Program
<b>Intermediate Outcome Measures</b>	Indicator 1 - Number of employers and workers in targeted industries trained	Ninety-seven (97)	
	Indicator 2 - Number of targeted industry establishments that incorporate worker involvement in safety and health matters	Ninety-seven (97)	Ninety-seven (97) establishments that incorporate worker involvement in safety and health matters in the three hundred thirty inspections conducted for a 100%.
<b>Primary Outcome Measures</b>	Indicator 1 - Percent of Gasoline Service Stations where employers and workers received training on the skills necessary for workers involvement in safety and health matters.	100%	Ninety-seven (97) training sessions provided in the ninety-seven (97) inspections conducted for a 100%.

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PR OSHA FY 2019 Comprehensive FAME Report**

<b>State OSHA Annual Report: State Results Summary Chart</b>			
<b>Strategic Goal:</b>		To change workplace culture to increase employer and worker awareness of, commitment to, and involvement in safety and health.	
<b>Performance Goal:</b> <b>2.2.2C</b>		To develop and provide training to employers and workers on the skills necessary for effective worker involvement in safety and health matters to 91% of employers who received inspections in Hazardous Public Activities for Mobile Crews	
<b>Performance Indicator Type</b>	<b>Indicator</b>	<b>Results</b>	<b>Comments</b>
<b>Activity Measures</b>	Indicator 1 - Number of training skills provided by CSHO's to employers and workers in targeted industries	Sixty-seven (67) training sessions conducted during inspections in FY2019.	Sixty-seven (67) training sessions in the sixty-seven (67) inspections conducted.
	Indicator 2 - Number of trainings skills provided to employers and workers in targeted industries	During FY2019 the Consultation Program Division On site consultation training sessions to employers in general industry for Hazardous Public Activities for Mobile Crews were accounted to the Consultation Program 21(d).	FY 2019 indicators belong to the 21 (d) Consultation Program
	Indicator 3 - Number of informational materials developed and disseminated	CD's disks and materials provided to participants during conferences, consultations services and orientation office visits were accounted for the Consultation Program 21(d).	
<b>Intermediate Outcome Measures</b>	Indicator 1 - Number of employers and workers in targeted industries trained	Sixty-seven (67)	Sixty-seven (67) training sessions in the sixty-seven (67) inspections conducted.
	Indicator 2 - Number of targeted industry establishments that incorporate worker involvement in safety and health matters	Sixty-seven (67)	Sixty-seven (67) establishments that incorporate worker involvement in safety and health matters.
<b>Primary Outcome Measures</b>	Indicator 1 – Percent of Hazardous Public Activities for Mobile Crews where employers and workers received training on the skills necessary for workers involvement in safety and health matters.	100%	Sixty-seven (67) training sessions provided in the sixty-seven (67) inspections conducted.