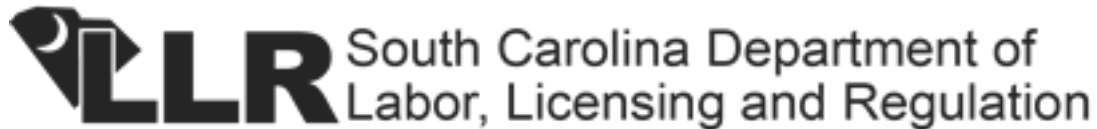


**FY 2019 Comprehensive
Federal Annual Monitoring Evaluation (FAME) Report**

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION,
OFFICE OF OCCUPATIONAL SAFETY AND HEALTH**



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Contents

I. EXECUTIVE SUMMARY	ERROR! BOOKMARK NOT DEFINED.
II. STATE PLAN BACKGROUND	4
A. BACKGROUND.....	4
B. NEW ISSUES	5
III. ASSESSMENT OF STATE PLAN PROGRESS AND PERFORMANCE.....	5
A. DATA AND METHODOLOGY	5
B. REVIEW OF STATE PLAN PERFORMANCE.....	6
1. Program Administration.....	6
2. Enforcement.....	8
3. Review procedures.....	15
4. Standards and Federal Program Change (FPC) Adoption	16
6. State And Local Government Worker Program.....	18
7. Whistleblower Program	19
8. Complaint About State Program Administration (CASPA).....	21
9. Voluntary Compliance Program	22
10. State And Local Government 23(g) On-site Consultation Program.....	23

Appendices

Appendix A – New and Continued Findings and Recommendations.....	A-1
Appendix B – Observations and Federal Monitoring Plans.....	B-1
Appendix C – Status of FY 2016 Findings and Recommendations.....	C-1
Appendix D – FY 2019 State Activity Mandated Measures (SAMM) Report.....	D-1
Appendix E – FY 2019 State OSHA Annual Report (SOAR).....	E-1

I. Executive Summary

The fiscal year (FY) 2019 South Carolina FAME (Federal Annual Monitoring Evaluation) resulted in a comprehensive FAME report that assesses the South Carolina Department of Labor, Licensing, and Regulations (SCDLLR) – Division of Occupational Safety and Health Program (SC OSHA) progress toward achieving its performance goals established in the FY 2019 Strategic Management Plan. This report assesses the State Plan’s progress in resolving outstanding findings from its previous FAME report. This report also reviews the effectiveness of programmatic areas related to enforcement activities, including a summary of an onsite evaluation.

The South Carolina Occupational Safety and Health Strategic Management Plan for FY 2017 to FY 2021 established two strategic goals: **Goal 1.** Ensure and improve workplace safety and health and **Goal 2.** Promote a culture of safety and health. The FY 2019 Performance Plan provided the framework for accomplishing the goals of the SC OSHA Strategic Management Plan by establishing specific performance goals for FY 2019. SC OSHA met or exceeded a majority of its annual performance goals. A detailed review of the State’s performance in this area is provided in Appendix E, which is its SOAR.

An eight-person OSHA team was assembled to conduct the onsite evaluation in Columbia, South Carolina. The OSHA teams’ evaluation consisted of the following: the review of case files; the review of the SC OSHA performance statistics; the review of training documentation; the review of policies and procedures; as well as staff interviews. Care was taken to ensure this evaluation was based upon the SC OSHA’s Field Operation Manual (FOM), compliance with established policies and directives, as well as electronic and hard copies of case file documentation. Upon completion of the onsite evaluation, a comparison of the FY 2018 FAME findings was performed.

A total of five findings were identified; three were new findings, and two were continued from the previous FAME. The new findings are related to construction case file documentation, other-than-serious (OTS) violations not cited, and the State’s Whistleblower Manual. The two findings carried over from the previous report were related to the in-compliance rate and documenting the informal conference rationale.

The State Plan made progress addressing three of the four observations from the FY 2018 Follow-up FAME Report. The three closed observations from the FY 2018 include the following: SC OSHA updated their training directive, the continued correspondence with the Next of Kin; and there was an increase in the number of violations per inspection (SAMM 5). One whistleblower observation was closed because it was incorporated into the new finding. Additionally, eight new observations were noted during this evaluation period and will be closely monitored during the FY 2020 performance period. The observations involved: missed and/or not correctly classified violations, evaluating resources for on-site inspections, evaluation of the employer’s safety and health program, as well as the Multi-Employer Citation Policy and Whistleblower data IMIS tracking.

Appendix A describes the new and continued findings and recommendations. Appendix B describes observations subject to continued monitoring and the related federal monitoring plan.

Appendix C describes the status of previous findings with associated completed corrective actions. OSHA continues to work with the State Plan to resolve their findings.

II. State Plan Background

A. Background

The South Carolina Occupational Safety and Health State Plan was one of the first programs approved by the U.S. Department of Labor per the guidelines of the Occupational Safety and Health Act of 1970. This was accomplished on November 30, 1972, and final approval was granted in 1987. In 1994, the South Carolina Department of Labor was eliminated as part of the reorganization of the state government, and the South Carolina Department of Labor, Licensing and Regulation (SCDLLR) was created. During this review period, Emily H. Farr was the Director of SCDLLR, and Kristina Baker was the Deputy Director. SCDLLR is divided into the following three divisions: Labor; Fire and Life Safety; and Professional and Occupational Licensing. The Office of OSHA, within the Division of Labor, is responsible for management and operation of the State Plan.

It is important to note that SC OSHA is organized into four main areas: Administration, Compliance, Legal and Outreach and Education. The Deputy Director Kristina Baker oversees the program and has four strong area leads that manage the day to day running of the program.

During the review period, Gwen Thomas is the State Plan Manager for the SC OSHA program and responsible for the area of Administration. This includes leading the following departments: training; technical support and standards; the Web Integrated Management Information System; and the South Carolina Bureau of Labor Statistics. The Office of Technical Support and Standards provides information to assist the public in complying with standards. The office also supports the enforcement program with compliance guidance by providing guidance for internal and external use. In addition, the Office reviews new OSHA standards and directives to determine whether SC OSHA should adopt them.

The Compliance Manager, Anthony Wilks, manages the Compliance area including leading the safety and health compliance teams including supervisors, compliance officers and administrative staff.

The Chief OSHA Counsel, Deidre Laws, manages the Legal area which includes Whistleblower 11 (c), informal conferences, contested cases and FOIAs.

The SC OSHA Consultation Manager oversees the Office of Outreach and Education (O&E) which includes the safety and health training, compliance assistance, the South Carolina Palmetto Star Program, Youth Training Program and onsite consultative services. The Palmetto Star Program is the equivalent to the OSHA Voluntary Protection program. The onsite consultative services are provided to the private sector and are funded by an annual 21(d) grant award.

In South Carolina, state and local government agencies and workers are afforded the same rights, responsibilities, and coverage as those in the private sector.

The table below shows SC OSHA’s funding levels from FY 2015 through FY 2019:

FY 2015-2019 Funding History					
Fiscal Year	Federal Award (\$)	State Plan Match (\$)	100% State Funds (\$)	Total Funding (\$)	% of State Plan Contribution
2019	2,095,200	2,095,200	-	4,190,400	50%
2018	2,054,700	2,054,700	-	4,109,400	50%
2017	2,054,700	2,054,700	-	4,109,400	50%
2016	2,054,700	2,054,700	-	4,109,400	50%
2015	1,788,902	1,788,902	-	3,577,804	50%

Total Recordable Cases (TRC) and Days Away Restricted and Transferred (DART) Rate Comparison*

CY 2018*	South Carolina		National Average		Comparison
TRC Rate	2.4	2.7*	2.8	3.1*	12.9 % Lower than National Average*
DART Rate	1.5	1.6*	1.6	1.7*	5.9 % Lower than National Average*

*All industries, including state and local government.

*CY = Calendar Year

B. New Issues

In an effort to combat staff retention, and address questions regarding compensation, SC OSHA in conjunction with agency Human Resources, conducted a salary compensation study in the spring of 2019. As a result of that study, more than 75% of the current South Carolina OSHA staff (including all compliance field staff) received increases ranging from 2.64% to 17.06%.

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). SC OSHA has not yet completed the legislative changes to increase maximum penalties.

III. Assessment of State Plan Progress and Performance

A. Data and Methodology

OSHA established a two-year cycle for the FAME process. FY 2019 is a comprehensive year and as such, OSHA was required to conduct an on-site evaluation and case file review. An eight-person OSHA team, which included two whistleblower staff members, was assembled to conduct a full on-site case file review. The case file review was conducted at the South Carolina State Plan office, during the timeframe of February 3-7, 2020. A total of 170 safety, health, and whistleblower inspection case files were reviewed. In addition, two Partnerships and eight Palmetto Star sites were reviewed. The safety and health inspection files were selected from closed inspections conducted during the evaluation period Oct 1, 2018 through September 30, 2019. The selected population included:

- Seventeen (17) fatality case files
- One hundred and fifty-three (153) complaint, referral and programmed case files
- Six (6) state and local government agency consultation case files
- Thirteen (13) closed whistleblower case files

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

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

Each State Activity Mandated Measure (SAMM) in Appendix D, 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

SCDLLR has developed a training program that is very similar to the OSHA Training Directive (TED 01-00-019). The State Plan's training directive is designated (TD-

003-019) and it ensures that compliance officers progress through an established training path. A Training and Development Director, who monitors the progression and development of the trainees in conjunction with the employee’s supervisor, administers the SC OSHA’s training program. Each trainee is also assigned a mentor (senior compliance officer), who primarily supports the on-the-job training (OJT) aspect of the trainee’s development. The employee and the Training and Development Director using the SCOSH Training Guide for CSHO form and the Compliance Safety and Health Officer Core Training form, respectively track formal training. The latter form reflects the various career paths for occupational safety and health professionals, as they are presented in the OSHA Training Directive. The Training and Development Director also maintains an Excel spreadsheet, which tracks the employee’s participation in webinar and career development courses, as well as formal training courses. Their supervisor and mentor, using the Progress Report on New Field Personnel form, assess the career progression and development of each employee. The first page, of the two-page form, addresses the OSHA inspection process and the second page addresses the OSHA report writing process.

SC DLLR also conducted outreach training, by providing safety and health training to employers and employees, throughout the State. In FY 2019, the Office of Training conducted a total of 353 classes for state and local government, and private sector employers. Over 5,505 workers received training in South Carolina.

Statistical Training Information FY 2019

Private sector employers trained	402
Private sector employees trained	1,622
State and local government employers trained	454
State and local government employees trained	3,801
Total number of workers that received training	5,505

b) OSHA Information System

The South Carolina OSHA Information System, also known as “The South Carolina OSHA Redesign and Enhancement” (SCORE) is into its tenth year of operation and continues to provide a significant cost avoidance through the reduction of paper files. During FY 2019, SCORE obviated the need to keep and maintain paper inspection reports for 366 inspections and 484 consultation visits. Those inspections and consultation visits generated 850 inspection and consultation reports, citations, etc. South Carolina OIS not only provides an efficient means of data entry and secure storage, it also allows South Carolina OSHA to retrieve and analyze that data instantaneously. The development of a system-to-system interface between SC OIS and the federal OIS system allows SC OSHA to conduct its own data management, while providing the required data to OSHA on a daily basis.

b) State Internal Evaluation Program Report

In FY 2019, the purpose of the internal audit was to review the effectiveness of quality plans, ensure adherence with policies and procedures, and assess customer satisfaction. SC OSHA conducted one audit in FY 2019. Specifically, the SC OSHA reviewed the process for penalties to determine if the correct penalties were being issued and the correct gravity was being used on all reports. Although the state penalties are below the national average, the state penalty rate has increased.

c) Staffing

During this period, the SC OSHA’s staffing levels were below the established benchmarks for the program. However, the State Plan remains committed to staffing its program at the appropriate level, within the current budgetary constraints.

		FY 2015	FY 2016	FY2017	FY2018	FY2019
Safety	Benchmark	17	17	17	17	17
	Positions Allocated	17	17	17	17	17
	Positions Filled	15	15	15	15	15
	Vacancies	2	2	2	2	5
	Percent of Benchmarks Filled	88%	88%	88%	88%	88%
Health	Benchmark	12*	12*	12*	12*	12*
	Positions Allocated	12*	12*	12*	12*	12*
	Positions Filled	5	5	5	5	5
	Vacancies	2	5	5	5	5
	Percent of Benchmarks Filled	80%	50%	50%	50%	50%

* The benchmarks and positions allocated for health have been agreed upon and recognized by OSHA to be 10, since FY07. This information has not yet been published in the federal register.

2. ENFORCEMENT

a) Complaints

During FY 2019, SC OSHA received a total of 408 complaints, of which 123 (30%) were formal and 285 (70%) were non-formal. The average number of days to initiate a complaint inspection in FY 2019 was 7.49, which is slightly above the negotiated standard of seven days. However, the state formula shows 5.58 days, which is below the negotiated number of days. The average number of days to initiate a complaint investigation was 4.09, which is below the negotiated standard of five days. OSHA selected 10 complaint investigations, and 45 complaint inspections for review, during the evaluation of the SC OSHA program. In addition, approximately 59% of complaint inspections were found to be in-compliance.

SC OSHA has its own complaint process specified in its own administrative instruction. It outlines the policies and procedures for processing formal and non-

formal complaints. SC OSHA's complaint process for formal complaints is similar to the federal process. SC OSHA considers electronic complaints obtained through the federal complaint system as a formal complaint. After the receipt of an electronic complaint, a follow-up call to the complainant is usually made to clarify the complaint items. In some instances, the complainant may elect to process the complaint non-formally to address the issue. Following complaint inspections, complainants are mailed a letter informing them of the inspection, and indicating whether or not citations were issued.

The review team determined that decisions made regarding on-site inspections were not always appropriately based on the severity of hazards alleged and resources available. There were 11 out of 33 on-site complaint inspections that could have been classified as an inquiry (phone/fax) due to the nature of the complaint items. In addition, hazards generated from complaints were not always cited holding employers accountable to maintaining safe worksites. The case file review found that 7 of 33 complaint case files identified missed violations related to personal protective equipment, slips, electrical hazards, hazard communication, as well as missing mid-rail and OSHA 300 logs. The related conditions most likely should have been issued as OTS.

Referrals and employer report referrals are notices of alleged hazards or violations of the Act, which are typically received from other federal, state, or local agencies, the media, as well as CSHO referrals. Referrals are handled in a manner similar to that of complaints. SC OSHA follows the same procedures as OSHA for employer reported referrals.

Observation FY 2019-OB-01: Missed violations were noted in 7 of the 33 (21%) case files reviewed. Several of the missed violations include personal protective equipment, slip hazards, electrical hazards, hazard communication, and OSHA 300 logs.

Federal Monitoring Plan: During next year's FAME, a limited scope review will be reviewed to determine if this reflects the data trend.

Observation FY 2019-OB-02: In 11 out of 33 (33%) cases reviewed, decisions regarding on-site inspections were not appropriately based on the severity of hazards alleged and resources available.

Federal Monitoring Plan: During next year's FAME, a limited scope review will be reviewed to determine if this reflects the data trend.

b) Fatalities

A total of 29 fatalities were reported to SC OSHA in FY 2019, which was the same number investigated in FY 2018. SAMM measure 10 reported that 96.30% fatality investigations were responded to within one day, where the further review level is 100%. There was one outlier identified, where the State Plan did not meet the one

workday response goal. The outlier was due to a data entry error, and it involved a workplace violence incident. It has since been updated in OSHA Express and OIS. Workplace violence has consistently been one of the leading causes of fatal injuries in South Carolina. SC OSHA has increased outreach related to the hazard, as well as conducting Compliance inspections. Compliance conducted six inspections related to workplace violence during the fiscal year.

Fatality figures for FY 2019 reflect 15 construction fatalities, which is three less than the same time period last year. SC OSHA also performed several weeklong construction focuses in regions with high incidence rates. These areas were identified by the amount of construction activity, and the fatalities. Falls from elevation continue to be the leading cause of fatalities in the construction industry. SC OSHA also placed an emphasis on trenching and excavation hazards. In FY 2019, there were no fatalities reported involving trenching and excavation work. Training was conducted for all CSHOs to recognize and document trenching and excavation and fall hazards in construction. SC OSHA’s efforts in construction yielded a reduction in construction fatalities.

The State Plan experienced no work-related deaths in FY 2019 in manufacturing and agriculture industries. However, the number of State Government fatalities rose by six. The tables below detail the industries, where fatalities occurred in FY 2018 and FY 2019.

Fatalities By Industry	FY 2018	FY 2019
Construction	18	15
Manufacturing	6	0
Transportation & Public Utilities	2	1
Wholesale Trade	0	2
Retail Trade	0	2
Services	1	3
Agriculture, Forestry, Fishing	1	0
Government	0	6
Finance: Insurance & Real Est.	0	0
Other	0	0
Total Fatalities	29	29

SC OSHA’s average initial penalty per inspection for fatality cases was \$3,147. However, penalties were reduced an average of 31% on citations related to fatalities that were resolved by means of an informal settlement agreement (ISA).

During the case file review, it was identified that the State Plan does not send a final next-of-kin (NOK) letter to the family to inform them of the inspection results, which

is in accordance with the State's policy. However, the initial letter to Next-of-Kin (NOK) was sent on all investigations. The initial letter states that the NOK may request the results of the inspection, including copies of the citations, the result of an informal conference, notice of employer protests and any other actions taken toward the resolution of the matter. In addition, the Deputy Director maintains continued correspondence during the investigation. Fatality information is recorded in SC OSHA's information system. All fatalities are also entered into the Fatality Tracker for review. A supervisor who determines if the fatality falls within SC OSHA's jurisdiction reviews each entry.

In the majority of the fatality investigations reviewed, the files included statements and other documentation that supported the violations cited, and the cause of the accident was clearly explained. However, in 2 of 17 fatality investigations reviewed, the case files contained evidence of hazardous conditions that may have violated SC OSHA standards or SC Code of Regulations 17-112(A), General Duty Clause, that could have resulted in a citation. One case involved two employees working in an aerial lift. The operator was maneuvering the lift, when the victim stood up in the lift and died from a caught-in-between injury. The second case file documented a temporary employee, who was performing crossing duties for a construction site and was struck by an oncoming train. It was the employee's first day of the job. In both case files, there was no indication of the specific training the employee received or that the employer maintained an effective safety and health program.

Observation FY 2019-OB-03: In 2 of 17 (12%) fatality investigations reviewed lacked documentation to ascertain why an SC OSHA standard or their general duty clause was not cited.

Federal Monitoring Plan: During next year's FAME, a limited scope review will be reviewed to determine if this reflects the data trend.

c) Targeting and Programmed Inspection

According to inspection statistics reviewed, SC OSHA conducted 366 inspections in FY 2019, 142 (39%) were unprogrammed construction and 79 were programmed construction inspections. Of the 79 programmed constructions inspections performed in FY 2019, 53.4% were in-compliance. Many programmed construction sites are targeted using Construction Inspection Targeting Application (C-Target). SC OSHA policies also permit inspectors to stop and conduct limited scope inspections, when they observe a serious hazard at a construction site.

The in-compliance trend is concerning for SC OSHA and was addressed, during the FY 2019 FAME case file review. There was limited hazard recognition demonstrated, with few hazards identified in the construction industry, where the majority of fatalities have occurred. Each comprehensive inspection should identify

and document the leading cause of fatalities in construction: electrical, fall, struck-by and caught-in-between hazards.

It was identified during the review that construction inspections were not being properly evaluated through employee interviews, contemporaneous notes and photographs of the site. In addition, during the comprehensive inspections, there was no evaluation of the employer’s written safety and health program in several of the case files. For each case the CSHO stated in the narrative that he/she did not physically review the employer’s safety and health program and that the evaluation was conducted by using the on-site work sheet.

There were also several inspections of general contractors, where the CSHO opened an inspection and presumably cited a subcontractor, without providing any documentation to show that the CSHO evaluated the host employer (general contractor) as the "Controlling Employer" for the subcontractors’ violation, based on OSHA's Multi-Employer Citation Policy.

According to the SC SIR data, 50.98% of private sector programmed safety inspections and 73.68% of private sector programmed health inspections had violations and that of those 84.42% of safety inspections and 85.71% of health inspections currently had a serious, repeat, and/or willful violation (SRW) [SIR Measure 2c].

The following table outlines the total number of violations for programmed activity:

All General Industry Programmed Inspections	SC OSHA	All Construction Programmed Inspections	SC OSHA
Average Number of Violations/Inspection	6.41	Average Number of Violations/Inspection	.82
In-Compliance Rate	16.7	In-Compliance Rate	53.4
% Violations Classified as Serious, Repeat and Willful	83.1	% Violations Classified as Serious, Repeat and Willful	93.3

[Reference: SC OSHA Express System]

SC OSHA participates in several OSHA National Emphasis Programs (NEP), which included the following: Amputations; Hexavalent Chromium; Lead in General Industry and Construction; Process Safety Management; Isocyanates; and Trenching. SC OSHA also participates in the federal NEP for Process Safety Management, and the FY 2019 Agency Priority Goal for Trenching. SC OSHA conducted 10 trenching inspections with 29 citations and all of the issues were abated.

Finding FY 2019-01: In 21 of the 33 construction in-compliance case files reviewed, worker interviews were not performed and/or the interviews or contemporaneous notes were not documented in the case file.

Recommendation FY 2019-01: SC OSHA should determine the cause for the lack of worker interviews conducted and implement corrective action to ensure that workers are interviewed during inspections and that the interviews and contemporaneous notes are documented.

Observation FY 2019-OB-04: In 6 of 22 (27%) programmed, comprehensive inspections that were reviewed, the inspections did not include the CSHO's physical review and evaluation of the employer's written safety and health program.

Federal Monitoring Plan: During next year's FAME, a limited scope review will be reviewed to determine if this reflects the data trend.

Observation FY 2019-OB-05: There were three inspections of General Contractors, where the CSHO opened an inspection and presumably cited a subcontractor, without providing any documentation to show that the CSHO evaluated the host employer (general contractor) as the "Controlling Employer" for the subcontractor's violation based on *OSHA's Multi-Employer Citation Policy*.

Federal Monitoring Plan: During next year's FAME, a limited scope review will be reviewed to determine if this reflects the data trend.

d) Citations and Penalties

In FY 2019, the 366 inspections conducted resulted in an average of 1.81 serious, repeat, willful, unclassified (SRWU) violations per inspection and 0.53 (OTS) violations per inspection. SC OSHA is within range of the FRL for SWRU, which is 1.43 to 2.15 (SAMM 5). The State Plan is also below the FRL for OTS which is 0.78 to 1.16.

Many of the case files reviewed had a notation indicating that some violations had been found, that were not cited. This practice may be a contributing factor to the low number of OTS per inspection, as well as the elevated in-compliance percent. SC OSHA's policy for Immediate Abatement Penalty Reduction (IAPR) (OP-002-13). allows for a reduction with abatement action taken prior to the compliance officer leaving the job site. However, the policy does not define, whether or not a violation should be cited. There were 23 inspections reviewed, where the CSHO identified OTS violations that were corrected on site, with no corresponding citation issued. Clearly supportable OTS violations that were not cited included the following: electrical hazards; oxygen cylinder storage; boxes stacked high and unstable; secondary spray bottles identified containing alcohol; damaged ladder; slip hazards; and exit doors not marked.

SC OSHA continues to be below of the FRL of +/- 5% of the negotiated goals of 347 safety and 141 health (SAMM 7), which equals a range of 329.65 to 364.35 for safety and 133.95 to 148.05 for health. The State Plan conducted 366 inspections (278 safety and 88 health), 75% of the inspection goal, which was 488. SC OSHA conducted 523 inspections in FY 2018. As a result, SC OSHA has a lower enforcement presence in the workplace at 0.42%, which is below the lowest acceptable FRL of 0.92%. The acceptable FRL range is $\pm 25\%$ of 1.23%. (SAMM 17). Staffing vacancies continue to impact the State Plan’s ability to successfully achieve the inspection goals. Due to the significant impact of this issue, OSHA and the State Plan agreed to monitor this issue.

In FY 2019, 81% of the citations issued by SC OSHA were serious in nature. However, no willful violations were issued in FY 2019, which should have been considered in at least three cases. Two had citations issued as serious for fall hazards. However, based on the information in the case files, willful classification should have been considered.

SC OSHA’s lapse time, the time from the opening conference to the issuance date was elevated for safety inspections, but within range for health inspections (SAMM 11) as referenced below:

Average Lapse Time	SC OSHA	FRL
Safety	60.14 days	38.08 – 57.13
Health	63.13 days	45.78 – 68.68

The lack of experience with the new hires, and the CSHO turnover could be seen as a reason for the high lapse time for the past two years. During FY 2019, SC OSHA added six new compliance officers (four safety and two health) to the enforcement field staff, which will assist with attaining a higher presence in the workforce.

SC OSHA’s average current penalty per serious violation in the private sector (SAMM 8: 1- 250+ workers) was \$1,142.17 in FY 2019. This is below the FRL of \$2,153.97 to \$3,589.95. Penalties are one component of effective enforcement and State Plans are required to adopt penalty policies, and procedures that are “at least as effective” (ALAE), as those contained in OSHA’s Field Operations Manual (FOM), which was revised on August 2, 2016, to include changes to the penalty structure in Chapter 6. OSHA will continue to explore ALAE analysis of State Plan penalty structures to include evaluation of average current penalty per serious violation data.

The total in-compliance rate for all safety inspections in FY 2019 was 47.25%, and 61.64% for health inspections (SAMM 9), which is substantially higher than the FRL, and a cause for concern. The State Plan’s high in-compliance rates for both safety and health may be attributed to a high staff turnover and a low number of experienced staff.

Finding FY 2019-02 (previous FY 2018-01 and 2017-01): The percentage of safety (47.25%) and health inspections (61.64%) that were in-compliance was higher than the FRL of 24.24% to 36.36% for safety and 28.09% to 43.35% for health.

Recommendation FY 2019-02: Ensure inspection resources are spent in workplaces that are exposing workers to hazards by implementing corrective actions in the most hazardous worksites.

Finding FY 2019-03: 20 case files had clearly supportable OTS violations that were not cited.

Recommendation FY 2019-03: Ensure that hazards identified during inspections are addressed through a citation.

Observation FY 2019-OB-06: SC OSHA conducted only 75% of the planned safety inspections (278 of 347) and 62.4% of health inspections (88 of 141). Turnover rate and the loss of experienced compliance safety and health officers continues to contribute to the lower number of safety and health inspections.

Federal Monitoring Plan: During next year's FAME, a limited scope review will be reviewed to determine if this reflects the data trend.

Observation FY 2019-OB-07: Three case files reviewed did not include citations for willful violations where the evidence in case file indicated willful classification should have been considered.

Federal Monitoring Plan: During next year's FAME, a limited scope review will be reviewed to determine if this reflects the data trend.

d) Abatement

SC OSHA has regulations that address requirements for abatement verification. During case file reviews, abatement information sent in by the employer was found to be consistent, which also included obtaining the employer's certification. Supervisors assigned follow-up inspections to CSHOs based on the criteria listed in the FOM. Follow-up inspections accounted for 4.4% of the total inspections in South Carolina for FY 2019. Follow-up inspections are useful to ensure abatement, if there is a problem with abatement verification. According to the SIR for FY 2019, the number of private sector inspections that had unabated violations more than 60 calendar days past issuance date for safety was 19, and 90 calendar days past the issuance date for health was 4. In addition, there were 32 valid unprogrammed activities handled as inspections which were open more than 60 days, and 27 valid complaints handled as a phone/fax, which have been open more than 30 days. SC OSHA should ensure that the number of open complaints remains low, so that hazards are quickly eliminated.

e) Worker and Union Involvement

SC OSHA's procedures for employee and union involvement are OSHA's. Case file review disclosed that employees were included during 100% of fatality investigations and other inspections. This determination was supported by SAMM 13.

3. REVIEW PROCEDURES

a) Informal Conferences

SC OSHA Administrator or their designated representative may hold an informal conference for the purpose of discussing any issues raised by an inspection, citation, notice of proposed penalty, or notification of failure to correct violations or abatement dates. Many of these issues can be resolved at the informal conference level, thereby expediting abatement and avoiding unnecessary litigation. According to SC OSHA's informal conference policy, detailed documentation will be entered into the database system and all information provided by the employer to justify actions taken will be maintained in the case file.

During the case file review, seven case files did not provide documentation of the rationale to support or explain the reason changes were made to the violations and penalties during informal conferences. This issue was identified in the FY 2017 and 2018 FAME and noted as a Finding (FY 2018-02 and FY 2017-2). A form was developed by management for supervisors to use at informal conferences. The form has a section, where a supervisor can notate his justification or rationale for reducing or reclassifying penalties, but that section was not always completed. In seven cases reviewed with an informal conference, justifications were not well documented.

The FRL for percent penalty retained (SAMM 12) is +/- 15% of a three-year national average of 66.38%, which equals a range of 56.42% to 76.33%. SC OSHA's percent for penalty retained is 41.92%, which is lower than the FRL. During the informal conference, the Administrator or their designated representative has the authority to reduce the penalties up to 50% through their Operational Policy: OP-002-10 for qualified employers wanting to be proactive with regard to worker safety and health. This may explain why the penalty retained is in line with the State Plan's offer to reduce penalties through an informal conference.

During FY 2019, SC OSHA vacated 12.4% of private sector violations, while OSHA vacated 2.69%. SC OSHA also reclassified 1.25% of violations, while OSHA reclassified 3.28% of violations. With regard to penalties, SC OSHA retained 71.56%, while OSHA retained 68.75%. This data was obtained from the SIR for FY 2019.

Finding FY 2019-04 (previous FY 2018-02 and 2017-02): Seven case files did not provide documentation of the rationale to support or explain the reason changes were made to the violations and penalties during informal conferences.

Recommendation FY 2019-04: SC OSHA should ensure that informal conference notes document changes made to the citations and/or penalties are legible, organized, and include justification in the case file and ensure documentation is received.

b) Formal Review of Citations

In South Carolina, contested cases are handled by the South Carolina Administrative Law Court. SC OSHA has regulations for ensuring that employers have the right to contest citations and penalties. South Carolina continues to maintain a very low contest rate. In FY 2019, 13 inspections were contested, an overall rate of 3.5%. During FY 2019, SC OSHA vacated 65% (13 out of 20) of private sector violations after a contest had been filed and reclassified, and 3 out of 7 violations after a contest had been filed. This data was obtained from the SIR for FY 2019.

4. STANDARDS AND FEDERAL PROGRAM CHANGE (FPC) ADOPTION

In accordance with 29 CFR 1902, State Plans are required to adopt standards and FPCs within a six-month timeframe. State Plans that do not adopt identical standards and procedures must establish requirements that 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.

Status of FY 2019 Federal Standards Adoption

Standard:	Response Due Date:	State Plan Response Date:	Intent to Adopt:	Adopt Identical:	Adoption Due Date:	State Plan Adoption Date:
Final Rule on the Standards Improvement Project - Phase IV 1904,1910,1915,1926 (5/14/2019)	7/13/2019	6/25/2019	Yes	11/14/19	11/14/2019	9/27/19
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	3/25/2019	No	No	7/23/2019	On hold
Final Rule on Crane Operator Certification Requirements 29 CFR Part 1926 (11/9/2018)	1/9/2019	1/10/2019	Yes	5/1/19	5/9/2019	2/22/19
Final Rule on Maximum Penalty Increases	01/02/2018	On hold	On hold	On hold	1/01/17	On hold

Status of FY 2019 Federal Program Change (FPC) Adoption

FPC Directive/Subject:	Response Due Date:	State Plan Response Date:	Intent to Adopt:	Adopt Identical:	Adoption Due Date:	State Plan Adoption Date:
<i>Adoption Required</i>						
National Emphasis Program on Trenching and Excavation CPL 02-00-161 (10/1/2018)	11/30/2018	11/30/2018	Yes	Yes	4/1/2019	11/30/18
<i>Equivalency Required</i>						
Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment CPL 02-01-061 (5/22/2019)	7/21/2019	6/25/2019	Yes	Yes	11/22/2019	6/25/19
Shipyard Employment "Tool Bag" Directive CPL 02-00-162 (5/22/2019)	7/21/2019	6/25/2019	Yes	Yes	11/22/2019	6/25/19
Enforcement Guidance for Personal Protective Equipment (PPE) in Shipyard Employment CPL 02-01-060 (5/22/2019)	7/21/2019	6/25/2019	Yes	Yes	11/22/2019	6/25/19
Site-Specific Targeting 2016 (SST-16) CPL 02-18-01 (10/16/2018)	12/15/2018	11/30/2018	No	Equivalent	4/16/2019	11/30/18
<i>Adoption Encouraged</i>						
Alternative Dispute Resolution (ADR) Processes for Whistleblower Protection Programs CPL 02-03-008 (2/4/2019)	4/5/2019	4/10/2019	No	No	n/a adoption not required	N/A

5. VARIANCES

South Carolina has 73 permanent variances, none of which are multi-state variances approved by OSHA, and there are no temporary variances. The most recent variance (Just Aircraft, LLC) was adopted in 2019.

6. STATE AND LOCAL GOVERNMENT WORKER PROGRAM

SC OSHA’s Public Employee Program operates similarly as the private sector. As with the private sector, state and local government employers can be cited with monetary penalties. However, the penalty structure for state and local government agencies is different from the private sector. SC OSHA conducted 17 state and local government agency inspections in FY 2019, which accounted for over 4.37% of all inspections, which exceeded the Federal Review Level of 3.50% to 3.87%. There were only two that were programmed inspections. The following table outlines the total number of violations for programmed activity, as well as the in-compliance rate and the percentage SWR violations for state and local government agencies:

State and Local Government Agency Inspections	SC OSHA
Average number of violations	12
In-Compliance Rate	0%
% violations classified as Serious, Repeat, and Willful	100%

7. WHISTLEBLOWER PROGRAM

The South Carolina Occupational Safety and Health Act, Section 41-15-210 et. Seq., Code of Laws of South Carolina, 1976, is a State statute of general application designed to regulate employment conditions relating to occupational safety and health. It aims to achieve safer and healthier workplaces throughout the State. A complaint filed under this statute is commonly referred to as an 11(c) complaint, which is a reference to the OSH Act. Enforcement of this statute in South Carolina falls under SCDLLR. Investigations were performed by an investigator and currently reviewed by Labor Legal (e.g. SCOSH attorney), who oversees the program.

SC OSHA still has not adopted a Whistleblower Investigations Manual. This issue was initially raised in the FY 2013 FAME Report. The FY 2014 FAME Report indicated that one had been adopted by SC OSHA and was awaiting approval by the State Senate. Being informed that there was no concern with passing, this finding was closed. The FY 2015 FAME revealed that the manual had been recalled prior to state approval due to conflicts of policy within the manual. Additionally, it was decided that the manual’s purpose and intent would be revised to not only use as a training tool but also as a regulatory guidance.

Finding FY 2019-05: The SC Whistleblower Investigation Manual has not been approved.

Recommendation FY 2019-05: SC OSHA should ensure that a Whistleblower Investigation Manual is approved and issued that implements policies and procedures that are at least as effective as the federal Whistleblower Manual.

The program has a dedicated Chief OSHA Counsel, who handles the intake of all incoming complaints. If a complaint is assigned for investigation, the program has a dedicated investigator who will make a recommendation of disposition to the Chief OSHA Counsel. In this fiscal year, 101 retaliation complaints were received and 83 were closed. Of those 83 closed, 52 were completed within 90 days of opening (63%). Review of the 11(c) case files demonstrated an understanding of the basic evidentiary requirements of a retaliation complaint, as well as the appropriate application of the burdens of proof. The files also illustrated an awareness of the fundamental investigatory steps necessary to address the allegations. However, based on the files reviewed, it appears that certain procedural requirements were not met.

The most significant issue involved the administrative closure process. Specifically, the Federal Whistleblower Manual states, in pertinent part, “OSHA...complaints that do not set forth a *prima facie* allegation, or are not filed within the statutory time limits may be closed administratively—that is, not docketed—provided the complainant accepts this outcome” (2-3). That is, the complainant must concur with the matter being administratively closed; without such concurrence, the complaint must be docketed and appeal rights provided. The SC Whistleblower Manual would need to include an at least as effective policy. A review of the case files revealed that in most cases, the SC workplace retaliation program did *not* seek complainant agreement prior to administratively closing files. Instead, when a complaint was interpreted by the Chief OSHA Counsel as not meeting a basic threshold requirement (i.e. timeliness), or when a complainant arguably failed to establish a *prima facie* case in their initial filing, the matter was closed and a letter notifying the complainant of this assessment was mailed.

In addition, the SC Whistleblower case files reviewed were disorganized and missing many of the components that the federal whistleblower manual requires of federal case files. While SC does not have to follow a case file organization structure that is identical to OSHA’s, a method for organizing case files needs to be outlined in their manual and adhered to consistently. Also, the federal whistleblower manual investigation provides that when closing a case based on lack of cooperation by the complainant, OSHA is required to mail a letter to complainant’s last known address, stating that the investigator must be contacted within 10 days of the receipt of the letter or the case will be dismissed. SC OSHA’s whistleblower manual must provide for at least as effective protection for complainants in this regard. Based on the case files reviewed, it does not appear that SC is currently sending this type of 10-day letter to complainants prior to administratively closing their case based on lack of cooperation.

Finally, the case file review revealed issues with SC OSHA’s entry of whistleblower case data into Web IMIS (now called Whistleblower Application). A review of the Whistleblower Application system revealed that at least 40 closed cases remained in the system undocketed and one closed case was discovered where the case had not been entered into the Whistleblower Application.

Observation FY 2019-OB-8: In approximately 40 cases whistleblower complaint information was not accurately or timely entered into the IMIS database for purposes of case tracking.

Federal Monitoring Plan: During next year’s FAME, a limited scope review will be reviewed to determine if this reflects the data trend.

	SC OSHA FY 2019	National Average FY 2019
Completed Within 90 Days (SAMM 14)	38%	33%
Merit Cases (SAMM 15)	3%	16%
Average Number of Calendar Days to Complete Investigation (SAMM 16)	290	298

8. COMPLAINT ABOUT STATE PROGRAM ADMINISTRATION (CASPA)

One CASPA was filed during this evaluation period. The CASPA involved an allegation that the SC OSHA had not properly conducted a Rapid Response Investigation, in accordance with appropriate policies and procedures. During this process, the SC OSHA was cooperative and responsive to OSHA. In summary, OSHA determined that the State Plan should include a diary sheet in all appropriate enforcement case files, and instruct SC OSHA personnel to chronologically document all communications (verbal and written). Additionally, SC OSHA’s rationale, regarding the proper categorization of Rapid Response Investigations (RRI’s) should be documented in the casefile, along with any delay in reporting, as well as the State Plan’s delay in responding.

CASPA

State CASPA Number	Date of Acknowledgement	Date of Final Report to State	Corrective Action Required
2019-SC-90	8/29/2019	10/18/2019	Yes

9. VOLUNTARY COMPLIANCE PROGRAM

The SC OSHA compliance program is administered by the South Carolina Department of Labor, Licensing and Regulations (SCDLLR). The Office of Voluntary Programs (OVP) includes the Voluntary Protection Programs (VPP), called Palmetto Star, as well as Consultation, Alliances and Partnerships.

Alliances

SCDLLR has implemented an Alliance and established a writer policy, which is very similar to the OSHA Alliance Program. However, SC OSHA did not have any active Alliance participants at this time.

Partnerships

The State Plan's Partnership Program is very similar to the OSHA Partnership Program (OSPP), including the guidance document and the annual evaluation report. However, due to the State Plan's limited resources, only a small number of employer's are permitted to participate in the program at a given time. At the time of the FAME onsite visit, three employers are active participants in the State Plan's Partnership Program. The State Plan's Partnership is very similar to the OSHA Strategic Partnership Program (OSPP), with a few exceptions. SCDLLR conducts quarterly visits to its Partnership sites and the sites are evaluated through non-enforcement verification visits.

Voluntary Protection Programs (VPP)

SCDLLR continues to operate the South Carolina Palmetto Star Program. Overall eligibility requirements for the Palmetto Star are more stringent than the requirement for the OSHA VPP. The program is only open to employers in North American Industrial Classification System (NAICS) codes 31-33 and employers are required to maintain injury and illness rates at least 50% below the rate for that industry in South Carolina. Participants are evaluated every three years, and the State Plan's report is documented on a form, which is identical to the VPP report used by OSHA. Additionally, accidents, incentive programs, and other issues are handled properly and in a consistent manner by the SC OSHA. There are currently 37 active Palmetto Star sites. In FY 2019, one of the State's sites withdrew from the program and another site was closed. During this on-site review a total of ten (10) Palmetto Star case files were reviewed to ensure compliance with the program's policies and procedures.

The State Plan recently started an initiative, which provides South Carolina high school students attending vocational schools or career centers with OSHA 10-hour safety and health for general industry worker. Authorized trainers from the Palmetto Star Program sites provide this training. During Fiscal Year 2019, the outreach program provided safety training to 754 students at four high school career centers in the Greenville/Spartanburg area. The primary goal of this training is to enhance the safety culture of youth workers through the State, as well as empowering students with regard to their workplace safety

and health rights. In addition, this training will also assist the schools in fulfilling the South Carolina Department of Education requirement for OSHA awareness training, as stated in the Career and Technology Education Manufacturing Course Standards for Introduction to Manufacturing, Welding, Mechatronics, Machine Technology, and Electronics.

The State Plan is also working to develop another initiative, the Special Star Team Member (SPSTM) policy, which is similar to OSHA's Special Government Employee (SGE) program. Participants in this program must undergo specialized testing and training. Participants in the program serve a three-year appointment term and they must undergo a one-day re-certification training session to renew their participation.

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

In FY 2019, the consultation program projected seven state and local government on-site consultation visits, five safety and two health; however, SC OSHA only conducted six state and local government visits, five health and one safety. The five health visits were limited to indoor air quality issues at one specific Agency. The safety visit was also a limited visit at an area under construction at the University of South Carolina campus. The area of focus was the height of railings to be installed on student stairwells. All of the case files were well-documented, and they were all deemed incompliance.

Appendix A – New and Continued Findings and Recommendations

FY 2019 South Carolina Comprehensive FAME Report

FY 2019-#	Finding	Recommendation	FY 2018-# or FY 2018-OB-#
Finding FY 2019-01	In 21 of the 33 construction in-compliance case files reviewed, worker interviews were not performed and/or the interviews or contemporaneous notes were not documented in the case file.	SC OSHA should determine the cause for the lack of worker interviews conducted and implement corrective action to ensure that workers are interviewed during inspections and that the interviews and contemporaneous notes are documented.	
Finding FY 2019-02	The percentage of safety (47.25%) and health inspections (61.64%) that were in-compliance was higher than the FRL of 24.24% to 36.36% for safety and 28.09% to 43.35% for health.	Ensure inspection resources are spent in workplaces that are exposing workers to hazards by implementing corrective action in the most hazardous worksites.	Finding FY 2018-01 and FY 2017-01
Finding FY 2019-03	20 case files had clearly supportable OTS violations that were not cited.	Ensure that hazards identified during inspections are addressed through citation, notification of violation or recommendation letter.	
Finding FY 2019-04	Seven case files did not provide documentation of the rationale to support or explain the reason changes were made to the violations and penalties during informal conferences.	SC OSHA should ensure that informal conference notes document changes made to the citations, and/or penalties are legible, organized, and include justification in the case file and ensure documentation is received.	Finding FY 2018-02 and FY 2017-02
Finding FY 2019-05	The State Plan's Whistleblower Investigation Manual has not been approved.	SC OSHA should ensure that a Whistleblower Investigation Manual is approved and issued that implements policies and procedures that are at least as effective as the federal Whistleblower Manual.	

Appendix B – Observations and Federal Monitoring Plans

FY 2019 South Carolina Comprehensive FAME Report

Observation # FY 2019-OB-#	Observation# FY 2018-OB-# or FY 2017-#	Observation	Federal Monitoring Plan	Current Status
<i>FY 2019-OB-01</i>		Missed violations were noted in seven of the 33 (21%) case files reviewed. Several of the missed violations include personal protective equipment, slip hazards, electrical hazards, hazard communication, and OSHA 300 logs.	During next year's FAME, a limited scope review will be reviewed to determine if this reflects the data trend.	<i>New</i>
<i>FY 2019-OB-02</i>		In 11 out of 33 (33%) cases reviewed, decisions regarding on-site inspections were not appropriately based on the severity of hazards alleged and resources available.	During next year's FAME, a limited scope review will be reviewed to determine if this reflects the data trend.	<i>New</i>
<i>FY 2019-OB-03</i>		Two of 17 (12%) fatality investigations reviewed lacked documentation to ascertain why an OSHA standard or the general duty clause was not cited.	During next year's FAME, a limited scope review will be reviewed to determine if this reflects the data trend.	<i>New</i>
<i>FY 2019-OB-04</i>		In six of 22 (27%) programmed comprehensive inspections that were reviewed, the inspections did not include the CSHO's physical review and evaluation of the employer's written safety and health program.	During next year's FAME, a limited scope review will be reviewed to determine if this reflects the data trend.	<i>New</i>
<i>FY 2019-OB-05</i>		There were three inspections of General Contractors where the CSHO opened an inspection and presumably cited a subcontractor without providing any documentation to show that the CSHO evaluated the host employer (general contractor) as the "Controlling Employer" for the subcontractor's violation based on <u>OSHA's Multi-Employer Citation Policy</u> .	During next year's FAME, a limited scope review will be reviewed to determine if this reflects the data trend.	<i>New</i>

Appendix B – Observations and Federal Monitoring Plans

FY 2019 South Carolina Comprehensive FAME Report

<i>FY 2019-OB-06</i>		SC OSHA conducted only 75% of the planned safety inspections (278 of 347) and 62.4% of health inspections (88 of 141). Turnover rate and the loss of experienced compliance safety and health officers continues to contribute to the lower number of safety and health inspections.	During next year’s FAME, a limited scope review will be reviewed to determine if this reflects the data trend.	<i>New</i>
<i>FY 2019-OB-07</i>		Three case files reviewed did not include citations for willful violations where the evidence in case file indicated willful classification should have been considered.	During next year’s FAME, a limited scope review will be reviewed to determine if this reflects the data trend.	<i>New</i>
<i>FY 2019-OB-08</i>	<i>FY 2017-OB-12</i>	In approximately 40 cases, whistleblower complaint information was not accurately or timely entered into the IMIS database for purposes of case tracking.	During next year’s FAME, a limited scope review will be reviewed to determine if this reflects the data trend.	<i>New</i>
	<i>FY 2018-OB-01 FY 2017-OB-01</i>	SC OSHA does not have a training curriculum for all in-house training to support the implementation of their training directive.	SC OSHA finalized the training curriculum, and it is under final review. This observation will be continued.	<i>Closed</i>
	<i>FY 2018-OB-02 FY 2017-OB-03</i>	SC OSHA does not have a tracking system to ensure that all communications with the NOK are completed. The information to be tracked includes, but is not limited to, written correspondence at the beginning and end of an investigation; a letter informing the NOK of the fatality investigation results; and a letter informing NOK of any changes to the citation, as the result of an informal conference; formal settlement agreement or litigation, as well as hearing dates and other pertinent information.	The next of kin (NOK) is contacted and a letter is sent to the NOK that states if they wish to obtain more information they may contact SC OSHA and the case file information would be provided. The letter also includes telephone and other contact information the Deputy Director to be contacted directly. The Deputy Director continues correspondence during the investigation.	<i>Closed</i>
	<i>FY 2018-OB-02</i>	The average number of serious, willful, repeat and unclassified violations issued per inspection was 1.38 violations per inspection. This is 24% below the three-year national average of 1.82 (FY 2018	The average number of serious, willful, repeat and unclassified violations issued per inspection was 1.81 violations per inspection. This is above the three-year	<i>Closed</i>

Appendix B – Observations and Federal Monitoring Plans

FY 2019 South Carolina Comprehensive FAME Report

		SAMM 5).	national average of 1.79 (FY 2019 SAMM 5).	
	<i>FY 2018-OB-03 FY 2017-OB-08</i>	SC OSHA should ensure that complainants concur with having the matter administratively closed. If such concurrence is not forthcoming, and there is insufficient evidence to proceed with an investigation, the matter should be closed, and appeal rights given.	During next year’s FAME, a limited scope review will be reviewed to determine if this reflects the data trend.	<i>Closed- Incorporated into a Finding</i>

Appendix C – Status of FY 2018 Findings and Recommendations

FY 2019 South Carolina Comprehensive FAME Report

FY 2018-#	Finding	Recommendation	State Plan Corrective Action	Completion Date (if Applicable)	Current Status (and Date if Item is Not Completed)
Finding FY 2018-01	The percentage of safety (47.25%) and health inspections (61.64%) that were in-compliance was higher than the FRL of 24.24% to 36.36% for safety and 28.09% to 43.35% for health.	Ensure inspection resources are spent in workplaces that are exposing workers to hazards by implementing corrective action in the most hazardous worksites.	Inspections are conducted according to SC OSHA’s high hazard planning guide and the number of unprogrammed inspections received. SC OSHA will review the NAICS that are being assigned and determine which industries warrant enforcement, based on industry incidence rates. SC OSHA will also continue to provide additional training to CSHO’s to ensure that all potential violations are being addressed.		Continued
Finding FY 2018-02	Case files did not provide documentation of the rationale to support or explain the reason changes were made to the violations and penalties during informal conferences.	SC OSHA should ensure that informal conference notes documenting changes made to the citations and/or penalties are legible, organized and in include justification in the case file and ensure documentation is received.	Informal conference notes regarding changes to citations, penalties, and justification of the results of the conference will be typed and inserted into the file in a logical, organized, and uniformed format.		Continued

Appendix D – FY 2019 State Activities Mandated Measures (SAMM) Report

FY 2019 South Carolina Comprehensive FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: South Carolina – SC OSHA			FY 2019	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	7.49	7	The further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	5.58	N/A	This measure is for informational purposes only and is not a mandated measure.
2a	Average number of work days to initiate complaint investigations (state formula)	4.09	5	The further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	3.09	N/A	This measure is for informational purposes only and is not a mandated measure.
3	Percent of complaints and referrals responded to within one workday (imminent danger)	N/A	100%	N/A – The State Plan did not receive any imminent danger complaints or referrals in FY 2019. The further review level is fixed for all State Plans.
4	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.

Appendix D – FY 2019 State Activities Mandated Measures (SAMM) Report

FY 2019 South Carolina Comprehensive FAME Report

5	Average number of violations per inspection with violations by violation type	SWRU: 1.81	+/- 20% of SWRU: 1.79	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.43 to 2.15 for SWRU and from 0.78 to 1.16 for OTS.
		Other: 0.53	+/- 20% of Other: 0.97	
6	Percent of total inspections in state and local government workplaces	4.37%	+/- 5% of 3.69%	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 3.50% to 3.87%.
7	Planned v. actual inspections – safety/health	S: 278	+/- 5% of S: 347	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 329.65 to 364.35 for safety and from 133.95 to 148.05 for health.
		H: 88	+/- 5% of H: 141	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,142.17	+/- 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)	\$702.86	+/- 25% of \$1,915.86	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,436.89 to \$2,394.82.
	b. Average current serious penalty in private sector (26-100 workers)	\$1,124.65	+/- 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)	\$1,942.35	+/- 25% of \$4,803.09	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,602.31 to \$6,003.86.

Appendix D – FY 2019 State Activities Mandated Measures (SAMM) Report

FY 2019 South Carolina Comprehensive FAME Report

	d. Average current serious penalty in private sector (greater than 250 workers)	\$2,791.37	+/- 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: 47.25%	+/- 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: 61.64%	+/- 20% of H: 36.12%	
10	Percent of work-related fatalities responded to in one workday	96.30%	100%	The further review level is fixed for all State Plans.
11	Average lapse time	S: 60.14	+/- 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: 63.13	+/- 20% of H: 57.23	
12	Percent penalty retained	41.92%	+/- 15% of 66.38%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 56.42% to 76.33%.
13	Percent of initial inspections with worker walk around representation or worker interview	100%	100%	The further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	38%	100%	The further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	10%	+/- 20% of 23%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 18.40% to 27.60%.
16	Average number of calendar days to complete an 11(c) investigation	290	90	The further review level is fixed for all State Plans.

Appendix D – FY 2019 State Activities Mandated Measures (SAMM) Report

FY 2019 South Carolina Comprehensive FAME Report

17	Percent of enforcement presence	0.42%	+/- 25% of 1.23%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.92% to 1.54%.
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South Carolina

State OSHA Annual Report (SOAR)

October 1, 2018 – September 30, 2019

Fiscal Year 2019



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

Table of Contents

Executive Summary..... 3

Overview of Fiscal Year 2019 8

State Demographic Profile 8

Areas of Emphasis and Accomplishments 11

Summary of Strategic Plan Goals for FY 2019 20

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

Executive Summary

The State OSHA program is administered by the Director of the South Carolina Department of Labor, Licensing and Regulation. The Department of Labor, Licensing and Regulation is divided into divisions of Labor, Fire and Life Safety, and Professional and Occupational Licensing. The South Carolina Occupational Safety and Health Administration (SC OSHA) program has the distinction of being one of the first programs approved by the United States Department of Labor in accordance with the guidelines of the Occupational Safety and Health Act of 1970. This was accomplished on November 30, 1972.

The SC OSHA plan has been considered fully operational since 1974. This status was recognized in 1975, when the Commissioner for the South Carolina Department of Labor and the OSHA Regional Administrator in Atlanta, Georgia, signed an “Operational Status Agreement”. The agreement suspended the concurrent jurisdiction exercised by federal officials in all areas covered by the state plan. This was closely followed by “certification” in 1976, when South Carolina OSHA completed all developmental steps as outlined in its plan and as required by the United States Department of Labor.

On December 15, 1987, the South Carolina OSHA program received 18(e) determination (final approval). Final approval of the South Carolina State Plan represented a judgment, after extensive evaluation, that the South Carolina Department of Labor was administering its state plan in an effective manner, and resulted in formal relinquishment of concurrent federal authority to enforce occupational safety and health standards in areas covered by the state.

The State OSHA Annual Report (SOAR) for fiscal year 2019 provides a summary of South Carolina OSHA activities and results for the strategic plan, grant commitments, and other program accomplishments. The strategic goals have provided the focus for SC OSHA’s compliance, training, outreach and education, legal, and administrative programs. During fiscal year (FY) 2019, SC OSHA continued activities directly related to the five-year strategic plan for FY 2019-2021.

The SC OSHA annual report documents progress toward achieving the SC OSHA strategic vision of an agency that promotes workplace safety and health by motivating employers and employees to be actively involved in preventing hazards, which lead to reduced injuries and illnesses on the job.

The role of SC OSHA is to enforce safety and health regulations for employers who are not in compliance with the rules and regulations through enforcement efforts, and to provide compliance assistance through targeted outreach, education, and training and to emphasize increased awareness for South Carolinians on the importance of a safety and health culture.

SC OSHA strives to provide as many employers as possible with assistance in achieving voluntary compliance with SC OSHA standards before enforcement measures become necessary—and, more importantly, before an employee is injured or killed. Traditional enforcement methods are supplemented by incentive and education programs and targeted outreach that encourage voluntary compliance. Alliances and partnerships are also a part of SC OSHA’s resources to encourage

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

voluntary compliance.

In accordance with the requirements of the Government Performance and Results Act (GPRA), South Carolina developed a five-year strategic plan covering the period 2019 through 2021. The five year strategic plan incorporates the two OSHA goals as its direction. The two overall strategic goals are:

Goal 1. Ensure and improve workplace safety and health.

Goal 2. Promote a culture of safety and health.

The Fiscal Year (FY) 2019 Annual Performance Plan developed by SC OSHA was intended to support the overall goals of the five-year strategic plan. The 2019 performance plan included specific performance goals designed to produce measurable progress toward realization of SC OSHA's strategic goals. The performance goals include:

- Reducing fatalities and occupational injuries in construction;
- Reducing injuries, illnesses and fatalities in selected high hazard industries with a goal of removing the industry from the high hazard list due to decreased injury and illness rates;
- Improving communication and interaction with high-risk worker organizations regarding workplace safety and health;
- Identifying employers who have the potential to successfully participate in and/or renew their status in the SC Voluntary Protection Program (SC VPP); and,
- Effective responses to mandates so workers are provided full protection under SC OSHA by timely issuance of citations, so that hazards could be corrected quickly, and by timely response to work related fatality/catastrophe reports.

This annual report for SC OSHA compliance reflects the integrated approach to achieving goals which were outlined in the SC OSHA Strategic Plan.

Jurisdiction

The South Carolina OSHA Program exercises jurisdiction over all public and private sector employers and employees except:

- private sector marine terminals,
- employment on military bases,
- private sector employment at Area D of the Savannah River Site,
- Three Rivers Solid Waste Authority,
- federal government employers and employees, and
- The U.S. Postal Service (USPS), including USPS employees, contract employees and contractor-operated facilities engaged in USPS mail operations.

Regulations and Standards

States must set job safety and health standards that are “at least as effective as” comparable OSHA

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

standards. Most states adopt standards identical to OSHA standards.

South Carolina OSHA has the statutory authority to promulgate safety and health standards in response to specific state conditions that would warrant such action. In South Carolina, the adoption of OSHA promulgated standards is a streamlined process that allows for formal adoption after the standards are promulgated at the federal level. South Carolina adopted all OSHA standards in fiscal year 2019.

Compliance Programs

The South Carolina Occupational Safety and Health Act requires South Carolina employers to provide their employees with safe and healthy worksites that are free from recognized hazards which may cause injuries and illnesses to workers. The SC Office of Occupational Safety and Health conducts inspections of businesses to ensure compliance with the law utilizing a staff of 17 safety compliance officers and 10 health compliance officers.

Outreach and Education Programs

Consultation

The South Carolina Consultation Program is a cooperative approach to solving safety and health problems in the workplace. As a voluntary activity, it is neither automatic nor expected. The employer must request it. The only obligation for the employer is a commitment to correct, in a timely manner, all safety and health hazards that are found during the consultation visit. In addition to helping employers identify and correct specific hazards, consultants provide guidance in establishing or improving an effective safety and health program and offering training and education for the employer, supervisors and employees.

Primarily targeted for smaller businesses in higher hazard industries or with especially hazardous operations, the safety and health consultation program is completely separate from the compliance effort. In addition, no citations are issued or penalties proposed. The service is confidential, too. The name of the employer, and any information about the workplace, plus any unsafe or unhealthy working conditions the consultant uncovers, will not routinely be reported to the SC OSHA compliance staff.

Training

OSHA's Outreach and Education program provides a variety of training programs and presentations designed to raise awareness and to reduce or eliminate safety and health hazards in the workplace. Free training is available, upon request, to employers and employees of both the public and private sectors, and may occur at an employer's establishment if at least twelve employees will participate. Alternatively, employers with less than twelve employees may participate in regional training programs which are coordinated by the SC OSHA training staff. SC OSHA's training curriculum includes general industry, health, and construction topics including, but not limited to, the following:

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

- The OSHA inspection process
- Bloodborne pathogens
- Lockout/Tag out (LOTO)
- Trenching/excavation
- Hazard communication
- SC SMART- Safety Management Accident Reduction Training
- Fall protection
- Personal protective equipment
- Violence in the workplace
- Scaffolding (construction)
- Permit required confined spaces
- Industrial trucks (forklifts)
- OSHA recordkeeping

Recognition Programs

South Carolina OSHA has designated two award programs for recognizing employers with exemplary cultures of workplace safety and health. Palmetto Star Program and the Safety and Health Achievement Recognition Program (SHARP).

Palmetto Star Program

This program, which is voluntary, provides recognition to qualified employers who exceed the requirements of the Occupational Safety and Health Act of 1970 in providing their workers a safe and healthy workplace. Any employer in North American Industry Classification System (NAICS) 31-33 may choose to apply.

Palmetto Star sites are not expected to be perfect, but they are expected to effectively protect their workers from the hazards of the workplace through their safety and health systems. A Palmetto Star site is one that has proven it is able to function independently of OSHA and is self-sufficient in its ability to control hazards at the worksite.

To qualify, an applicant must demonstrate management's commitment to safety, assess hazards that may be present within the workplace, maintain a system for hazard correction and control, provide employees safety and health training, and assure employee participation in safety and health programs. Finally, the company must have a total injury/illness incident rate and a total lost workday incident rate that is 50 percent or more below the state average for the applicant's industry in each of the last three years.

Approval for participation is determined by the SC OSHA Deputy Director. By approving an application for participation in the Palmetto Star, OSHA recognizes that the applicant is providing, at a minimum, the basic elements of ongoing, systematic protection of workers at the site.

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

Safety and Health Achievement Recognition Program (SHARP)

The SHARP program is designed to provide incentives and support to employers that implement and continuously improve their safety and health management systems at their worksites. The standards required to get into the SHARP are less stringent than that of the Palmetto Star program. It is a good alternative for a smaller company that may not have the resources to become a Star site or as a stepping-stone to becoming a Star. Acceptance into SHARP by SC OSHA is an achievement of status that makes companies stand out among their peers as a model for workplace safety and health. SHARP participants are exempted from SC OSHA programmed inspections.

Requirements for participation in the SHARP program are:

- Receive a full-service safety and health consultation visit and a comprehensive review of safety and health management systems. In addition, all hazards found by the consultant(s) must be corrected.
- Receive a score of at least two on all 50 basic attributes of the Form 33. Additionally, all “stretch items” of the Form 33 must be scored. “Stretch items” are those safety and health attributes above the basic attributes of a foundational safety and health management system, such as employee participation in hazard prevention and control activities within the worksite.
- Agree to notify the Office of Outreach and Education and request a subsequent on-site consultation visit when changes in working conditions or work processes occur that may introduce new hazards into the workplace.
- Include a total injury/illness incident rate and a total lost workday incident rate that is below the state average for the applicant's industry for the previous year.
- Submit a request for SHARP participation.

Youth Safety Outreach Program

To promote a culture of safety and health in the youth of South Carolina, the Office of Outreach and Education provides South Carolina high school students attending career centers with OSHA General Industry Safety Training.

During Fiscal Year 2019, the outreach program provided safety training to 754 students at four high school career centers in the Greenville/Spartanburg area. Students were trained and certified in the OSHA 10 hour class. This certification gives the students an advantage when entering the workforce. General safety awareness training was provided for students on career paths that do not require an OSHA 10 certification. This training helps students working at manufacturing facilities, in vocational education pathways, or for students that seek general safety knowledge which will benefit students as well as potential employers. With safety awareness training, students enter the workforce with safety knowledge that will empower students to assist employers in building a safety culture. This foundational awareness will lower the state’s overall injury and illness rates, which, in turn, will lower worker compensation claims while increasing productivity. In addition, this training will also assist the schools in fulfilling the South Carolina Department of Education requirement for OSHA awareness training, as stated in the Career and Technology Education Manufacturing Course Standards for Introduction to Manufacturing, Welding, Mechatronics, Machine Technology, and Electronics.

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

Overview of Fiscal Year 2019

The South Carolina Department of Labor, Licensing, and Regulation is authorized to use “other agency funds”, through a proviso, to provide matching funds for federal grant funds received for OSHA programming. SC OSHA continues to use funding efficiently and effectively to achieve its goal of safe and healthy worksites.

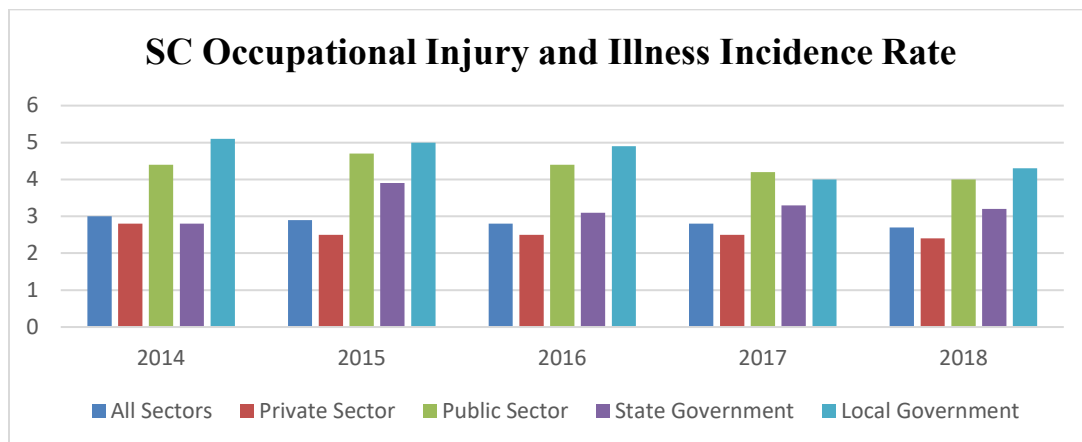
As with many OSHA programs across the country, SC OSHA continues to combat issues of hiring and retention. A recent wave of retirees and separations have opened the door for healthy transition, internal promotion, and an influx of new and innovative thinking.

Fiscal year 2019 was a very productive year for South Carolina OSHA. Further division restructuring allowed for a more formalized team approach, which made collaboration easier and facilitated success in reaching our strategic goals. In addition to meeting our strategic goals set in 2019, we have also made enormous strides in accomplishing internal goals such as an improved website, updating new online reporting forms, consultation, and training request forms, revising manuals and operational documents, and amending internal policies for uniformity.

State Demographic Profile

Sector	Establishments	Employees
Total Private Industry	137,866	1,740,906
Total Public Sector	3,097	313,796

According to the 2018 estimates from the Survey of Occupational Injuries and Illnesses, South Carolina workers for all industries including state and local government experienced nonfatal workplace injuries and illnesses at a total recordable case (TRC) incidence rate of 2.7 cases per 100 equivalent full-time workers. Private industry in the state TRC incidence rate remained relatively unchanged at 2.4. The state’s public sector TRC incidence rate was 4.0 in 2018 compared to 4.2 in 2019. South Carolina continues to be one of the few states with rates below the national average. SC OSHA will continue working to develop strategies that can further reduce these rates during the next year.



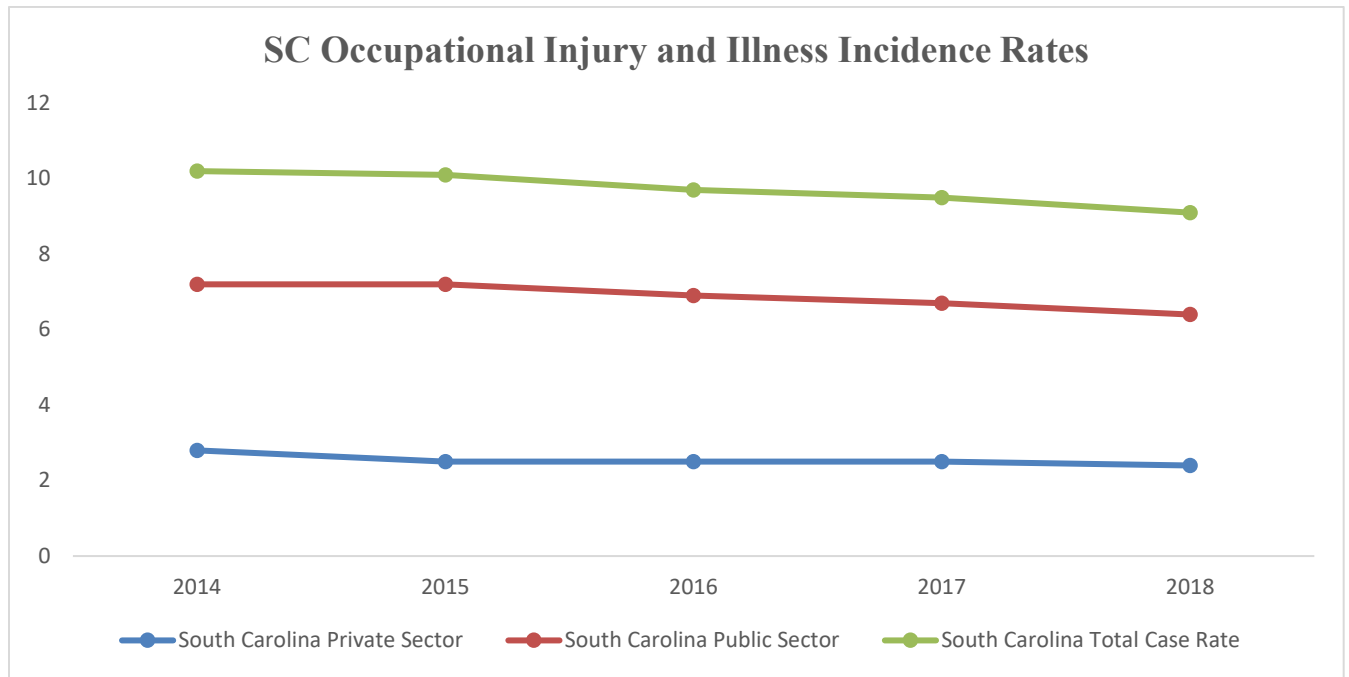
Appendix E - FY 2019 State OSHA Annual Report (SOAR)
SC Occupational Injury and Illness Incidence Rates

	2014	2015	2016	2019	2018
TRC (All)	3.0	2.9	2.8	2.8	2.7
Private Sector	2.8	2.5	2.5	2.5	2.4
Public Sector	4.4	4.7	4.4	4.2	4.0

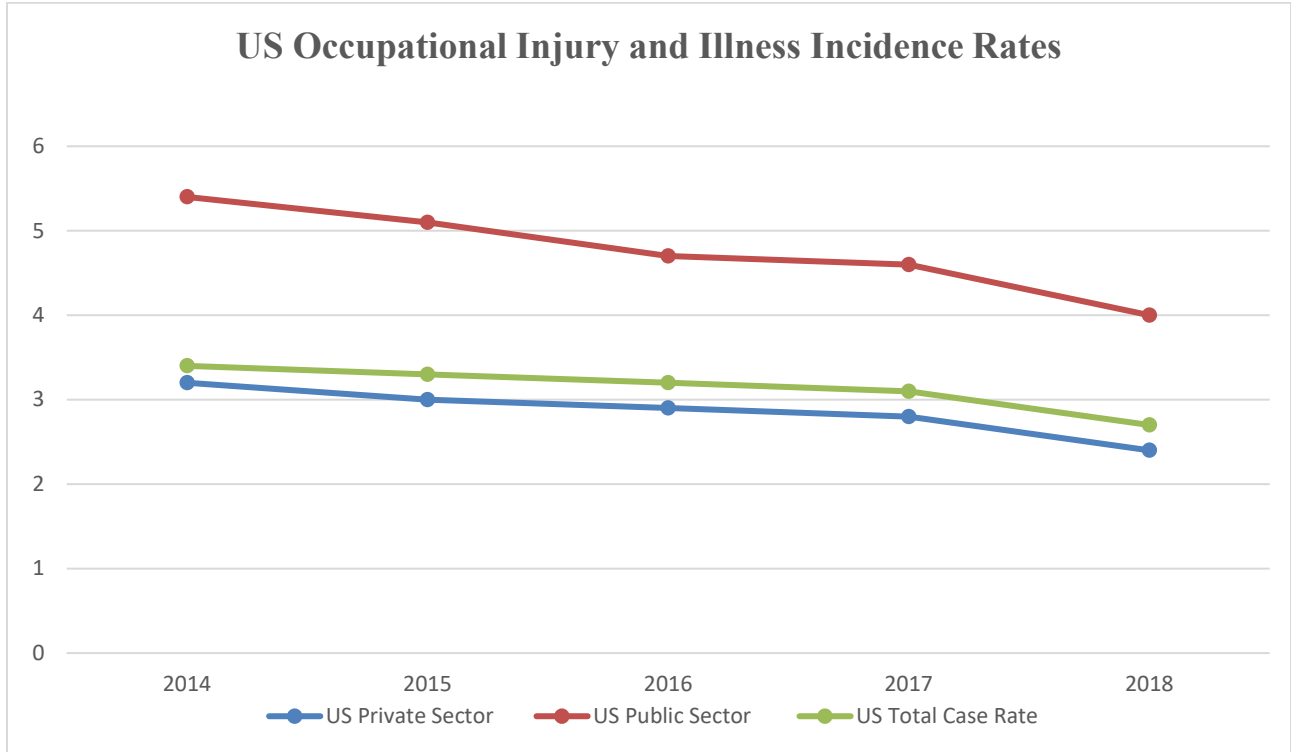
Total Recordable Cases (TRC) and Days Away Restricted and Transferred (DART) Rate Comparison*

CY 2018*	South Carolina		National Average		Comparison
TRC Rate	2.4	2.7*	2.8	3.1*	<i>12.9% Lower than National Average*</i>
DART Rate	1.5	1.6*	1.6	1.7*	<i>5.9% Lower than National Average*</i>

**All industries, including state and local government.
 CY = Calendar Year*



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



Areas of Emphasis and Accomplishments

Outreach and Education

During fiscal year 2019, South Carolina OSHA's Outreach and Education (O & E) program conducted 497 consultation site visits and identified 2,694 safety and health hazards. Four hundred seventy-three (473) of these visits resulted in the development of safety and health programs and improvements to existing safety and health programs. The consultation division received an overall customer satisfaction rating of 100 percent from the companies they visited.

The Office of Outreach and Education (O&E) has continued to work with employers throughout the state to explore new initiatives to improve workplace safety and health. Among these new initiatives, the Office of O&E began the South Carolina Occupational Safety and Health Administration Outreach Initiative to provide South Carolina high school students with basic safety orientation. This training helps students that are working at manufacturing facilities, following vocational education pathways, or just looking to obtain general safety knowledge in addition to benefiting potential employers. With this safety awareness training, the student will enter the workforce with a safety knowledge that will empower the student to help employers build a safety culture. This foundational support will lower overall injury and illness rates, and, in turn, will lower workers compensation claims while increasing productivity. In addition, this also helps the schools to fulfill the South Carolina Department of Education requirement for OSHA 10 training. Some of the benefits of this program include students entering the workforce with knowledge of general safety and workers' rights, students receiving instruction

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

from and building relationships with major area companies, and employers obtaining workers who can build upon a workplace's existing safety culture.

From October 8, 2018 through February 26, 2019, the Office of Outreach and Education visited Golden Strip Career Center, J. Harley Bonds Career Center, Enoree Career Center, and Swofford Career Center to continue the Youth Safety Awareness Training Initiative. With the assistance of seventeen (17) VPP sites, a total of seven hundred fifty-four (754) students received their OSHA 10 certification.

In March 2019, South Carolina OSHA held a safety summit in cooperation with the South Carolina Manufacturers Alliance. "Come meet your OSHA representatives" was the theme of the 2019 Safety Summit. Personnel from OSHA Consultation, Compliance, Training, Standards and Legal attended the conference and spoke one on one with the attending SC employers. This gave the employers and employees the opportunity to meet the OSHA Consultants and Compliance officers to build a working relationship and remove the stigma associated with OSHA. SC OSHA O&E consultants also spoke at several breakout sessions; however, the highlight of the Safety Summit was the OSHA panel. The four-person panel consisted of the consultation manager, compliance manager, standards officer, and outreach supervisor. The 90-minute session allowed the employers to ask questions in person or in writing and prompted interactive discussions directly between OSHA personnel and participants in the audience. It was so well received the attendees requested the OSHA Panel for two consecutive days at the 2020 Safety Summit.

There are currently 37 active VPP "Palmetto Star" sites. During fiscal year 2019, there were seven VPP re-evaluations. There were three Safety and Health Achievement Recognition Program (SHARP) sites recertified during this fiscal year, bringing the program to a total of seven sites. South Carolina OSHA is working with new companies to potentially become SHARP sites. A great deal of emphasis has been put into this program to encourage companies to participate.

- OSHA's Outreach and Education (O & E) trainers conducted a total of 353 classes for public and private-sector employers during fiscal year 2019.
- 5,505 South Carolina workers received training in South Carolina.

Statistical Training Information FY 2019

Private sector employers trained	402
Private sector employees trained	1,622
Public sector employers trained	454
Public sector employees trained	3,801
Total number of workers that received training	5,505

The training division continues to reach out to employers and employees through organizations and associations. Training conducted at these meetings resulted in several individual training requests by companies. Some of the groups South Carolina O & E worked with include:

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

SC Association of Counties, SC Manufactures Alliance, NC State OTI Outreach Center, SC Department of Transportation, Horry Georgetown Technical College, SC Dietary Managers Association, SC Metal Finishers Association, Low Country and Piedmont ASSE, Professional Construction Estimators Association, SC Masonry Contractors Association, SC Asphalt Association and the Home Builders Association.

OSHA Standards

The South Carolina OSHA Standards Office provides accurate and consistent safety and health standard interpretations and compliance assistance to the public and South Carolina OSHA staff.

The Standards Office also reviews all OSHA documents; recommends action to the OSHA State Plan Manager, such as standard changes and directives for state adoption, maintains tracking logs, drafts interpretive memorandums or directives, and coordinates all public hearings for standard promulgation and amendment adoptions. There were two public standard adoption hearings held during fiscal year 2019.

The standards office serves as support staff to the South Carolina OSHA Program by promulgating OSHA regulations, responding to OSHA inquiries, and providing interpretations of OSHA standards and regulations to compliance staff, employers, and employees who desire to eliminate safety and health hazards in their workplaces. Electrical hazards, machine guarding problems, bloodborne pathogens, recordkeeping requirements and respiratory protection are examples of conditions for which information and assistance are frequently requested.

The standards office also evaluates and provides guidance on OSHA standards and directives promulgated by OSHA which may be adopted in South Carolina. The standards office provides training for South Carolina OSHA personnel on new or amended standards. This office also evaluates the validity of requests for temporary and permanent variances from OSHA standards and facilitates public hearings, as needed.

There are two positions within the standards office. These positions are the safety standards officer and health standards officer. Currently, the South Carolina OSHA safety standards position is vacant.

South Carolina Standards Office personnel spend the greatest amount of their time providing compliance assistance. Personnel respond to volumes of customer requests in the forms of phone calls, letters, e-mails, and walk-ins. The following chart represents the number of individual safety and health standard inquiries answered by the standards division during fiscal year 2019:

Statistical Standards Information FY 2019

Requests for Information	Number of Calls / Responses
Standards Information	541
Technical Information and Advice	304

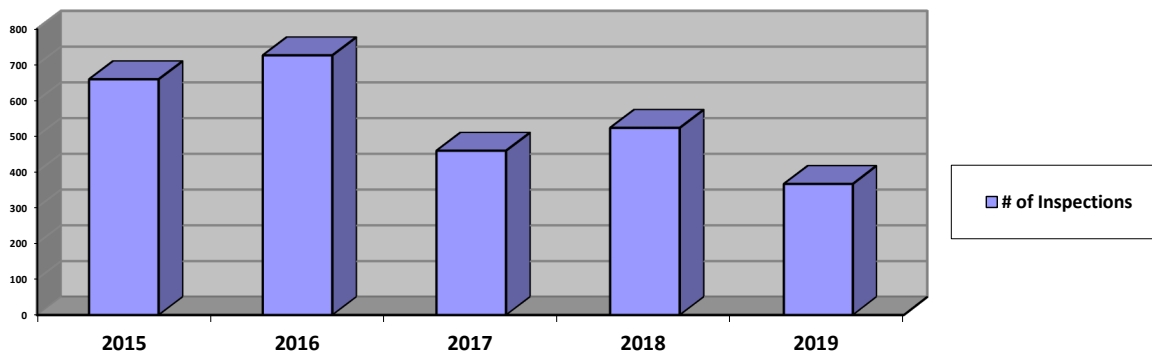
Appendix E - FY 2019 State OSHA Annual Report (SOAR)

Standards Interpretation	354
General Information	461
Referrals	628
Letters	74
E-mails	708
Total	3,070

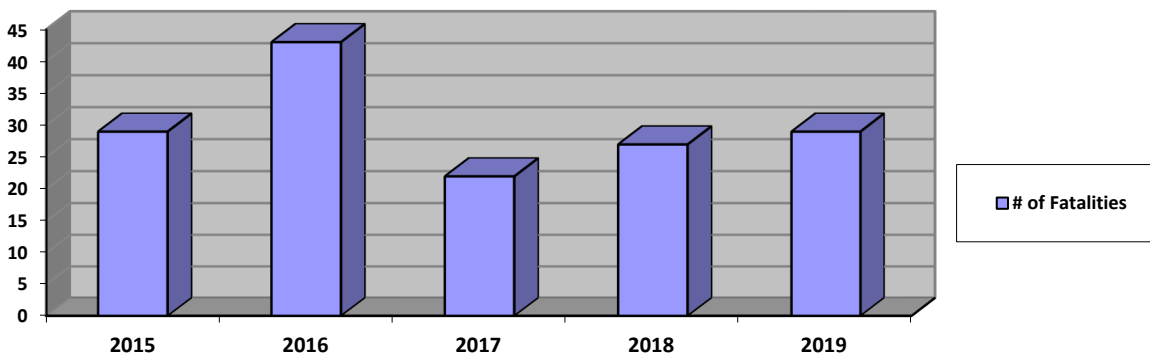
OSHA Compliance

South Carolina OSHA Compliance conducted 366 inspections resulting in 585 violations being issued during fiscal year 2019. Eighty percent of the citations issued were serious in nature. Additionally, one (1) repeat violation was issued. During fiscal year 2019, SC OSHA conducted 29 fatality investigations.

Compliance Inspections



Fatalities



SC OSHA conducted 366 inspections during the fiscal year. Five hundred ninety-nine (599) citations were issued with 1,473 instances for a serious violation rate of 81%. During the year, SC OSHA continued a focus on the construction sector. OSHA Compliance and Outreach and

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

Education Offices partnered to conduct inspections in areas with heavy construction activity. Falls from elevation continue to be the leading cause of fatalities in the construction industry. Also, SC OSHA placed an emphasis on trenching and excavation hazards. In FY 2019, there were no fatalities reported involving trenching and excavation work. SC OSHA provided information and training for all CSHOs to recognize and document trenching and excavation and fall hazards in construction. The hazards associated with Hexavalent Chromium (CrVI) and other heavy metals was a focus for health compliance. The most notable hazards found were related to hazard communication, noise, respirators and other personal protective equipment. Hazard Communication, machine guarding and electrical hazards were the most prominent violations in the general industry sector. SC OSHA was able to conduct inspections in the Architectural & Structural Metals (NAICS 3323) industry. This industry has one of the highest injury and illness rates in our State. According to BLS data, acts of violence have consistently been one of the leading causes of fatal injuries in South Carolina. SC OSHA has increased outreach related to the hazard as well as conducting Compliance inspections. Compliance conducted six (6) inspections related to workplace violence during the year.

Fiscal Year 2019

1. During the period of October 1, 2018 through September 30, 2019, South Carolina OSHA implemented and/or was actively engaged in emphasis initiatives involving industries with high injury and illness rates within the State of South Carolina.

Blazer2020%

SC OSHA Emphasis/Initiatives	Inspections	# of Citations Issued/Instances	# of Employees
Lead	4	3/3	88
PSM Facilities	1	3/17	104
Hexavalent Chromium	8	18/26	131
Primary Metals	3	10/16	26
Residential Construction	20	41/56	96
Trenching and Excavation	10	29/42	51
Plain View Hazards	12	16/22	48
Temporary Worker	30	87/637	1,205
Workplace Violence	6	1	644
MSD Hazards	1	0/0	62
NAICS 3116 - Animal Slaughtering & Processing	4	1/1	46

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

SC OSHA Emphasis/Initiatives	Inspections	# of Citations Issued/Instances	# of Employees
NAICS 3366 Ship & Boat Building	2	9/16	209
NAICS 3323 Fabricated Structural Metal Mfg.	29	199/805	1,091

2. Fatalities, Catastrophes, Accidents.

Accident Reporting			
Fatalities		29	
Catastrophes		0	
Severe Injury Report (SIR)		376	

3. Safety and Health complaints received, inspected and investigated.

Complaints			
Safety and Health Complaints Received		988	
Inspections Accomplished		117	
Investigations (Mail/Phone/Fax)		859	

4. Whistleblower complaints received, investigated, settled, administratively screened and/or referred to another agency.

During the period of October 1, 2018 through September 30, 2019, South Carolina OSHA received 101 Section 11(c) discrimination complaints, and closed 83 cases, 29 of which date back to prior fiscal years. The status of the Section 11(c) cases and the percentages of total cases they represent are presented below:

<u>STATUS</u>	<u>NUMBER OF CASES</u>	<u>PERCENTAGE</u>
---------------	------------------------	-------------------

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

Dismissed – Complaint Not Timely	5	6%
Dismissed – Non-Cooperation by Complainant	32	38.6%
Dismissed - Non-Merit	13	15.7%
Dismissed – Precluded by Workers’ Compensation settlement	0	0%
Dismissed – Public Sector Employee	8	9.6%
Dismissed – Settled	0	0%
Referred to DOL-OSHA	4	4.8%
Settlement - Merit	1	1.2%
Settlement Prior to Completed Investigation	3	3.6%
Withdrawn	8	9.6%
Litigated	0	0%
No Adverse Action	2	2.4%
No Protected Activity	7	8.4%
Duplicate Entry	0	0%
Total Cases Closed:	83	

Informal Conferences

The Informal Conference Office provides an avenue for employers to settle cases and reach a better understanding of the citations received after an inspection. This office also maintains inspection files and handles Freedom of Information Act (FOIA) requests for SC OSHA records. In the past year, 103 informal conferences were requested. Sixty-one (61) informal conferences were scheduled for discussion of the citations, with six (6) moving forward to formal contest. The remaining forty-two (42) informal conferences were regarding penalty and/or abatement only.

One hundred seventy-three (173) FOIA requests were filled. All outstanding requests have been

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

acknowledged and are waiting for file documents to become releasable.

South Carolina OSHA Information System (SC OIS)

The South Carolina OSHA Information System, also known as “The South Carolina OSHA Redesign and Enhancement” (SCORE) is into its tenth year of operation and continues to provide a significant cost avoidance through the reduction of paper files. During FY 2019, SCORE obviated the need to keep and maintain paper inspection reports for 366 inspections and 484 consultation visits. Those inspections and consultation visits generated 850 inspection and consultation reports, citations, etc. South Carolina OIS not only provides an efficient means of data entry and secure storage, it also allows South Carolina OSHA to retrieve and analyze that data instantaneously. The development of a system-to-system interface between SC OIS and the federal OIS system allows SC OSHA to conduct its own data management while providing the required data to OSHA on a daily basis.

Training Division

The following training activities have taken place at South Carolina OSHA:

1. Nine Compliance Safety and Health Officers (CSHOs) hired in 2018 were released to independent field inspector status in 2019. Two of six new hires in 2019 are on schedule to be released in early 2020 with the other four projected to be ready by mid-year. Formal training continues to be utilized for all CSHOs, not just new hires, at the OSHA Training Institute in Chicago, Illinois. All officers in training attend their specific discipline standards training class while more experienced inspectors expand their skill sets with specialized training in specific fields such as Scaffolding, Machine Guarding, Respiratory Protection or Process Safety Management to name a few. Legal Aspects training continues to be conducted by the SC OSHA Legal Team. Additionally, Outreach & Education staff provides initial training for all new CSHOs as well as refresher classes on specific topics to the entire Compliance staff throughout the year.
2. SC OSHA hosted for viewing Federal OSHA sponsored webinars on: Scaffold Erection, Strategies in Air Sampling, National Emphasis Program on Trenching & Excavation Safety, Healthcare Safety, Rapid Response Investigations, OSHA’s Temporary Worker Initiative on Respiratory Protection, OSHA Priority: Trenching & Excavation, CAS Best Practices: Reaching Temporary Workers, CAS Best Practices: Reaching Hispanic Workers (Compliance Assistance), Tank Gaging, Respirable Crystalline Silica Compliance Directive & NEP (National Emphasis Program, Hazwoper Basics for CSHOs Parts I & II, Willful Violations and Issues Facing Women in Construction. Webinars continue to be made available throughout the year for CSHOs to review and use as supplemental learning materials or cross training. Webinars run anywhere from 1 to 2 hours.
3. South Carolina OSHA held training sessions in house on topics such as but not limited to Press Brakes, Respiratory Protection, Spray Finishing, Employer Knowledge of Hazards in the Workplace, Workplace Violence, Power Generation, Transmission & Distribution and lastly a

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

training session on Standard adoption changes by OSHA. These training sessions were conducted by staff from the Legal Team, Compliance Division, Standards Office, and O&E.

4. South Carolina OSHA hosted BMW of South Carolina for a day of training with the staff on Robotics and Ergonomics. This was attended by both Compliance and Outreach & Education divisions.
5. Fiscal Year 2019 also brought HAZWOPER (Hazmat Technician) Training by the South Carolina State Fire Academy for both Compliance Officers and Consultants. In addition to this training, various staff members were also trained in CPR and First Aid. Several of the office staff also attended the Administrative Professionals Conference at Midlands Technical College.
6. All Compliance staff and the majority of Outreach & Education staff attended OSHA class #3095 (“Electrical Standards”) for four days of electrical training as SC OSHA welcomed personnel from the Southeastern OSHA Training Institute at NC State University.

Summary

South Carolina OSHA continues to operate an effective state OSHA program. SC OSHA reviews the annual high hazard planning guide for targeting hazards in specific industries. As a result of this practice, we have seen a reduction in the number of injuries and illnesses in these high hazard industries. SC OSHA has developed a strategic management plan with outcome goals that are consistent with OSHA activity. As well as specific outcome measures, the plan includes activity goals for all components of the state program. Strategies are altered and activities increased or decreased to further enhance program performance.

Over the last year, SC OSHA has continued to identify and reduce the number of worker injuries, illnesses and fatalities in construction by focusing attention and resources on the most prevalent types of workplace injuries and illnesses (e. g., falls, electrocutions, struck-by equipment, and crushed by/caught between equipment hazards) through construction focused inspections.

The South Carolina OSHA plan was again able to successfully participate and partner with the SC Manufacturers Alliance to sponsor the Southeastern Workforce Protection Conference which was held in March of 2019. The annual Southeastern Workforce Protection Conference is scheduled for March 2020. Through partnership in conferences, forums, and training courses, SC OSHA continues to work with associations, employers, and other groups to promote SC OSHA’s Outreach and Education services. Services are provided by the O & E division to promote a positive safety and health environment and to ensure a safe and healthy workplace for employees in South Carolina.

SC OSHA continues to develop and provide safety and health training programs on new or amended standards for OSHA staff members and companies.

South Carolina OSHA received comments and recommendations from the Enhanced Federal

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

Annual Monitoring Evaluation (EFAME) report. Upon review of the responses from OSHA, there were recommendations to improve the program, but only minor deficiencies were noted. These deficiencies have been resolved and measures have been implemented to review outcomes and make adjustments as needed.

SC OSHA Goals and Strategies

1.1 Area of Emphasis	On-site Consultation
1.1 SC OSHA 5-Year Outcome Goal	Target 20 High Hazard NAICS Industries.
1.2 SC OSHA Annual Outcome Goal	FY 2019 - Conduct a minimum of 30 inspections in targeted High Hazard Industries
Division Participation	Compliance; Consultative Services; Education, Training and Technical Assistance
Indicator	Reduction of Injuries and illnesses in the targeted industries and sites
Source of Data	BLS Survey Data, High Hazard Planning Guide, SCORE, Internal Tracking
Baseline	2014 Data
Results	The goal of conducting a minimum of 30 inspections in targeted high hazard industries was not met for the one-year period. There were only 27 inspections conducted in high hazard industries due to limited staffing.

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

1.2 Area of Emphasis	On-site Consultation
1.2 SC OSHA 5-Year Outcome Goal	Target Industries for OSHA Courtesy Inspections where potential exposures to OSHA National Emphasis Program (NEP) Air Contaminants Exist. The targeted air contaminants are Hexavalent Chromium, Crystalline Silica, Asbestos, Lead, and Isocyanates.
1.2 SC OSHA Annual Outcome Goal	FY 2019 - Consultation will target 20 employers for NEP air contaminant inspections. Each NEP includes lists of the industries where these air contaminant exposures are likely to occur and substance specific inspection instructions. Consultants will use the NEPs for inspection guidance.
Division Participation	Compliance; Consultative Services; Education, Training, and Technical Assistance
Indicator	Identify and reduce or eliminate incidences of adverse health effects associated with NEP air contaminant exposures. Heighten employer awareness of the high degree of hazard associated with NEP air contaminants allowing substitution of safer alternatives when possible.
Source of Data	SCORE, Internal Tracking
Baseline	2014 Data
Results	The goal of targeting 20 employers for NEP air contaminant inspections was not met for the one-year period. There were 8 inspections conducted. There were several referrals for construction sites, however when CSHO's arrived on site, no work activity was being conducted. The number of serious hazards that were identified increased per inspection, producing higher quality

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

	inspections.
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1.3 Area of Emphasis	On-site Consultation
1.3 SC OSHA 5-Year Outcome Goal	Target Fall protection, trenching and excavation hazards on construction sites.
1.3 SC OSHA Annual Outcome Goal	FY 2019 – Construction consultants will emphasize these measures on all relevant inspections where these hazards are present.
Division Participation	Compliance; Consultative Services; Education, Training, and Technical Assistance
Indicator	Decrease both injuries and fatalities caused by falls and trenching and excavation
Source of Data	BLS Survey Data, SCORE, Internal Tracking
Baseline	2014 Data
Results	Construction consultants emphasizing these measures on all relevant inspections where these hazards were present, was met for the one-year period.

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

1.4 Area of Emphasis	On-site Consultation
1.4 SC OSHA 5-Year Outcome Goal	Develop and implement emphasis programs that will address hazards to SC workers.
1.3 SC OSHA Annual Outcome Goal	FY 2019– The consultation manager will assist in the emphasis programs as designated by the Deputy Director. Companies will be contacted in those emphasis areas and attempt to get consent to do a consultative visit.
Division Participation	Compliance; Consultative Services; Education, Training and Technical Assistance
Indicator	Companies which have been selected for emphasis will receive special attention in order to bring them into compliance with OSHA Safety and Health rules.
Source of Data	BLS Survey Data, SCORE, Internal Tracking
Baseline	2014 Data
Results	

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

	The goal of companies being contacted in emphasis areas and attempts being made to get consent to do consultative visits was met for the one-year period.
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1.5 Area of Emphasis	General Industry Safety and Health
1.5 SC OSHA 5-Year Outcome Goal	Reduction in Injury and Illness rates in General Industry safety and health by 5%.
1.4 SC OSHA Annual Outcome Goal	FY 2019 – Reduction in Injury and Illness rates in General Industry safety and health by 1%.
Division Participation	Compliance, Consultative Services; Education, Training and Technical Assistance
Indicator	Develop training programs for new hazards new targeted industries, as needed. Reduce the injury and illness rate for the top five (5) industries as listed in the high hazard planning guide.
Source of Data	SCORE, BLS Survey Data, CFOI Data
Baseline	2014 Data

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

Results	The goal of reducing Injury and Illness rates in General Industry safety and health by 1% was met for the one-year period based on BLS data.

1.6 Area of Emphasis	Construction Industry
1.5 SC OSHA 5-Year Outcome Goal	Reduction in Injury and Illness rates in Construction Industry by 5%.
1.6 SC OSHA Annual Outcome Goal	FY 2019 – Reduction in Injury and Illness rates in Construction Industry by 1%.
Division Participation	Compliance, Consultative Services; Education, Training and Technical Assistance
Indicator	Develop training programs for new hazards new targeted industries, as needed. Reduce the injury and illness rate for the top five (5) industries as listed in the high hazard planning guide.
Source of Data	SCORE, BLS Survey Data, CFOI Data
Baseline	2014 Data

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

Results	The goal of reducing Injury and Illness rates in the Construction Industry by 1% was met for the one-year period based on BLS data.

2.1 Area of Emphasis	On-site Consultation
2.1 SC OSHA 5-Year Outcome Goal	Promote and increase the number of SHARP sites.
2.1 SC OSHA Annual Outcome Goal	FY 2019 – Increase the number of SHARP sites in SC by 1 per year.
Division Participation	Consultative Services; Education, Training and Technical Assistance; Director’s Office
Indicator	Safer workplaces because of a better safety culture at the SHARP sites.
Source of Data Baseline	SCORE, VPP and SHARP Tracker, Internal Tracking
Baseline	2014 Data
Results	The goal of increasing the number of SHARP sites in SC by 1 per year was not met for the one-year period due to the stringent requirements for the SHARP program.

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

2.2 Area of Emphasis	On-site Consultation
2.2 SC OSHA 5-Year Outcome Goal	Promote Consultation programs within the state to increase awareness.
2.2 SC OSHA Annual Outcome Goal	FY 2019 – Consultation Manager and the Outreach Coordinator will conduct a minimum of 5 outreach speeches per year
Division Participation	Consultative Services; Education, Training and Technical Assistance; Standards, and Director’s Office
Indicator	More companies will learn about SC OSHA Consultation and use those services to create a safer workplace.
Source of Data	SCORE, VPP and SHARP Tracker, Internal Tracking
Baseline	2014 Data
Results	The goal of the Consultation Manager and the Outreach Coordinator conducting a minimum of 5 outreach speeches per year has been exceeded.

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

	There were 31 outreach speeches provided to employers and employees this year.
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2.3 Area of Emphasis	On-site Consultation
2.3 SC OSHA 5-Year Outcome Goal	Develop new outreach initiatives such as publications, seminars, regional training opportunities, and focused inspections.
2.3 SC OSHA Annual Outcome Goal	FY 2019 – The consultation will group will develop quick cards and other brochures for seasonal hazards such as heat stress and Hurricanes as well as for emphasis industries such as the construction industry. Consultation will participate in regional training with other groups such as ASSE, ACG, and various professional organizations.
Division Participation	Compliance; Consultative Services; Education, Training and Technical Assistance
Indicator	More employees will be able to be reached with essential hazard information. New construction employers in our state will have knowledge of OVP services early in process to help prevent injuries and illnesses
Source of Data	SCORE, Internal Tracking

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

Baseline	2014 Data
Results	The goal of the consultation group developing quick cards and other brochures for seasonal hazards such as heat stress and hurricanes was met. This was instrumental for emphasis in the construction industry and when participating in regional training with other groups such as ASSE, ACG, and other various professional organizations. This goal was met for the one-year period.

2.4 Area of Emphasis	On-site Consultation
2.4 SC OSHA 5-Year Outcome Goal	Increase outreach for public understanding of safety and health as a value in businesses a. Through technical assistance and communication, encouragement in the development of written safety and health programs for all industries.
2.4 SC OSHA Annual Outcome Goal	FY 2019 – All consultation visits include a review of the employer’s safety and health program if they have one, and if not, they will be given material and a short training session on how to develop a written safety and health system. The goal is to assist all employers in developing a written safety and health system. Through the use of our website and outreach materials, we will make more companies aware of the value of a safety and health program and increase implementation in the workplace.
Division Participation	Consultative Services; Education, Training and Technical Assistance
Source of Data	SCORE, Internal Tracking
Baseline	<u>2014</u>

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

Results	The goal of all consultation visits including a review of the employer's safety and health program was met for the one-year period. If the employer did not have a safety and health program, the employer was provided material and a short training session on how to develop a written safety and health system.