

FY 2020
Follow-up Federal Annual Monitoring Evaluation (FAME) Report

Iowa Workforce Development
Iowa Division of Labor
Iowa Occupational Safety and Health Administration
(IOSHA)



Evaluation Period: October 1, 2019 – September 30, 2020

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I. Executive Summary

The primary purpose of this report is to assess the Iowa Occupational Safety and Health Administration's (IOSHA's) activities for Fiscal Year (FY) 2020, and its progress in resolving outstanding findings from the previous FY 2019 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report.

As with all other aspects of life, the COVID-19 pandemic had a detrimental effect on the activities conducted by IOSHA in FY 2020. To help reduce the transmission of COVID-19, IOSHA, along with many other state agencies, moved to nearly 100% telework. IOSHA had a limited number of employees onsite, and with quarantine requirements, many establishments were either closed or with limited operations.

The State Plan made progress in addressing the three findings and one observation previously noted in the FY 2019 Comprehensive FAME Report, and no new findings or observations were identified. Although all three findings carried over from FY 2019 to FY 2020, corrective actions implemented on all findings and the observation are awaiting onsite verification scheduled as part of the FY 2021 comprehensive FAME.

IOSHA continues to make progress on the findings carried over from the FY 2019 Comprehensive FAME Report, regarding the average number of workdays to initiate non-formal complaint investigations, as well as the average number of days to initiate formal complaint inspections. Though still outside the further review level (FRL) of one (1) day, IOSHA has seen a progressive downward (positive) trend in reducing the average number of working days to initiate non-formal complaint investigations from 10.40 (FY 2019) days to 8.56 (FY 2020), and has significantly reduced this number to 2.58 days during the first quarter of FY 2021. Furthermore, SAMM data showed that, though still outside the FRL of five (5) days, IOSHA reduced the average number of working days to initiate formal complaint inspections from 5.66 days (FY 2019) to 5.29 days (FY 2020), and has significantly reduced this number to 4.88 days during the first quarter of FY 2021. The formal and non-formal complaint investigations' average number of workdays has been reduced through providing an additional duty officer and supervisor oversight. Also, the finding on violation worksheets not containing information adequate to establish knowledge of the hazardous condition, not including the hazardous condition, and not adequately documenting severity and probability justifications was addressed through providing training, additional supervisor oversight, and mentorship.

II. State Plan Background

A. Background

The Iowa State Plan, referred to as the Iowa Occupational Safety and Health Administration (IOSHA), is part of the Iowa Workforce Development, Labor Services Division. The Labor Services Division is administered by the Commissioner of Labor, Rod Roberts and the IOSHA program is administered by the IOSHA Administrator, Russel Perry. IOSHA adopted most OSHA standards as promulgated, and its enforcement program functions are very similar to OSHA's program with no

significant differences. IOSHA's enforcement personnel benchmark is 16 safety compliance officers and 13 health compliance officers. By the end of the FY 2020, IOSHA had a total of 25 compliance officers, 13 safety, and 12 health.

During FY 2020, IOSHA conducted 629 inspections of 773 projected inspections for the fiscal year, which was 20% below their goal. The inspections by discipline were 423 safety and 206 health. Personnel vacancies and the COVID-19 pandemic directly attributed to the reduction of inspection activity. Specifically, the impact of the pandemic resulted in fewer onsite inspections and more investigations that are non-formal, conducted through electronic means (e.g., phone and email).

IOSHA's budget is a 50/50 match between federal and state funds with additional state appropriated funds needed beyond the 50/50 match. IOSHA was awarded \$2,040,000 for FY 2020 through the federal grant. Coupled with state matching funds and recipient funding, IOSHA's operating budget for FY 2020 was \$4,804,919 dollars, primarily utilized for personnel expenses. IOSHA's Consultation and Education program conducts public 23(g) and private 21(d) consultation activities, in addition to providing training and education services. The consultation and cooperative programs complement the enforcement effort to reduce exposure to occupational hazards and attempt to reduce fatalities.

During FY 2020, IOSHA's consultation division provided training to 6,338 outreach participants, an increase of 7% from the previous fiscal year. Because of the pandemic, increased use of virtual presentations and meetings allowed IOSHA to reach more participants. The compliance assistance specialist conducted six OSHA 10-hour training sessions. Iowa experienced a derecho storm in August of 2020, which caused an estimated \$11 billion in damages, throughout Iowa and the Midwest. Iowa consultants distributed a supply of quick-cards and other OSHA publications to employers and employees participating in cleanup and response operations.

IOSHA maintained partnerships with construction companies through FY 2020 with an average of 9.5 each quarter with five newly signed partnerships and five continuing partnerships at the end of FY 2020. IOSHA maintained 4 alliances, and 42 companies in VPP Star status.

In April 2020, Governor Kim Reynolds implemented the COVID-19 Business Taskforce Team, in which the IOSHA Consultation and Education Bureau Chief was assigned. IOSHA, along with the Department of Public Health, Governor's Office, and Department of Economic Development responsible for answering questions from employers and the public, regarding protocols and best practices to handle COVID-19 during the pandemic. This taskforce is continuing through FY 2021.

B. New Issues

During the evaluation period, IOSHA had one Complaint About State Plan Administration (CASPA) alleging the improper handling of an inspection relating to COVID-19. OSHA reviewed the complaint and conducted an investigation into the allegations. OSHA's investigation revealed that IOSHA followed their policies and procedures, which are at-least-as-effective as OSHA's. OSHA made no recommendations regarding IOSHA's procedures.

The COVID-19 pandemic had a detrimental effect on the activities conducted by IOSHA in FY 2020. To help reduce COVID-19's transmission, along with many other state agencies, IOSHA

moved to nearly 100% telework. IOSHA had a limited number of employees onsite, and with quarantine requirements, many establishments were either closed or limitedly operated.

During the COVID-19 pandemic, IOSHA was the subject of a number of media reports and national and local labor organization discussions, regarding the State Plan's and the State of Iowa's response to worker safety and health. In April of 2020, IOSHA took a proactive stance and sent out a survey to approximately 16 meat-processing facilities in Iowa requesting a response, as to what measures the employers were taking to protect workers from COVID-19, in which IOSHA received responses from 15 employers.

III. Assessment of State Plan Progress and Performance

A. Data and Methodology

OSHA has established a two-year cycle for the FAME process. FY 2020 was a follow-up year, and as such, IOSHA did not perform an onsite case file review. This strategy allowed the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME. Monitoring sources utilized to form the analyses and conclusions described in this report are based on information obtained from a variety of sources, including:

- State Activity Mandated Measures Report (Appendix D)
- State Information Report
- Mandated Activities Report for Consultation
- Web Integrated Management Information System (WebIMIS)
- State OSHA Annual Report (Appendix E)
- State Annual Performance Plan
- State Plan Grant Application
- Quarterly monitoring meetings between OSHA and the State Plan

B. Findings and Observations

FINDINGS (STATUS OF PREVIOUS AND NEW ITEMS)

The State Plan made progress to address the previous three findings and one observation from the FY 2019 Comprehensive FAME Report. This follow-up FAME report contains three continued findings and one continued observation. Appendix A describes the continued findings and recommendations. Appendix B describes observations subject to continued monitoring and the related federal monitoring plan. Appendix C describes the status of each FY 2019 recommendation in detail.

Completed Findings

None.

Continued Findings

Finding FY 2020-01 (FY 2019-01): The SAMM data (SAMM 2a) shows the average number of working days to initiate non-formal complaint investigations was 10.40 days, which was outside the further review level (FRL) of one day.

Status: The State Plan took action to reduce the average number of working days to initiate non-formal complaint investigations from 10.40 days in FY 2019 to 8.56 in FY 2020. While still above the FRL of one day, this was an improvement. IOSHA experienced some challenges associated with the COVID-19 pandemic that had an impact on correcting this finding. The challenges were mainly associated with an approximate 50% increase in calls to the duty officer. In addition, there were challenges in training new duty officers remotely, in order to cover the previous full-time duty officer, who had left the position. To address this observation, IOSHA now has two full-time duty officers. The data has shown a significant reduction of 2.58 days during the first quarter of FY 2021. This finding will be a continued topic of review during quarterly monitoring meetings throughout FY 2021.

Finding FY 2020-02 (FY 2019-02): In FY 2019, 28 out of 40 (70%) of non in-compliance case files reviewed had violation worksheets that did not contain information adequate to establish knowledge of the hazardous condition, as required by the IACPL 02-00-160, Field Operations Manual, FOM, February 11, 2018, Chapter 4.II.C.4.

Status: IOSHA identified compliance safety and health officer (CSHO) training as the source of this finding. IOSHA has implemented training via monthly Zoom meetings as an interim measure during the COVID-19 pandemic. IOSHA will resume in-person training once COVID-19 restrictions are lifted. Zoom meetings are used to address and inform CSHOs of the need to adequately document their case files, in order ensure that they show proof of knowledge of the hazardous condition, as required by the IACPL 02-00-160, FOM, February 11, 2018, Chapter 4.II.C.4. A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's onsite case file review during the FY 2021 comprehensive FAME and remains open.

Finding FY 2020-03 (FY 2019-03): In FY 2019, 15 of the 40 (37.5%) non in-compliance case files reviewed did not include adequate severity and probability justifications in the worksheets, as outlined in IACPL 02-00-160, FOM, February 11, 2018, Chapter 5.II.C.2.

Status: IOSHA identified CSHO training as the source of this finding. IOSHA has implemented training via monthly Zoom meetings, as an interim measure during the COVID-19 pandemic. Once COVID-19 restrictions related to onsite activity are removed, this training will be replaced by in-house training. The Zoom meetings were used to address and inform CSHOs of the need to adequately document their case files, in order ensure that they adequately documented severity and probability on the worksheets, as outlined in IACPL 02-00-160, FOM, February 11, 2018, Chapter 5.II.C.2. A case file review is necessary to gather the facts needed to evaluate the progress on this finding. This finding will be a focus of next year's onsite case file review during the FY 2021 comprehensive FAME and remains open.

OBSERVATIONS

Closed FY 2019 Observations

None.

Continued FY 2019 Observations

Observation FY 2020-OB-01 (FY 2019-OB-01): The SAMM data (SAMM 1a) shows the average number of working days to initiate formal complaint inspections was 5.29 days, which was outside the FRL of (5) days.

Status: The State Plan took action to reduce the average number of working days to initiate non-formal complaint inspections from 5.66 days in FY 2019 to 5.29 days during FY 2020. However, this is still outside the FRL of five days. IOSHA experienced challenges associated with the COVID-19 pandemic. The challenges were mainly associated with a 50% increase in calls to the duty officer, and challenges in having to train new duty officers to cover the previous full-time duty officer that had left the position. To address this observation, IOSHA assigned two personnel as full-time duty officers resulting in a significant reduction to 4.88 days during the first quarter of FY 2021. This finding will be a continued topic of review during quarterly monitoring meetings throughout FY 2021.

New FY 2020 Observations

None.

C. State Activity Mandated Measures (SAMM) Highlights

Each SAMM has an agreed upon FRL that can be either a single number, or a range of numbers above and below the national average. SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan's FY 2020 State Activity Mandated Measures (SAMM) Report and includes the FRLs for each measure. The State Plan's performance was outside the FRL on the following SAMMs:

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

Discussion of State Plan data and FRL: The FRL for all State Plans is a 100% response within one workday for imminent danger complaints and referrals. During FY 2020, the SAMM data indicated that IOSHA's response to imminent danger complaints and referrals was 66.67%, which is outside the FRL.

Explanation: A review of quarterly SAMM data for all four quarters of FY 2020 revealed one referral that was outside the FRL during the third quarter. A review of SAMM data during the fourth quarter revealed that the outlying referral was removed from the report. This indicates that most likely a clerical error was made, while entering the data for this report, and IOSHA's administration corrected it.

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

Discussion of State Plan data and FRL: The FRL for the average number of violations per inspection with violations by violation type is +/- 20% of a three-year national average of 1.79 serious, willful, repeat, or unclassified (SWRU) violations, which equals a range of 1.43 to 2.15. For other-than serious (OTS), violations +/- 20% of a three-year national average of 0.95 equals a range of 0.76 to 1.14. IOSHA was within the FRL range for SWRU with an average of 1.98, and for outside the FRL for OTS violations with an average of 0.59.

Explanation: Though IOSHA was outside the FRL for OTS violations, this performance measure was slightly above the three-year national average for SWRU violations. This indicates that IOSHA inspectors identified more serious hazards in the workplace that are likely to impact the safety and health of workers in Iowa.

SAMM 6 – Percent of total inspections in state and local government workplaces

Discussion of State Plan data and FRL: The FRL for the percent of total inspections in Iowa's state and local government workplaces is +/- 5% of 3.23%, which equals a range from 3.07% to 3.40%. In FY 2020, IOSHA conducted 4.81% of the inspections in Iowa's state and local government workplaces.

SAMM 7 – Planned v. actual inspections

Discussion of State Plan data and FRL: The FRL for planned versus actual inspections ranges from 478.80 to 529.20 for safety inspections, and from 255.55 to 282.45 for health inspections. IOSHA conducted 419 of the 504 planned safety inspections, and 205 of the 269 planned health inspections.

Explanation: The lower than planned inspections was most likely due to two contributing factors. The first, and probably most significant, was the COVID-19 pandemic. Throughout the pandemic, many establishments either closed or maintained a limited operation. Additionally, at the beginning of the pandemic, there were a number of quarantine requirements established that restricted travel throughout some parts of the state. The second factor was a limited number of qualified staff available to conduct inspections, and the inability to get them trained due to the cancellation of required OSHA Training Institute classes. Due to the circumstances, this result does not rise to the level of an observation. OSHA will continue to discuss this performance measure during quarterly meetings.

SAMM 8 – Average current serious penalty in private sector - total (1 to greater than 250 workers)

Discussion of State Plan data and FRL: The FRL for an average current serious penalty in the private sector (1- greater than 250 workers) is +/-25% of \$2964.86, which equals a range from \$2,223.65 to \$3,706.08. The IOSHA average current penalty of \$3,894.40 in the private sector for all workers was slightly above the FRL. This is a positive indication that overall, IOSHA is developing inspection files that support penalty retention.

SAMM 8a - Average current serious penalty in private sector (1-25 workers)

Discussion of State Plan data and FRL: The FRL for an average current serious penalty in the private sector (1-25 workers) is +/-25% of 1,967.64, which equals a range from \$1,475.73 to \$2,459.55. The IOSHA average current penalty of \$1,345.00 in the private sector for 1-25 workers was slightly below the FRL. Since it was not significantly outside of the FRL, this issue will be a continued topic of discussion during quarterly meetings.

SAMM 9 – Percent in-compliance

Discussion of State Plan data and FRL: The FRL for percent in-compliance for health inspections is +/-20% of 37.15%, which equals a range from 29.72% to 44.58%. IOSHA's percent in-compliance for health was 46.46%, which was higher than the FRL. The FRL for percent in-compliance for safety inspections is +/-20% of 31.3%, which equals a range from 24.82% to 37.24%. IOSHA's percent in-compliance for safety inspections was 39.20%, which was slightly greater than the FRL.

Explanation: The greater than average percent in-compliance for both health and safety inspections was most likely due to two contributing factors. The first and probably most significant factor was the COVID-19 pandemic. During the pandemic, IOSHA conducted 10 health inspections related to COVID-19. These COVID-19 centric inspections focused on CDC/OSHA guidelines with no specific standard to enforce, thus resulting in higher in-compliance rates. The second factor was the limited number of qualified staff available to conduct inspections and the inability to get them trained because the required OSHA Training Institute classes were cancelled. Due to the circumstances, this result does not rise to the level of an observation. OSHA will continue to discuss this performance measure during quarterly meetings.

SAMM 11 – Average lapse time

Discussion of State Plan data and FRL: The FRL for the average lapse time for safety inspections is +/-20% of 50.58, and the FRL for health inspections is +/-20% of 60.39. These further review levels are based on a three-year national average. The range of acceptable data not requiring further review is 40.46 to 60.70 for safety inspections, and from 48.31 to 72.47 for health inspections. IOSHA was within the FRL for safety inspections at 52.99 days and was below the FRL for health inspections at 37.01 days.

Explanation: This can be attributed to the COVID-19 circumstances affecting SAMM 9, percent in-compliance inspections, as most COVID-19 inspections fall under the health category and tend to have a higher in-compliance rate. Due to the circumstances, this result does not rise to the level of an observation. OSHA will continue to discuss this performance measure during quarterly meetings.

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

Discussion of State Plan data and FRL: The FRL for all State Plans is 100% percent of initial inspections with worker walk-around representation or worker interviews. For FY 2020, the

IOSHA percentage of initial inspections with worker walk-around representation or worker interviews was 99.68% and warranted a closer look.

Explanation: After further investigation, it was determined that four inspections were incorrectly documented in OIS during the third quarter to reflect that workers were not interviewed. However, during the fourth quarter, these inspections were no longer on the report, which may indicate that OIS was not updated until after the SAMM report was ran.

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

Discussion of State Plan data and FRL: The FRL for all State Plans is 100% of 11(c) investigations completed within 90 days. IOSHA completed 51% of all 11(c) investigations within 90 days, which warranted a closer look.

Explanation: Although IOSHA did not complete all 11(c) investigations within 90 days, their average number of calendar days to complete an 11(c) investigation remained steady from 84 days in FY 2019 to 87 days in FY 2020, or completed 51% of the investigations. Additionally, the national average for investigations completed within 90 days was only 38%. Iowa outpaced the national average by 13%. Due to the small number of investigations (16), this result does not rise to the level of an observation. This SAMM will remain a topic of discussion during quarterly meetings.

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

Discussion of State Plan data and FRL: The FRL for the percentage of 11(c) whistleblower complaints that were meritorious was +/- 20% of the three-year national average of 18%, which equals a range from 14.40% to 21.60%. IOSHA's 11(c) meritorious rate was at 28%. Being above this FRL indicates a positive impact and does not require further review.

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

Discussion of State Plan data and FRL: The FRL is 90 calendar days for all State Plans to complete an 11(c) investigation. IOSHA's average number of calendar days to complete an 11(c) investigation was 87 days. This is a positive indication that IOSHA has a very experienced whistleblower investigator, who is able to resolve cases in a timely manner.

Appendix A – New and Continued Findings and Recommendations

FY 2020 IOSHA Follow-up FAME Report

FY 2020-#	Finding	Recommendation	FY 2019-# or FY 2019-OB-#
FY 2020-01	In FY 2020, the SAMM data (SAMM 2a) showed the average number of working days to initiate non-formal complaint investigations was 8.56 days, which was outside the FRL of one day.	IOSHA should continue to review their complaint process to ensure investigations are initiated within one day, on average.	FY 2019-01
FY 2020-02	In FY 2019, 28 out of 40 (70%) non in-compliance case files reviewed had violation worksheets that did not contain information adequate to establish knowledge of the hazardous condition, as required by the IACPL 02-00-160, FOM, February 11, 2018, Chapter 4.II.C.4.	IOSHA should continue to ensure that all CSHOs are familiar with the requirements established in FOM, IACPL 02-00-160, February 11, 2018, Chapter 4. CSHOs should conduct interviews with managers and document in the case files (violation worksheets) with the level of detail to meet the requirements outlined in IOSHA’s FOM.	FY 2019-02
FY 2020-03	In FY 2019, 15 of the 40 (37.5%) non in-compliance case files reviewed did not include adequate severity and probability justification in the worksheets as outlined in IACPL 02-00-160, FOM, February 11, 2018, Chapter 5.II.C.2.	IOSHA should continue to ensure that all CSHOs are familiar with the requirements established in the FOM, Chapters 5 and 6. CSHOs should conduct an evaluation of the severity and probability and provide documentation in the case files (violation worksheets) with the level of detail to meet the requirements outlined in IOSHA’s FOM.	FY 2019-03

Appendix B – Observations and Federal Monitoring Plans

FY 2020 IOSHA Follow-up FAME Report

Observation # FY 2020-OB-#	Observation# FY 2019-OB-# <i>or</i> FY 2019-#	Observation	Federal Monitoring Plan	Current Status
FY 2020-OB-01	FY 2019-OB-01	In FY2020, the SAMM data (SAMM 1a) showed the average number of working days to initiate formal complaint inspections was 5.29 days, which was outside the FRL is five (5) days.	Complaint inspection and investigation response times will be a subject of quarterly discussions with an emphasis on making further improvements. Response times will remain a part of quarterly discussions and the annual FAME evaluation.	Open

Appendix C - Status of FY 2019 Findings and Recommendations

FY 2020 IOSHA Follow-up FAME Report

FY 2019-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2019-01	The SAMM data (SAMM 2a) shows the average number of working days to initiate non-formal complaint investigations was 10.40 days, which was outside the FRL of one day.	IOSHA should continue to review their complaint process to ensure investigations are initiated within one day, on average.	Iowa OSHA will select and train two CSHOs who will perform duty officer responsibilities on a full time basis. The duty officer and support staff will meet with management to review all incoming correspondence to include complaints, referrals, etc.		Open July 28, 2020
FY 2019-02	28 out of 40 (70%) non-in-compliance case files reviewed had violation worksheets that did not contain information adequate to establish knowledge of the hazardous condition, as required by the IACPL 02-00-160, FOM, February 11, 2018, Chapter 4.II.C.4.	IOSHA should continue to ensure that all CSHOs are familiar with the requirements established in IACPL 02-00- 160, FOM, February 11, 2018, Chapter 4. CSHOs should conduct interviews with managers and document the case files (violation worksheets) with the level of detail to meet the requirements outlined in the FOM.	CSHO training will be conducted bi-monthly (once every two months) once teleworking ends. In the interim, Zoom meetings have been scheduled to address issues, keep CSHOs informed, and establish routine communication with Iowa OSHA staff. Supervisors are reviewing case files with more attention to detail and providing mentorship to the less experienced CSHOs.		Open July 28, 2020
FY 2019-03	Fifteen of the 40 (37.5%) non in-compliance case files reviewed did not include adequate severity and	IOSHA should continue to ensure that all CSHOs are familiar with the requirements established in the FOM,	CSHO training will be conducted bi-monthly (once every two months) once teleworking ends. This CSHO training will include a review, chapter by		Open July 28, 2020

Appendix C – Observations Subject to Continued Monitoring

FY 2020 IOSHA Follow-up FAME Report

	probability justifications in the worksheets as outlined in IACPL 02-00-160, FOM, February 1, 2018, Chapter 5.II.C.2.	Chapters 5 and 6. CSHOs should conduct an evaluation of the severity and probability and provide documentation in the case files (violation worksheets) with the level of detail to meet the requirements outlined in the FOM.	chapter, of the FOM. In the interim, Zoom meetings have been scheduled to address requirements in Chapters 5 and 6 of IOSHA’s FOM. FOM. Supervisors are reviewing case files with more attention to detail and providing mentorship to the less experienced CSHOs.		
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Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report

FY 2020 IOSHA Follow-up FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Iowa - IOWA OSHA			FY 2020	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of workdays to initiate complaint inspections (state formula)	5.29	5	The further review level is negotiated by OSHA and the State Plan.
1b	Average number of workdays to initiate complaint inspections (federal formula)	2.96	N/A	This measure is for informational purposes only and is not a mandated measure.
2a	Average number of workdays to initiate complaint investigations (state formula)	8.56	1	The further review level is negotiated by OSHA and the State Plan.
2b	Average number of workdays to initiate complaint investigations (federal formula)	1.24	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)	66.67%	100%	The further review level is fixed for all State Plans.
4	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
5	Average number of violations per inspection with violations by violation	SWRU: 1.98	+/- 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 0.76 to

Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report

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	type	Other: 0.59	+/- 20% of Other: 0.95	1.14 for OTS.
6	Percent of total inspections in state and local government workplaces	4.81%	+/- 5% of 3.23%	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 3.07% to 3.40%.
7	Planned v. actual inspections – safety/health	S: 419	+/- 5% of S: 504	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 478.80 to 529.20 for safety and from 255.55 to 282.45 for health.
		H: 205	+/- 5% of H: 269	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$3,894.40	+/- 25% of \$2,964.86	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,223.65 to \$3,706.08.
	a. Average current serious penalty in private sector (1-25 workers)	\$1,345.00	+/- 25% of \$1,967.64	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,475.73 to \$2,459.55.
	b. Average current serious penalty in private sector (26-100 workers)	\$3,449.99	+/- 25% of \$3,513.45	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,635.09 to \$4,391.81.
	c. Average current serious penalty in private sector (101-250 workers)	\$5,320.16	+/- 25% of \$5,027.02	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,770.27 to \$6,283.78.
	d. Average current serious penalty in private sector (greater than 250 workers)	\$6,334.32	+/- 25% of \$6,190.91	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$4,643.18 to \$7,738.64.
9	Percent in compliance	S: 40.21%	+/- 20% of S: 31.03%	The further review level is based on a three-year national average. The range of acceptable data not requiring further

Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report

FY 2020 IOSHA Follow-up FAME Report

		H: 46.43%	+/- 20% of H: 37.15%	review is from 24.82% to 37.24% for safety and from 29.72% to 44.58% for health.
10	Percent of work-related fatalities responded to in one workday	100%	100%	The further review level is fixed for all State Plans.
11	Average lapse time	S: 52.99	+/- 20% of S: 50.58	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 40.46 to 60.70 for safety and from 48.31 to 72.47 for health.
		H: 37.01	+/- 20% of H: 60.39	
12	Percent penalty retained	70.13%	+/- 15% of 67.51%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 57.38% to 77.64%.
13	Percent of initial inspections with worker walk around representation or worker interview	99.68%	100%	The further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	51%	100%	The further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	28%	+/- 20% of 18%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 14.40% to 21.60%.
16	Average number of calendar days to complete an 11(c) investigation	87	90	The further review level is fixed for all State Plans.
17	Percent of enforcement presence	0.93%	+/- 25% of 1.09%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.82% to 1.36%.

NOTE: The national averages in this report are three-year rolling averages. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report in OIS and the State Plan WebIMIS report run on November 9, 2020, as part of OSHA’s official end-of-year data run.

Iowa FY 2020 State OSHA Annual Report (SOAR)

Evaluation Period:
October 1, 2019 – September 30, 2020



Prepared by:
Russell Perry and Peggy Peterson

Submitted:
11 December 2020

Appendix E – FY 2020 State OSHA Annual Report (SOAR)

FY 2020 IOSHA Follow-up FAME Report

I. Executive Summary

Fiscal Year (FY) 2020 is the first year of the Iowa Occupational Safety and Health Administration's five-year Strategic Plan (FY 2020-2024).

Iowa OSHA is committed to assuring Iowa's employers provide workplace environments that are safe, healthy, free of recognized hazards, and free from retaliation. This commitment will allow businesses to prosper as the State of Iowa supports economic growth. We are committed to our strategic performance plan to assure a balanced approach toward workplace safety.

Iowa OSHA submitted separate 23(g) grant and 21(d) cooperative agreement applications for FY 2020. Therefore, only a discussion of the portions of the 21(d) Consultation Activity Projection Plan (CAPP) that support 23(g) activities are incorporated in the 23(g) SOAR. A separate Consultation Annual Progress Report (CAPR) will be submitted to the Regional and National Office.

FY 2020 was a unique year in that an illness SARS-Cov-2, appeared early in calendar year 2020 and spread throughout the United States, having an enormous impact on the health and welfare of our nation's citizens. For OSHA, this pandemic caused the agency to provide interim instructions and guidance to State Plans and compliance safety and health officers (CSHOs) for handling COVID-19 related complaints, referrals, and severe illness reports. This interim enforcement response plan set forth procedures that allowed flexibility and discretion to maximize OSHA's impact in securing safe workplaces for workers in this evolving environment.

FY 2020 brought unique challenges to Iowa OSHA because of the COVID-19 pandemic. By the end of March, the Center for Disease Control had put out guidance that included social distancing as a way to help control the virus spread. Accordingly, the workforce at Iowa OSHA executed a plan in which the majority of employees were assigned to perform their duties via teleworking from their place of residence. This included the Labor Commissioner and the OSHA Consultation/State Program Administrator. All compliance officers were fit tested for N95 respirators for their voluntary use, and the Iowa OSHA enforcement section worked with our State Emergency Operations Center in acquiring additional N95 masks. Only limited staff remained in the office to perform critical job functions. Fortunately, the enforcement staff had already begun to purchase and issue mobile information technology devices to enhance operations. This included mobile laptops with the ability to remain on the IWD network regardless of location, and the acquisition of iPhones for every employee to ensure personal connection. Every compliance officer, except those assigned to duty officer responsibilities, has been teleworking since the beginning of April. To insure management cohesion and open communications, the management staff communicates daily via teleconference, and every Monday via videoconference. This ensures continuity of effort; workload distribution; management decision making; and transparency throughout the leadership team.

FY 2020 saw several personnel changes within the enforcement section of Iowa OSHA. All three safety and health consultant (CSHO) vacancies within the enforcement section were filled, along with the one vacancy in the senior industrial hygienist section. We filled the Public Service Manager 1 position under the OSHA Consultation and State Program Administrator position. Announcements were made for these vacancies for hiring through the Iowa Department of Administrative Services employment website. The announcements were completed, applications received, job interviews conducted, and all vacancies were filled. The Compliance Assistance Specialist position, previously supervised under OSHA consultation,

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realigned under the supervision of the enforcement section. At the end of FY 2020, 100% of authorized Compliance Safety and Health Officer (CSHO) positions were filled, bringing us up to benchmark levels. The OSHA administrative support staff has two vacancies, one administrative assistant position, and one secretary position. This leaves the enforcement section with two vacancies. We are currently advertising the second Administrative Assistant-2 position. Once we fill the Administrative Assistant-2 position, the only vacancy in the enforcement section will be the Secretary-2 position. An updated Labor Services Division organizational chart is on page 16.

The leadership team at Iowa OSHA Enforcement consists of the Iowa OSHA Administrator, who directly supervises the two Public Service Manager 1 positions. These two Public Service Manager 1 positions are responsible for the daily supervision of enforcement field staff; which is divided between safety and health compliance officers and industrial hygienists. Duties; daily work and inspection assignments; case file review and correction; training new staff through accompanied visits and assisting with complicated inspections; evaluating work performance for annual evaluations; analyzing training needs; providing technical assistance to subordinates; answering questions from the public; conducting informal settlement conferences and reviewing documentation for violation abatement and corrective means; working with legal staff on contested citations and personnel issues; and providing assistance to the Iowa OSHA Administrator and the Labor Commissioner.

The Iowa OSHA leadership team communicates with the Region VII leadership team during a teleconference call every 1st Monday of each month. These calls provide open communication between all parties to share best practices; provide guidance on upcoming events and activities; and discuss / share pertinent information, which will help enable our staffs to continue to reach the goals and objectives of our programs.

The leadership in the Iowa Division of Labor Services, along with our established relationship with the Federal OSHA office in Omaha, will continue to work towards our common goal of assuring that every worker goes home safe and healthy at the end of each day. Iowa OSHA is committed to maintaining a balanced approach to reaching this goal-through compliance assistance and enforcement.

The operational tempo of enforcement activities has not changed. In fact, the SARS-CoV-2 virus has challenged OSHA enforcement in many ways. The amount of COVID-19 related complaints and recent audit findings led management to appoint two compliance officers to fulfill duty officer responsibilities full time.

On April 28, 2020, we held the annual Workers Memorial Day sponsored by the Iowa Federation of Labor AFL-CIO, honoring those workers who lost their lives in 2019. We held the event virtually because of the COVID-19 pandemic, the event held virtually. Guest speakers included the Iowa Division of Labor Commissioner.

Training was adversely effected by the COVID-19 pandemic during this fiscal year. Iowa OSHA had plans to host a Fall Protection course at the Iowa Air National Guard flight facility in Des Moines. The training event had to be cancelled due to the pandemic. The OSHA Training Institute (OTI) went virtual and all resident training courses were cancelled after April. All newly hired compliance officers have been enrolled in their appropriate initial training courses, and have had to attend them in a virtual

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environment. Extensive use of webinars has been encouraged to continue the professional development of our compliance officers.

The FY 2020 federal grant award for Iowa OSHA was \$2,040,000. This amount, coupled with state matching funds and recipient funding gave us an operating budget of \$4,804,919 dollars. The bulk of the grant goes towards personnel funding. Budget analysts employed at the Iowa Workforce Development office manage the Division of Labor budget.

Miscellaneous expenditures for the Iowa OSHA enforcement section included purchases for items such as office supplies, industrial hygiene equipment and calibration, and IT equipment (computers, printers, etc). FY 2020 miscellaneous costs for the enforcement section were as follows:

Industrial Hygiene (HESH): \$21,902.72

Safety and Health (SFSH): \$17,375.71

Total: \$39,278.43

Iowa OSHA enforcement had 34 contested cases over the fiscal year. The majority of cases were resolved with a formal settlement agreement between the parties.

Iowa OSHA did receive a complaint about state program administration (CASPA) alleging that Iowa OSHA did not conduct a thorough inspection at the Tyson Fresh Meats facility in Waterloo, Iowa. Federal OSHA conducted an investigation into the complaint and found that Iowa OSHA followed proper protocols and no deficiencies noted.

The following statistics reflect the important and professional work of our compliance officers this fiscal year:

II. Summary of Annual Performance Plan Results

During FY 2020, Iowa OSHA conducted a total 629 enforcement inspections (423 safety and 206 health). These inspections resulted in 1,243 violations (782 safety and 452 health). The previous fiscal year totaled 753 enforcement inspections. This represents an 8% decrease in the number of inspections in FY 2020. Although we conducted 124 fewer inspections this year than last, we issued 205 more violations than we did in the previous year. This decrease in inspections attributed to personnel vacancies during FY 2020 and the COVID-19 pandemic, which resulted in fewer onsite inspections and more RRIs and phone/fax complaints. Fortunately, by the end of FY 2020 we were at full staffing of industrial hygienists and safety and health compliance officers, however, these newly appointed compliance officers will need to complete their training program which will be a challenge given the pandemic and the non-resident situation at the OSHA Training Institute. Iowa OSHA is confident that newly assigned personnel, once fully trained, will have a positive impact on an increased number of inspections in FY 2021.

Of the 629 enforcement inspections, 456 were unprogrammed inspections (324 safety and 132 health). Unprogrammed inspections included 151 complaints, 22 fatalities, 20 referrals, 199 referral-employers reported and 64 unprogrammed related. There were 173-programmed inspections (99 safety and 74 health). Unprogrammed inspections again compromised the greatest number of inspections conducted. Programmed inspections were targeted on several of Iowa OSHA's local emphasis programs (LEPs) to include amputations; asbestos in construction; falls in construction; scaffolding; and grain handling

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establishments. Proposed initial penalties for issued citations in FY 2020 equaled \$4,722,254 dollars. The breakout dollar amounts were \$1,500,600 dollars for health violations and \$3,221,654 dollars for safety violations.

The U.S. Department of Labor (USDOL) Bureau of Labor Statistics (BLS) injury and illness rates for the state of Iowa represents the number of injuries and illnesses surveyed per 100 full-time workers. Injury and illness rates continue to show a decrease over the past five calendar years. BLS collects and publishes the data for the non-fatal injury and illness rates by calendar year so this performance goal is measured as rate changes for calendar years rather than by fiscal years.

Iowa OSHA conducted 27 workplace fatality inspections in FY 2020. Of these 27 fatality inspections, 20 fatalities came under Iowa OSHA jurisdiction. Iowa received 7 COVID-19 fatality reports during FY 2020. All reported COVID-19 fatalities received inspections. Because of the uncertainty of workplace COVID fatalities, these are not included in the 20 workplace fatality figure. When compared to the 22 fatalities under Iowa OSHA jurisdiction in FY 2019, it represents a 9% decrease in workplace fatalities.

Work-Related Fatalities

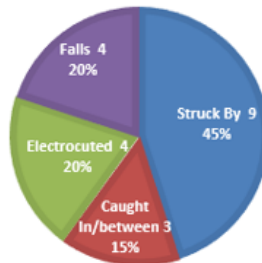
Fiscal Year 2020




Date	Location	Cause
7 October	Muscatine	EE struck by and ran over by railcar
14 November	Nevada	EE caught in/between 6400lb disc and ground
27 November	Thompson	EE struck by and run over by skid steer
2 December	Wheatland	EE caught in/between skid loader boom arm
6 February	Des Moines	EE fell 30 feet after scaffolding failed
14 February	Rembrandt	EE struck by collapsing internal bird cage system
15 February	Storm Lake	EE struck by shag truck (EE died 1 March)
27 April	Des Moines	EE struck by vehicle at worksite
9 May	Des Moines	EE electrocuted running conduit into 480v panel (after heart attack)
20 July	W Burlington	EE fell from forklift box while trimming a tree limb
21 July	Ashton	EE struck by SUV while flagging for road work
1 August	Pella	EE electrocuted – jack hammer hit electrical cable
1 August	Pella	EE electrocuted – jack hammer hit electrical cable
5 August	Olewein	EE struck by skid loader
5 August	Little Sioux	EE struck by runaway tire in a work zone
10 August	MT Pleasant	EE struck by semi trailer in work zone
10 August	Burlington	EE caught-in/between a falling concrete conveyor assembly
10 August	Brooklyn	EE electrocuted while splicing primary 2400 volt lines
14 August	Waterloo	EE fell off a platform striking his head on the floor (EE died 17 Aug)
13 September	Sioux City	EE fell out of truck bucket while trimming trees

FY2020 FATALITIES (20)

■ Struck By 9
 ■ Caught in/between 3
 ■ Electrocuted 4
 ■ Falls 4



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Of the 41 whistleblower complaints that were docketed in FY20, 23 cases were recommended for dismissal after investigation, 5 cases were withdrawn, 8 cases were settled and 5 cases were pending at the end of the fiscal year. An additional 66 cases administratively closed. Six closed due to a lack of cooperation from the complainant, 6 cases administratively closed because they were filed late; 37 cases were administratively closed because the complainant did not allege a protected activity; 3 cases were closed due to the complainant not receiving an adverse action; 6 cases were administratively closed due to Iowa OSHA having no jurisdiction; 6 cases were administratively closed because the complainant chose not to proceed; and 2 complaints were closed for an “other” reason. Four whistleblower complaints were referred to Region VII. Of this last group, 1 was due to the employer being the United States Postal Service and 3 were related to the Surface Transportation Assistance Act.

Voluntary Protection Program (VPP) teams of OSHA 23(g) staff participated in VPP audits. Currently Iowa has 42 active VPP participants. The program added 1 new participant. Unfortunately, the COVID-19 pandemic made it a challenge for companies interested in achieving VPP Star status. We anticipate additional companies will submit applications and be evaluated in FY 2021.

There were 4 alliances that continued to be active through FY 2020: Master Builders of Iowa (MBI); the Iowa Renewable Fuels Association (IRFA); the IBEW 55 Transmission and Distribution Union; and the Associated Builders and Contractors of Iowa (ABC).

Partnerships with construction companies continued through FY 2020 with an average of 9.5 each quarter. The first quarter began with 9 partnerships five that would continue throughout the year. Second quarter grew to 10 partnerships 3 were completed and 4 new partnership agreements were signed. Third quarter had 9 partnerships 2 completed and a new partnership was brought on board. Fourth quarter again had 10. COVID-19 pandemic created challenges for many employers creating extension for many of the partnership agreements and slow to comment or get started. The year ended with 5 newly signed partnerships and 5 continuing partnerships.

There were 5 Safety and Health Achievement Recognition Program (SHARP) establishments that were active in FY 2020. One of the current SHARP establishments received recertification during FY 2020. Unfortunately, the COVID-19 pandemic made it a challenge for companies interested in achieving SHARP recognition in FY 2020. We will continue our effort and promotion of the SHARP program.

III. Progress toward Strategic Plan Accomplishments

Strategic Goal 1: Continually decrease incidences of fatalities, injuries, illnesses and amputations to meet or exceed the national average by the year 2020.

Annual Performance Goal #1	Improve workplace safety and health through compliance assistance and the enforcement of safety and health regulations and standards.
Goal 1.1a	Reduce the number of fatalities by 3%
Goal 1.1b	Reduce occupational injury and illness rates by 3%
Goal 1.1c	Continue to target the most hazardous workplaces by reviewing BLS data on injuries, illnesses and fatalities in the state of Iowa
Goal 1.2a	Improve workplace safety and health through public and private sector consultation visits
Goal 1.2b	Improve workplace safety and health through cooperative programs
Goal 1.2c	Improve workplace safety and health through compliance

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	assistance outreach activities that target highest risk workplaces
Strategy	Focus Iowa OSHA resources by coordinating both enforcement and consultation and education interventions to maximize effectiveness for each workplace and employee impacted. Utilize enforcement inspections, consultation surveys, and outreach interventions to reduce injuries and illnesses throughout the state.
Performance indicator	Percent difference in Total Recordable Case Rate (TRC) and change in number of fatalities
Baseline	Workplace fatalities in FY 2019 and US Department of Labor, Bureau of Labor Statistics

*Progress in achieving Iowa OSHA Performance goal #1.1a of **reducing the number of fatalities by 3%***

FY 2020 Iowa OSHA Performance Goal 1.1a	Number of Fatalities					Strategic Plan 5 year average	FY 19-FY20 % change
	FY 16	FY 17	FY 18	FY 19	FY 20		
Fatality Outcome Measure						FY 16-20	
Total number of Fatalities	24	22	24	22	20	22.4	9% decrease
Number of General Industry Fatalities	15	15	13	17	13	14.6	
Number of Construction Fatalities	9	7	11	5	7	7.8	

*Progress in achieving Iowa OSHA Performance goal #1.1b of **reducing occupational injury and illness rates by 3%***

FY 2020 Iowa OSHA Performance Goal 1.1b	Assess progress by tracking the outcome of the non-fatal injury and illness rate changes by calendar year (CY)					
Non-fatal outcome measures	CY 15	CY 16	CY 17	CY 18	CY 19	CY20
Percent change in the injury and illness Total Recordable Case rates for Iowa	3.9	3.8	3.6	3.5	3.4 (2.3% decrease)	Pending publication
Percent change in the injury and illness Total Recordable Case rates for General Industry in Iowa	4.9	4.9	4.3	4.4	4.2	Pending publication
Percent change in the injury and illness Total Recordable Case rates for Construction in Iowa	4.2	4.1	3.7	3.8	3.5	Pending publication

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*Progress in achieving Iowa OSHA Performance goal #1.1c by **targeting the most hazardous workplaces by reviewing BLS data on injuries, illnesses and fatalities in the state of Iowa***

*will use FY 2020 numbers for enforcement interventions as the baseline moving forward

FY 2020 Iowa OSHA Performance Goal 1.1c	Target the most hazardous workplaces by coordinating enforcement intervention to maximize effectiveness				
Performance measure = number of inspections	1 st Qtr FY20	2 nd Qtr FY20	3 rd Qtr FY20	4 th Qtr FY20	*FY 20 Total
Falls in General Industry	22	17	10	21	70
Amputate	36	33	28	35	132
Fall	16	6	7	7	36
Grain	1	0	0	1	2
Scaffold	4	2	1	0	7
Trench	2	4	4	6	16
Asbestos	8	9	2	6	25
Construction Targeting	0	0	4	7	11

*Progress in achieving Iowa OSHA Performance goal #1.2a was assessed **by tracking the outcome of Consultation Program support assistance***

Compliance Assistance FY 2020 Iowa OSHA Performance Goal 1.2a	Assess progress by tracking number of interventions:					
Performance Measure	Baseline FY 2019	FY2020 1st Qtr	FY2020 2nd Qtr	FY2020 3rd Qtr	FY2020 4th Qtr	FY2020 Total
Private Sector - Number of visits associated with falls in construction	155	39	30	47	43	159
Private Sector - Number of visits associated with falls in general industry	79	23	20	8	4	55
Private Sector - Total Number of consultation Safety visits	246	67	46	59	48	220
Trench	28	13	3	14	13	43
Amputations	46	26	17	8	6	57
Combustible Dust	5	0	0	1	1	2
Grain	3	0	0	0	0	0
Nursing Homes	5	2	1	0	0	3
Residential Building Construction	14	0	1	0	0	1
Commercial and Institutional Building Construction	147	38	26	26	31	121

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Highway and Street Construction	9	1	1	2	5	9
Site Preparation / Demolition	31	14	6	11	13	44
Power and Communication Lines	0	0	0	0	0	0
Lead	0	0	0	0	0	0
Silica	10	2	2	4	6	14
Isocyanates	0	0	0	0	0	0
Primary Metals	3	1	1	0	0	2
PSM Covered Chemical Facilities	1	1	0	0	0	1
Other - scrap, waste, refuse, etc.	103	71	56	66	54	247
Total all safety visit emphasis programs	405	169	114	132	129	544
Private Sector - Total Number of consultation Health visits	110	28	16	10	6	60
Hexavalent Chromium	4	1	0	1	0	2
Amputations	55	13	6	4	3	26
Combustible Dust	8	0	0	1	1	2
Lead	2	1	0	0	1	2
Silica	37	3	2	3	1	9
Primary Metals	6	1	1	0	1	3
Isocyanates	2	1	1	1	1	4
Nursing Homes	7	1	0	0	0	1
Trenching	5	39	30	47	43	159
Noise - Hearing Conservation / Respirators	13					
Other - scrap, waste, refuse, etc.	79	23	20	8	4	55
Total all health visit emphasis programs	218	67	46	59	48	220
Private Sector - Percent of visits that are LEP / NEP	76.4%	67%	76%	94%	86%	80.75%
Public Sector - Number of consultation visits	25	1	23	0	2	26

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Public Sector - Number of hazards corrected	101	0	70	0	0	70
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Progress in Achieving IOSHA Performance Goal 1.2b was assessed by tracking the outcome of the number of Compliance Assistance Program interventions:

Cooperative Programs and Training FY 2020 Iowa OSHA Performance Goal 1.2b	Assess progress by tracking number of interventions:						
<i>Performance Measure</i>	Baseline FY 2019	FY 2020 Goal	FY20 1st Qtr.	FY20 2d Qtr.	FY20 3rd Qtr.	FY20 4th Qtr.	FY2020 Total
Number of training sessions	150	Increase by 10%	47	51	30	35	163
Number of employees	4,565	Increase by 100 employees	1,639	3,079	709	911	6,338
Number of Partnerships	6	Increase by 1	9	10	9	10	10
Number of employees	12,760	Increase by 100 employees	2,661	2,441	2,837	2,483	10,422
Number of SHARP	6	Increase by 1	5	5	5	5	5
Number of VPP	44	Increase by 1	42	41	42	42	42

Progress in Achieving IOSHA Performance Goal 1.2c was assessed by tracking the outcome of the participation in Compliance Assistance Program interventions:

Training FY 2020 Iowa OSHA Performance Goal 1.2c	Assess progress by tracking number of interventions:					
<i>Performance Measure</i>	Baseline FY 2019	FY 2020 1st Qtr	FY 2020 2nd Qtr	FY 2020 3rd Qtr	FY20 4th Qtr	FY 2020 Total
1. Increase in training programs:						
a. Fall hazards in general industry	14	7	5	6	3	21
b. Fall hazards in construction	59	15	11	17	20	63
c. Youth	10	0	3	0	1	4
2. Increase in outreach activities to establishments covered by NEP and LEP	314	65	47	49	47	208

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3. Increase in outreach activities to establishments in agriculture	2	0	2	0	2	4
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23(g) Enforcement Program Activities

Iowa OSHA continues to provide direct intervention through mandated enforcement activities, consultation activities, compliance assistance, and outreach.

Iowa OSHA works to reduce hazards by intervening at targeted worksites that have experienced fatalities, severe injuries, and employee complaints. Utilization of Bureau of Labor Statistics (BLS) rates help determine that Iowa OSHA efforts are focused on the right areas.

Iowa OSHA has changed the way we assign duty officer(s). Based on findings from the FAME report and internal reviews, we have permanently assigned two duty officers to handle incoming complaints and referrals. These duty officers are our point of contact to address all incoming calls to our OSHA line. In FY 2020, we received 2,403 calls on our OSHA line, compared to 1,549 in FY 2019. Dedicating two staff members to this duty has allowed Iowa OSHA to handle issues in a more consistent, professional, and expeditious manner. In addition, we route all OSHA type questions to our compliance assistance specialist.

The education staff continued to promote and educate employers on the use of safety and health management programs through direct contact as well as through training programs. The outreach to improve safety and health programs is an important effort to reduce injury and illness rates in this state. Iowa OSHA participated in the Safe and Sound campaign with the Governor of Iowa signing a proclamation on July 31, 2020 designating August 10-16, 2020 as Safe and Sound week in Iowa.

Iowa OSHA provided training to 4,565 outreach participants in FY 2019 and increased the number of outreach participants by 7% in FY 2020 with a total of 6,338 outreach participants. The 23(g) staff continued to identify methods to educate and engage in both general industry and construction. Because of the pandemic, increased use of virtual presentations and meetings allowed our staff to reach more participants. Presentations to safety managers and directors were conducted throughout the fiscal year. Our compliance assistance specialist conducted six OSHA 10-hour training sessions.

Iowa OSHA participated in the National Safety Stand-Down to Prevent Falls in Construction during FY 2020. We contacted and provided information to all of the Iowa partnership sites concerning fall protection awareness and training.

The Training and Education Section maintains an inventory of safety videos that are available for lending to those employers seeking assistance in training their employees. Nineteen of the safety videos are in Spanish. We distributed COVID-19 information to appropriate industries. Iowa experienced a “derecho” in August of 2020. It became the costliest thunderstorm disaster in U.S. history. Damage was estimated at \$7.5 billion dollars. Consultants distributed a supply of quick cards and other OSHA publications.

Partnerships with construction companies continued through FY 2020 with an average of 9.5 each quarter. The first quarter began with 9 partnerships, 5 that would continue throughout the year. Second quarter grew to 10 partnerships 3 were completed and 4 new partnerships agreements were signed. Third quarter had 9 partnerships 2 completed and a new partnership was brought on board. Fourth quarter again had 10. COVID-19 pandemic created challenges for many employers creating extension for many of the

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partnership sites and push back on start dates. The year ended with 5 newly signed partnerships and 5 continuing partnerships. We achieved the goal of 10 partnerships with the work of two 50% consultation staff members.

Rates for the partnerships were low. No fatalities and no serious injuries meeting the mandatory reporting criteria occurred on partnership sites in FY 2020. Construction partnerships during FY 2020 had approximately 7,920 employees participate in all the outreach programs.

There were 4 alliances active through FY 2020: Iowa Renewable Fuels Association, MBI, ABC, and International Brotherhood of Electrical Workers, Local 55.

The Iowa OSHA formal Alliance with the Iowa Renewable Fuels Association (IRFA) which covers Iowa's renewable ethanol and bio-fuels industries, continued through FY 2020. The focus of this alliance is to share information on hazard recognition, control, and best management practices among association members and Iowa OSHA personnel, through quarterly meetings.

The Iowa OSHA formal Alliance with MBI continued through FY 2020. The focus of this alliance is to share information on hazard recognition, control and best management practices in the construction industry. Iowa OSHA Consultation worked cooperatively with MBI to reach construction companies who are normally not accessible. These include contractors who work exclusively with MBI and do not generally use our services, as well as subcontractors of those contractors and contractors new to the State of Iowa. The project name is "Worksafe". During FY 2020, there were 80 visits with 310 serious, 13 other-than-serious, and 6 regulatory hazards identified. The 80 visits protected 1,509 workers.

The fourth alliance was re-signed with Associated Builders and Contractor (ABC) in FY 2020 and continues. The focus of this alliance is to share information and resources to the association and its members.

The compliance assistance staff continued to work with the Employer's Council of Iowa to provide training to employers and employees throughout the state. The Employer's Council members include representatives from Iowa Workforce Development, community colleges, local business development groups and other government organizations. In addition to the construction and general industry 10-hour classes, we have expanded the presentations to include workshops on specific topics such as falls, electrical, lockout/tagout, recordkeeping, machine guarding, and ergonomics.

Iowa has forty-two companies who are in VPP Star status and hopes to work with additional companies to achieve the designation in the future. In the fourth quarter of FY 2019, three companies voluntarily left the VPP program. One company achieved the VPP Star status in the 2nd quarter of FY 2020 reaching 42 current Star awarded companies. We anticipate FY 2021 will bring additional applicants for evaluation. One of the industrial hygienists continues to serve as the VPP team leader and works with companies already in the program while assisting those who are striving to achieve the designation. Three Safety and Health Consultants and three Industrial Hygienists assist the team leader with VPP audits. A list of the current VPP companies is available in the Iowa OSHA Consultation and Education Section.

On April 29, 2020, Governor Kim Reynolds implemented the COVID-19 Business Taskforce Team. The Iowa OSHA Consultation and Education Bureau Chief was assigned to this taskforce along with management from Iowa Department of Public Health, Governor's Office, and Department of Economic Development. The goal of this team is to help answer employer and public questions regarding protocols and best practices to handle COVID-19 during the pandemic. This taskforce is continuing through FY 2021.

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21(d) Consultation Program Activities:

Iowa Consultation and Education continued to support the Local and National Emphasis Programs of Iowa OSHA Enforcement. We received requests for Iowa OSHA Consultants to provide presentations and training on trenching, silica, grain, asbestos, and falls in both general industry and construction. The COVID-19 affected pandemic training, education, and outreach. To continue outreach efforts, we moved to a virtual platform for our presentations. Keeping employers up-to-date with the most current pandemic education is extremely critical and a time commitment.

During FY 2020, we did not select industries for promotional mailings due to COVID-19 pandemic. We provided outreach to meatpacking facilities (NAICS 31161) and all County Emergency Management Coordinators.

- We contacted the facilities to identify what measures were taken to prevent the spread of COVID-19 in their facilities.
- Provided CDC and IDPH guidelines.
- OSHA publications were added to the website. Provided Email updates with the new links.
- Provided training and publications to County Emergency Management Coordinators throughout the state.

Iowa Consultation and Education continued to promote SHARP to employers with the goal of improving their safety and health management programs. Unfortunately, there were not any additional companies achieving SHARP status during FY 2020.

There were 24 public sector consultation visits with 172 serious hazards proposed during FY 2020. Many of the visits were requested by a state agency to assist in their safety and health efforts. The other requests for services were through county and city governments. Additional requests are likely in FY 2021 due to increased outreach efforts and presentations in the public sector. Hazards relating to machine guarding, falls, hazard communication, and electrical were identified.

The Iowa Governor's Safety Conference was cancelled this year due to COVID-19 pandemic. The conference is scheduled to take place in July of 2021.

Iowa Consultation and Education supports the NEPs and the LEPs adopted by Iowa OSHA through outreach, education, and consultation visits. A detailed discussion of these activities may be found in the "Discussion of Results in Achieving Annual Plan (AP) Performance Goals" section of the FY 2020 Iowa Consultation Annual Project Report (CAPR.) Consultants stressed the importance of safety and health program management during all consultation activities

Strategic Goal 2: Protect Worker's Rights

Iowa Code 88.9(3) of the Iowa Occupational Safety and Health Chapter states that a person shall not discharge or in any manner discriminate against an employee because the employee has filed a complaint related to this chapter. Iowa OSHA addresses employee discrimination in accordance with section 11c of the Federal Occupational Safety and Health Act of 1970.

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Strategic Objective 2.1: To strengthen the enforcement of the whistleblower protection statutes	
Annual Performance Goal # 2.1	To protect employees' rights to file safety and health complaints and prevent discrimination against workers who report hazards
Goal 2.1a	Reduce average age in days for pending whistleblower investigation
Goal 2.1b	Increase the % of whistleblower investigations completed in 90 days
Goal 2.1c	Reduce average age in days to complete new complaint screening process for docketed whistleblower investigations
Strategy	Coordinate Iowa OSHA resources to maximize efficiency of discrimination claim processing
Performance indicator	Percent improvements in processing rates each year
Baseline	FY 2019 Averages

Progress in achieving Iowa OSHA Performance goal #2 was assessed *by tracking the outcome of Whistleblower investigations*

FY 2020 Iowa OSHA Performance Goal 2.1	Assess progress by tracking number of whistleblower investigations					
Performance Measure	Baseline FY 2019 Average	FY 2020 Average	1st Qtr FY20	2nd Qtr FY20	3rd Qtr FY20	4th Qtr FY20
Average age in days for pending whistleblower investigations/percent completed in 90 days	106 / 34%	68/ 50%	128/ 48%	40/36%	66/ 63%	68/ 75%
Average days to complete new complaint screening process for docketed whistleblower investigations	9.2	8.3	9.2	7.3	7.7	7.9

Iowa OSHA's whistleblower investigator position has remained filled in FY 2020. An additional compliance officer has completed the 1421 whistleblower fundamentals course earlier in the fiscal year but has been unable to receive mentorship and training from our whistleblower investigator because of the teleworking status of both individuals. Once teleworking ends, the backup whistleblower compliance officer will be able to receive additional training and serve as a backup investigator to address whistleblower complaints in the absence of the main investigator. The whistleblower investigator continues to strive to reach the goal of completing 100% of all whistleblower investigations within 90 days and to screen complaints as efficiently as possible.

IV. Mandated Activities

The requirement for reporting amputations, hospitalizations, and loss of an eye continues to directly impact Iowa OSHA's complaint inspection and investigation response time. Additionally, Iowa OSHA has experienced an enormous amount of COVID related complaints. The volume of COVID complaints, along with the limited amount of staff working within the office, has had a detrimental effect on the timeliness of response. Our OSHA phone line has received 2,403 phone calls during the year. As stated earlier in this report, we have permanently assigned two CSHOs to full time duty officer status, and have returned them to work from the office. These individuals perform this function in addition to other duties to manage the influx of severe incident reports and non-formal complaints.

Appendix E – FY 2020 State OSHA Annual Report (SOAR)

FY 2020 IOSHA Follow-up FAME Report

Iowa's emphasis on reducing amputations continues to be a priority. The majority of programmed inspections target these types of General Industries. Unprogrammed inspections continue to make up the bulk of inspections this fiscal year. Continued turbulence in the staffing of qualified Compliance Safety and Health Officers has had an effect on overall inspection numbers. Fortunately, we have been able to fill all CSHO vacancies by the end of FY 2020, however, constant turnover in personnel will probably continue throughout the years. Newly assigned CSHOs receive priority for OTI courses and immediately begin to receive mentorship by our more experience staff.

Impact Factors

Iowa OSHA continues to take a balanced approach to employee workplaces by providing quality consultation and active enforcement of OSHAs regulatory policies. Iowa OSHA will continue to respond to the growing economic challenges of Iowa's workforce by proactively providing services that impact safety and health working conditions for both employees and employers in Iowa.

Conclusion

During a year in which the country has experienced a world-wide pandemic, Iowa OSHA has been committed to applying the interim guidance provided by Federal OSHA, while dealing with the enormous amount of COVID related complaints, referrals, question, etc. that come into our office. We will continue to perform our mission with the safety and health of our employees in mind. Local Emphasis Programs (LEPs) for Amputations, Grain Handling, Hexavalent Chromium, and statewide emphasis on fall protection and trenching have continued to be a primary focus of the Iowa OSHA programs.

Iowa OSHA enforcement will continue to address unprogrammed activities and actively conduct targeting programmed inspections as necessary. Iowa OSHA is committed to maximizing its resources in the areas that will provide the most significant impact in accomplishing performance goals. Iowa OSHA will continue to seek better ways to target resources to ensure that its performance measures are impacting its strategic goals and objectives.

