

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

State of Michigan

Michigan Occupational Safety and Health Administration



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

**Initial Approval Date: October 3, 1973
Program Certification Date: January 16, 1981
Final Approval Date: None**

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



Table of Contents

I. Executive Summary.....	3
II. State Plan Background	4
III. Assessment of State Plan Progress and Performance	5
A. Data and Methodology	5
B. Findings and Observations.....	5
C. State Activity Mandated Measures (SAMM) Highlights	6

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 2019 Findings and Recommendations	C-1
Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report	D-1
Appendix E – FY 2020 State OSHA Annual Report (SOAR)	E-1

I. Executive Summary

The primary purpose of this report is to assess the State Plan's progress in Fiscal Year (FY) 2020 in resolving outstanding findings and/or observations from the previous FY 2019 Comprehensive Federal Annual Monitoring Evaluation (FAME) report. This report also assesses the current performance of Michigan Department of Labor and Economic Opportunity – Occupational Safety and Health Administration (MIOSHA) 23(g) compliance program in the context of agreed upon monitoring measures.

FY 2020 brought unique challenges to MIOSHA due to the outbreak of the SARS-CoV-2 (COVID-19) virus. The COVID-19 public health crisis was declared a national emergency on March 13, 2020, three days after Michigan's governor declared a state of emergency throughout Michigan. Beginning in March, MIOSHA staff worked remotely from home under the Governor's order to stay home and stay safe. The State Plan received 7,084 complaints between March and September 2020; a 460% increase. MIOSHA established a COVID -19 hotline, which received 3,893 calls with questions and requests for assistance. On July 1, 2020, MIOSHA launched State Emphasis Programs (SEP) focused on hospitals, retail, restaurant, bar, and service industry establishments. The State Plan also established a COVID-19 Safety Grant Program utilizing federal CARES Act funding to provide matching grants to small employers. Approximately 2,200 applications were received and 1,400 grants were awarded. OSHA's assessment in this report of the State Plan's FY 2020 progress takes into consideration the impact the continuing COVID-19 public health crisis has had on their operations.

The FY 2019 Comprehensive FAME Report identified one new finding and two new observations. All are continued in this report. A summary of the observations is found in Appendix B, Observations and Federal Monitoring Plans. A summary of the finding is found in Appendix A, New and Continued Findings and Recommendations. Appendix C, Status of FY 2019 Findings and Recommendations, also includes the State Plan's corrective actions. No new findings or observations were identified.

The MIOSHA Strategic Management Plan for FY 2019 to FY 2023 established three strategic goals: 1) Help assure improved workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities; 2) Promote employer and worker awareness of, commitment to, and involvement with safety and health to effect positive change in the workplace culture; and, 3) Strengthen public confidence through continued excellence in the development and delivery of MIOSHA's programs and services.

In the FY 2020 State OSHA Annual Report (SOAR), MIOSHA provided information that outlines their accomplishments toward meeting their Five-Year Strategic Management Plan. OSHA reviewed and analyzed the information to assess MIOSHA's progress in meeting performance plan goals. All but four of the annual performance goals have been met or exceeded. For a more comprehensive look at this data, please see MIOSHA's SOAR attached as Appendix E.

OSHA held quarterly monitoring meetings with MIOSHA during FY 2020, at which time OSHA reviewed and discussed the State Activity Mandated Measures (SAMM) report and the State Indicators Report (SIR) with State Plan management. The FY 2020 SAMM is Appendix D of this report.

II. State Plan Background

The Michigan Department of Labor and Economic Opportunity (LEO) is responsible for the state's regulatory services and programs that protect and promote the labor market including the MIOSHA program. The divisions within MIOSHA include: General Industry Safety and Health (GISHD); Construction Safety and Health (CSHD); Appeals; Consultation, Education and Training (CET); and Technical Services (TSD). Enforcement of safety and health rules, adoption of standards, consultation services, and other OSHA activities are conducted within these five divisions. MIOSHA's CET division administers the private sector on-site consultation program funded under a 21(d) grant.

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

Jeff Donofrio was appointed Director of LEO in June of 2019 and remained in the position throughout FY 2020. Barton Pickelman is MIOSHA's Director, and each of the five divisions has a division director. MIOSHA benchmarks include 56 safety and 45 health compliance officers. At the start of FY 2020, funding was allocated for 45 safety and 26.8 health full-time equivalent (FTE) compliance officers. MIOSHA's FY 2020 grant included funding totaling \$22,548,900, which includes a \$1,172,700 overmatch. There were no furloughs or hiring freezes affecting MIOSHA during FY 2020.

New Issues

Maximum Penalty Increase

In accordance with the Bipartisan Budget Bill passed on November 2, 2015, OSHA published a rule on July 1, 2016, raising its maximum penalties. As required by law, OSHA then increased maximum penalties annually, most recently on January 8, 2021, according to the Consumer Price Index (CPI). State Plans are required to adopt both the initial increase and subsequent annual increases within the corresponding six-month timeframe set by regulation. December 2020 marked four years since the first deadline passed for adoption and the Michigan State Plan has not yet completed the legislative changes to increase maximum penalties.

Complaint About State Program Administration (CASPA)

OSHA received one Complaint About State Program Administration (CASPA) in Michigan during FY 2020: CASPA MI-2020-30. CASPA MI-2020-30 alleged that MIOSHA did not adequately investigate a complaint item during an inspection. Specifically, the complainant alleged that industrial hygiene sampling was performed under unusual conditions (the windows were open and exhaust fans were on) and was not performed in the area identified in the complaint. The CASPA further alleged that MIOSHA did not accept a written allegation of discrimination as a whistleblower complaint; rather the writer was directed to call MIOSHA's Employee Discrimination Section. OSHA's investigation of the CASPA determined that MIOSHA

conducted sampling under the conditions found during both the initial inspection and on the day of sampling. Because neither MIOSHA nor OSHA will ask an employer to intentionally subject employees to a potential hazard in order to create a worst-case scenario for sampling, conducting the sampling with the windows open and the exhaust fans on was considered appropriate. OSHA did determine that MIOSHA did not accept the allegation of discrimination as a whistleblower complaint. As a result, MIOSHA contacted the complainant to receive and evaluate the discrimination complaint, which was deemed untimely based on when the writer first mentioned discrimination.

III. Assessment of State Plan Progress and Performance

A. Data and Methodology

OSHA has established a two-year cycle for the FAME process. This is the follow-up year, and as such, OSHA did not perform an on-site case file review associated with a comprehensive FAME. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME. The analyses and conclusions described in this report are based on information obtained from a variety of monitoring sources, including:

- State Activity Mandated Measures Report (Appendix D)
- State Information Report
- 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

B. Findings and Observations

FINDINGS (STATUS OF PREVIOUS AND NEW ITEMS)

This follow-up FAME report contains one finding and two observations continued from the FY 2019 Comprehensive FAME Report. There are no new findings or observations identified for FY 2020. 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 each FY 2019 recommendation in detail.

Continued Findings

Finding FY 2020-01 (FY 2019-01): During FY 2020, the percentage of health (52.26%) in-compliance inspections was higher than the further review level (FRL) range of 29.72% to 44.58%.

Status: During FY 2019, the percentages of safety (40.91%) and health (47.02%) inspections that were in-compliance were higher than the FRL ranges of 24.24% to 36.36% for safety and 28.09% to 43.35% for health. The State Plan took action to implement a process on multi-employer

jobsites to reduce the rate of in-compliance inspections. Compliance officers were trained on the new process beginning in December 2019 and supervisors are monitoring case files for compliance. During FY 2020, the percentage of safety (35.52%) in-compliance inspections dropped to within the FRL range of 24.82% to 37.24%. However, the percentage of health (52.26%) in-compliance inspections remained higher than the FRL range of 29.72% to 44.58%. This finding remains open.

OBSERVATIONS

Continued FY 2019 Observations

Observation FY 2020-OB-01 (FY 2019-OB-01): During FY 2019, 22 of the 37 (59%) fatality case files reviewed did not contain evidence and/or documentation consistent with MIOSHA's Field Operations Manual (FOM), Fatality Procedures Manual, and/or instruction MIOSHA-COM-06-1R4 Inclusion of Victim's Families in Fatality Investigations. These included: complete and accurate fatality/catastrophe report, investigation summary, violation worksheets, field narrative, diary sheet, letters to the next-of-kin, victim's personal data, photographs, measurements, police and medical examiner reports, witness statements, and/or multi-employer worksite description.

Status: A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME. This observation is continued.

Observation FY 2020-OB-02 (FY 2019-OB-02): During FY 2019, 26 of the 58 (49%) programmed, complaint, referral, and related inspection files reviewed did not contain evidence and/or documentation consistent with MIOSHA's FOM and instruction MIOSHA-COM-15-4R1 Employee Interviews in Safety and Health Investigations. These included: complete and accurate diary sheet, chronology of actions taken, field narrative, violation worksheets, employee exposure, potential employee exposure, photographs, measurements, witness statements, and/or documentation of interviews.

Status: A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME. This observation is continued.

C. State Activity Mandated Measures (SAMM) Highlights

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

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

Discussion of State Plan data and FRL: The FRL for average number of other-than-serious (OTS) violations per inspection with OTS violations is +/- 20% of the three-year national average of 0.95,

which equals a range of 0.76 to 1.14. The Michigan State Plan's average for OTS violations is 1.31, slightly higher than the FRL.

Explanation: The Michigan State Plan's average violations per inspection are evaluated during quarterly monitoring meetings and discussed when warranted. Although slightly higher than the FRL for OTS violations, this metric does not yet rise to the level of an observation. MIOSHA's average violations per inspection for serious/willful/repeat/unclassified violations is within the FRL of +/- 20% of 1.79 at 1.46 violations.

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

Discussion of State Plan data and FRL: The FRL for percent of total inspections in state and local government workplaces is +/-5% of 3.03%, which is the number negotiated by OSHA and the Michigan State Plan through the grant application and equals a range of 2.88% to 3.19%. The Michigan State Plan's percent of inspections in state and local government workplaces is 2.66%.

Explanation: While the Michigan State Plan's percent of total inspections in state and local government workplaces is slightly outside the FRL, they conducted 84 inspections in this sector. This metric does not yet rise to the level of an observation.

SAMM 7 – Planned versus actual inspections

Discussion of State Plan data and FRL: The FRL for planned inspections compared to actual inspections is +/- 5% of the number of inspections negotiated by OSHA and the State Plan through the grant application; 3,475 safety inspections and 908 health inspections. The Michigan State Plan conducted 2,365 safety inspections, which is below the acceptable range of 3,301 to 3,649 safety inspections. The Michigan State Plan conducted 796 health inspections, which is also below the acceptable range of 862 to 954 inspections.

Explanation: MIOSHA conducted 2,365 safety and 796 health inspections in FY 2020 for a total of 3,161. This is 72% of their projected total inspection goal of 4,383. The primary factor affecting the Michigan State Plan's ability to conduct inspections during FY 2020 was the profound increase in complaint intake and compliance assistance activities due to COVID-19. This metric does not yet rise to the level of an observation.

SAMM 8 – Average current serious penalty in private sector

Discussion of State Plan data and FRL: The FRL for average current serious penalty in the private sector is +/-25% of the three-year national average of \$2,964.86 and equals a range of \$2,223.65 to \$3,706.08 for employers with one to greater than 250 workers. The Michigan State Plan's average current penalty is \$1,287.20 and is substantially lower than the FRL in this and all categories of number of workers.

Explanation: The Michigan State Plan's average current penalty of \$1,287.20 is substantially lower than the FRL in this category of number of employees and all others (1-25; 26-100; 101-250; greater than 250 workers). Michigan has not yet completed the legislative changes to increase maximum penalties. OSHA will continue to work with Michigan on this issue.

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

Discussion of State Plan data and FRL: The FRL for percent of work-related fatalities responded to within one workday is 100%. The Michigan State Plan responded to 96.61% of fatalities within one day.

Explanation: The Michigan State Plan responded to 57 of 59 work-related fatalities within one workday. Employers are required to report fatalities in person, by telephone, or online. In one of the cases, the employer mentioned the fatality within written correspondence, which MIOSHA staff did not immediately review. In the second untimely case, internal email communication about the fatality was missed which delayed opening the inspection. This metric does not yet rise to the level of an observation.

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

Discussion of State Plan data and FRL: The FRL for percent of initial inspections with worker walk around representation or worker interview is 100%. The Michigan State Plan involved a worker or representative during 99.34% of inspections.

Explanation: In 3,140 of 3,161 total inspections conducted by the Michigan State Plan, workers were represented during the walk around and/or at least one worker was interviewed. Although less than the required 100%, this metric does not yet rise to the level of an observation.

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

Discussion of State Plan data and FRL: The FRL for percent of 11(c) investigations completed within 90 days is fixed at 100% for all State Plans based on a requirement in the Occupational Safety and Health Act of 1970 (OSH Act) for the complainant to be notified of a determination within 90 days. The Michigan State Plan completed 78% of 11(c) investigations within 90 days, which is below the FRL.

Explanation: The Michigan State Plan's percent of 11(c) investigations completed within 90 days is 78%, and the average number of days for the State Plan to complete an 11(c) investigation is 70 days, well below the FRL of 90 days. Therefore, this is not a cause for concern.

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

Discussion of State Plan data and FRL: The FRL for percent of 11(c) complaints that are meritorious is +/- 20% of the three-year national average of 18%, which equals a range of 14.40% to 21.60%. The Michigan State Plan's percent of 11(c) complaints that are meritorious is 10%, which is lower than the FRL.

Explanation: The Michigan State Plan's meritorious rate of 10% is above their rate of 8% in FY 2018 but below their rate of 16% in FY 2019. It is also below the FY 2020 rate for all state plans, which is 20% meritorious. This metric does not rise to the level of an observation.

SAMM 17 – Percent of enforcement presence

Discussion of State Plan data and FRL: The FRL for percent of enforcement presence is +/- 25% of the three-year national average of 1.09%, which equals a range of 0.82% to 1.36%. The Michigan State Plan's percent of enforcement presence is outside the FRL at 1.76%.

Explanation: The Michigan State Plan's enforcement presence rate at 1.76% is not cause for concern as they are inspecting more workplaces to ensure employers are complying with safety and health rules. This is a positive outcome.

Appendix A – New and Continued Findings and Recommendations

FY 2020 MIOSHA Follow-up FAME Report

FY 2020-#	Finding	Recommendation	FY 2019-# or FY 2019-OB-#
FY 2020-01	During FY 2020, the percentage of health (52.26%) in-compliance inspections was higher than the further review level (FRL) range of 29.72% to 44.58%.	Ensure inspection resources are spent in workplaces that are exposing workers to hazards.	FY 2019-01

Appendix B – Observations Subject to Continued Monitoring

FY 2020 MIOSHA Follow-up FAME Report

Observation # FY 2020-OB-#	Observation # FY 2019-OB-#	Observation	Federal Monitoring Plan	Current Status
FY 2020-OB-01	FY 2019-OB-01	During FY 2019, 22 of the 37 (59%) fatality case files reviewed did not contain evidence and/or documentation consistent with MIOSHA’s FOM, Fatality Procedures Manual, and/or instruction MIOSHA-COM-06-1R4 Inclusion of Victim’s Families in Fatality Investigations. These included: complete and accurate fatality/catastrophe report, investigation summary, violation worksheets, field narrative, diary sheet, letters to the next-of-kin, victim’s personal data, photographs, measurements, police and medical examiner reports, witness statements, and/or multi-employer worksite description.	This observation will be a focus of next year’s on-site case file review during the FY 2021 comprehensive FAME.	Continued
FY 2020-OB-02	FY 2019-OB-02	During FY 2019, 26 of the 58 (49%) programmed, complaint, referral, and related inspection files reviewed did not contain evidence and/or documentation consistent with MIOSHA’s FOM and instruction MIOSHA-COM-15-4R1 Employee Interviews in Safety and Health Investigations. These included: complete and accurate diary sheet, chronology of actions taken, field narrative, violation worksheets, employee exposure, potential employee exposure, photographs, measurements, witness statements, and/or documentation of interviews.	This observation will be a focus of next year’s on-site case file review during the FY 2021 comprehensive FAME.	Continued

Appendix C - Status of FY 2019 Findings and Recommendations

FY 2020 MIOSHA Follow-up FAME Report

FY 2019-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2019-01	During FY 2019, the percentages of safety (40.91%) and health (47.02%) inspections that were in-compliance were higher than the FRL ranges 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.	MIOSHA implemented a process on multi-employer jobsites to reduce the rate of in-compliance inspections. The Multi-Employer instruction has been amended to reflect these changes. Supervisors will continue to monitor the case files for compliance with the new process. Compliance officers were trained on the new process December 3, 2019 and continued discussions in April and May of 2020.	Not Completed	Open March 31, 2021

Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report
 FY 2020 MIOSHA Follow-up FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Michigan – MIOSHA			FY 2020	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	8.53	10	The further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	5.37	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)	6.91	8	The further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	5.87	N/A	This measure is for informational purposes only and is not a mandated measure.
3	Percent of complaints and referrals responded to within one workday (imminent danger)	100%	100%	The further review level is fixed for all State Plans.

Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report
 FY 2020 MIOSHA Follow-up FAME Report

U.S. Department of Labor				
4	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
5	Average number of violations per inspection with violations by violation type	SWRU: 1.46	+/- 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 1.14 for OTS.
		Other: 1.31	+/- 20% of Other: 0.95	
6	Percent of total inspections in state and local government workplaces	2.66%	+/- 5% of 3.03%	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 2.88% to 3.19%.
7	Planned v. actual inspections – safety/health	S: 2,365	+/- 5% of S: 3,475	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 3,301.25 to 3,648.75 for safety and from 862.60 to 953.40 for health.
		H: 796	+/- 5% of H: 908	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,287.20	+/- 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.

Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report
 FY 2020 MIOSHA Follow-up FAME Report

U.S. Department of Labor				
	a. Average current serious penalty in private sector (1-25 workers)	\$680.00	+/- 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)	\$1,337.50	+/- 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)	\$1,932.63	+/- 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)	\$3,383.30	+/- 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: 35.52%	+/- 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 review is from 24.82% to 37.24% for safety and from 29.72% to 44.58% for health.
		H: 52.26%	+/- 20% of H: 37.15%	
10	Percent of work-related fatalities responded to in one workday	96.61%	100%	The further review level is fixed for all State Plans.

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

FY 2020 MIOSHA Follow-up FAME Report

U.S. Department of Labor				
11	Average lapse time	S: 43.28	+/- 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: 68.04	+/- 20% of H: 60.39	
12	Percent penalty retained	64.41%	+/- 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	99.34%	100%	The further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	78%	100%	The further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	10%	+/- 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	70	90	The further review level is fixed for all State Plans.
17	Percent of enforcement presence	1.76%	+/- 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%.

Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report
FY 2020 MIOSHA Follow-up FAME Report

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.

Appendix E – FY 2020 State OSHA Annual Report (SOAR)
FY 2020 MIOSHA Follow-up FAME Report



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

FY 2020

Appendix E – FY 2020 State OSHA Annual Report (SOAR)
FY 2020 MIOSHA Follow-up FAME Report

CONTENTS

	<u>Page</u>
Introduction.....	3
Summary of Annual Performance Plan Results – FY2020	4
Strategic Goal #1 Compliance.....	4
Strategic Goal #2 Compliance.....	6
Strategic Goal #3 Compliance.....	8
Program Accomplishments.....	9
MIOSHA State Internal Evaluation Plan.....	14
State Activity Mandated Measures	15
Comparison of FY 2018, FY 2019, FY 2020 State Activity Mandated Measures	15

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

FY 2020 MIOSHA Follow-up FAME Report

Introduction

The State OSHA Annual Report (SOAR) for FY 2020 provides a summary of Michigan Occupational Safety and Health Administration (MIOSHA) activities and results for the Strategic Plan, grant commitments, and other program accomplishments. The strategic goals and emphases have provided the focus for MIOSHA's enforcement, education and training, outreach, and administrative programs. During FY 2020, MIOSHA conducted activities directly related to the second year of the five-year MIOSHA Strategic Plan for FY 2019-2023.

The FY 2019 Performance Plan provided the framework for accomplishing the goals of the MIOSHA Strategic Plan by establishing specific performance goals for FY 2020. This SOAR presents a review of the strategies used and results achieved in FY 2020. Special accomplishments, as well as the successful completion of mandated activities, are also discussed.

The MIOSHA Strategic Plan for FY 2019 to 2023 established three strategic goals:

MIOSHA Compliance Strategic Goals
Goal 1: Help assure improved workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.
Goal 2: Promote employer and worker awareness of, commitment to, and involvement with safety and health to effect positive change in the workplace culture.
Goal 3: Strengthen public confidence through continued excellence in the development and delivery of MIOSHA's programs and services.

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

FY 2020 MIOSHA Follow-up FAME Report

Summary of Annual Performance Plan Results – FY 2020

The majority of MIOSHA's FY 2020 performance goals have been achieved. Each of the FY 2020 Performance goals and the activities and strategies used to achieve those goals are described below. Comments/discussion relating to accomplishment of goal sub-items follows each chart.

Goal 1: Help assure improved workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.			
How Progress in Achieving this Goal Will be Assessed	Baseline -BLS Data 2016	FY 2020 Target	FY 2020 Results
1.1 Reduce by 2% a year (10% total for 5 years) the total incidence rate of non-fatal worker injuries and illnesses in high-hazard general industries and other industries showing emerging hazards: <ul style="list-style-type: none"> • Wood Product Manufacturing (321) • Primary Metal Mfg. (331) • Fabricated Metal Product Mfg. (332) • Machinery Mfg. (333) • Transportation Equipment Mfg. (336) • Support Activities for Transportation (488) • Hospitals (622) • Nursing & Residential Care Facilities (623) 	7.1 4.5 4.8 4.7 5.5 5.1 6.6 6.9	6.82 4.32 4.61 4.51 5.28 4.90 6.34 6.62	4.8 5.6 4.3 3.4 3.7 3.2 6.1 5.8
1.2 Reduce the number of MIOSHA-covered general industry fatalities by 2% a year (10% total for 5 years).	Baseline Internal Data CY 2017 25	24	27
1.3 Reduce by 1% a year over the 5 years (5% total for five years) the Days Away, Restricted, or Transfer (DART) injury and illness rate in the construction industry (NAICS 23).	Baseline BLS Data- Average 2012-2016 1.9	1.86	1.2

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

FY 2020 MIOSHA Follow-up FAME Report

1.3 Reduce by 1% a year over the 5 years (5% total for five years) the Days Away, Restricted, or Transfer (DART) injury and illness rate in the construction industry (NAICS 23).	Baseline BLS Data- Average 2012-2016 1.9	1.86	1.2
1.4 Decrease the fatality rate in the construction industry (NAICS 23) by 1% a year over the 5 years (5% total for 5 years) by focusing on the four leading causes of fatalities: <ul style="list-style-type: none"> • Falls • Electrocutions • Struck-by • Crushed-by/caught-between 	The baseline is the fatality rate [(number of MIOSHA-covered fatalities in construction /number of construction employees) x 100,000] average for the five-year period, CY 2013 through CY 2017. The baseline is 7.7 (Average Fatality Rate, 2013-2017).	7.54	5.66

Goal 1 Comments

Goal 1.1

MIOSHA has selected eight industries for strategic plan emphasis 1.1, selecting industries with Injury and Illness (I & I) rates above the state average, but not making a full five-year commitment to each. MIOSHA determines whether or not to continue an emphasis after a 10-percent reduction has been achieved. Reductions in the Total Recordable Case (TRC) rate greater than the second year goal of four percent were noted for seven of the eight industries:

- Wood Product Manufacturing (321)
- Fabricated Metal Product Mfg. (332)
- Machinery Mfg. (333)
- Transportation Equipment Mfg. (336)
- Support Activities for Transportation (488)
- Decrease in Hospitals (622)
- Nursing & Residential Care Facilities (623)

Goal 1.2

MIOSHA strategic plan emphasis 1.2 focused on a 10-percent reduction, two percent per year, in the number of fatalities for general industry. The baseline in CY 2017 was 25 fatalities. The goal for CY 2019 was 24 (4% reduction from baseline). In CY 2019, the number of fatalities increased 8% above the baseline.

Goal 1.3

MIOSHA strategic plan emphasis 1.3 focused on a five-percent reduction, one percent per year, in the Days Away, Job Restriction, or Job Transfer (DART) rate for the construction industry. In FY 2019, the DART rate decreased from 1.5 to 1.2, or 20.0%, far exceeding the second-year goal of a 2% decrease. The FY 2019 DART rate is 37% lower than the baseline.

Goal 1.4

MIOSHA strategic plan emphasis 1.4 focused on a five-percent reduction, one percent per year, in the fatality rate for the construction industry. In CY 2019, the fatality rate per 100,000 employees was 5.66. A 19.1% decrease from the CY 2018 rate and a 27% decrease from the FY 2017 baseline.

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

FY 2020 MIOSHA Follow-up FAME Report

Goal 2: Help assure improved workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.

How Progress in Achieving this Goal Will be Assessed	Baseline 9/30/18	FY 2020 Target	FY 2020 Results
2.1 Promote safety and health programs (SHP) during 100% of MIOSHA visits. Evaluate the SHP during 100% of comprehensive consultative visits.	100%	100%	100% 412/412
2.2 Increase awareness of and participation in the MIOSHA Training Institute (MTI). Increase MTI participants by 5% each year by marketing the MTI to targeted groups.	1,949 participants in FY 2018	2,149 participants in FY 2020	1,056 participants in FY 2020
2.3 Increase participation in MIOSHA cooperative programs	<p style="text-align: center;">8 New 10 Renewals Michigan Voluntary Protection Program (MVPP)</p> <p style="text-align: center;">5 New 10 Renewals Michigan Safety and Health Achievement Recognition Program (MSHARP)</p> <p style="text-align: center;">10 Consultation Education and Training division (CET) Awards</p>	<p style="text-align: center;">2 new 2 renewals MVPP</p> <p style="text-align: center;">1 New 2 Renewals</p> <p style="text-align: center;">2 CET Awards</p>	<p style="text-align: center;">2 new 16 renewals MVPP</p> <p style="text-align: center;">1 New 0 Renewals</p> <p style="text-align: center;">1 CET Award</p>

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

FY 2020 MIOSHA Follow-up FAME Report

	15 New Michigan Challenge Programs	3 New Michigan Challenge Programs	2 New Michigan Challenge Programs
	5 New 10 Renewals Alliances	1 New 2 Renewal Alliances	1 New 3 Renewal
	10 New Partnerships	2 New Partnerships	1 New Partnership
2.4 Connect MIOSHA to industry by increasing collaboration and communication to create collective ownership for workplace safety and health.	NA	NA	See comments

Goal 2 – Comments

Goal 2.1

MIOSHA CET performed 412 comprehensive consultations and in all 412 consultations, CET consultants promoted the use of Safety and Health Management Systems.

Goal 2.2

MIOSHA has 13,001 subscribers on the MTI GovDelivery list and 17,243 subscribers on the CET GovDelivery list. There are also 2,430 Facebook friends, 1,892 Twitter followers, and 219 YouTube subscribers.

In FY 2020, we printed 34,800 MTI catalogs and mailed 31,146, others were handed out by staff.

Goal 2.3

Goals for the following cooperative programs were achieved in FY 2020:

- New and Renewal MVPP programs
- New MSHARP program
- New and Renewal Alliances

Goal 2.4

Connecting Activities:

- 118 CET GovDelivery messages were sent
- 71 MTI GovDelivery messages were sent
- 17,243 CET GovDelivery subscribers
- 13,001 MTI GovDelivery subscribers
- 11,962 Standards GovDelivery subscribers
- 2,430 Facebook friends
- 1,892 Twitter followers
- 219 YouTube subscribers
- 4 Coffee with MIOSHA events
- 1 Connecting Phase VI training
- 36,755 web page views

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

FY 2020 MIOSHA Follow-up FAME Report

MIOSHA did not conduct "Take a Stand Day"(TASD) visits for general industry operations in FY 2020 due to the focus on mitigating the spread of COVID-19. The 6 TASD construction requests were assigned to construction enforcement field staff.

Additional Promotional activities:

On July 1, 2020, MIOSHA launched State Emphasis Programs (SEP) focused on hospitals, retail, restaurant, bar, and service industry establishments, to protect employees, customers, and communities from the spread of the COVID-19 virus.

During FY 2020, true to MIOSHA’s motto of “educate before we regulate”:

- Letters were mailed to 4,036 companies on the new General Industry Safety and Health Division (GISHD) programmed inspection list, encouraging the companies to contact CET for consultative assistance.
- To reduce employee exposures to respirable crystalline silica (RCS) and prevent silicosis, MIOSHA launched a Silica SEP targeting silica-generating industries in Michigan. MIOSHA mailed 666 letters to establishments targeted for programmed inspections under the Silica SEP advising them of their targeted status and offering CET consultation services.
- With multiple outbreaks of COVID-19 among meat and poultry processing facility workers occurring nationwide, 130 letters were sent to Michigan meat and poultry processing employers offering CET consultation services, and advising them of the activities in these work environments that may contribute substantially to potential exposures to SARS-CoV-2.

Goal 3 Strengthen public confidence through continued excellence in the development and delivery of MIOSHA’s programs and services.

How Progress in achieving this Goal Could Be Assessed	Baseline 2018	FY 2020 Target	FY 2020 Results
3.1 Foster a culture of integrity, inclusion, teamwork, and excellence to strengthen confidence in the delivery of MIOSHA services.	NA	95%	98%
3.2 Respond to onsite complaints within an average of 10 working days of receipt by MIOSHA.	100%	100%	100%
3.3 Respond to all MIOSHA-covered fatalities within 1 working day.	100%	100%	96%
3.4 Use information technology (IT) to better deliver MIOSHA services.	NA	NA	See comments

Goal 3 Comments

Goal 3.1

In FY 2020, MIOSHA received 233 comment cards indicating 229/233, or 98% respondents gave positive feedback on their MIOSHA experience.

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

FY 2020 MIOSHA Follow-up FAME Report

Goal 3.2

Construction Safety and Health (CSHD) received 95 complaints and their average response time was 3.34 days. GISHD received 594 complaints and their average response time was 8.55 days.

Goal 3.3

CSHD responded to 10 MIOSHA-covered fatalities within one working day. GISHD responded to 50 MIOSHA-covered fatalities, 48 or (96%) of the fatalities were responded to within one working day.

Goal 3.4

MIOSHA is implementing Information Technology (IT) solutions that move the agency from paper to electronic data collection, workflow processing, and record retention. MIOSHA has initiated a “paperless file” system for all enforcement case files. This includes scanning all archived case files. We expect completion of the new process to be fully implemented in FY 2021.

MIOSHA continues to review where opportunities and resources exist, create, acquire, or enhance web or mobile applications to better deliver information or services to internal staff or the public.

MIOSHA expanded promotion of our social media with the public, outside agencies, and MIOSHA staff. MIOSHA increased its Facebook friends by 332 (2,430 from 2,098), increased Twitter followers by 421 (1,892 from 1,471), and increased the number of YouTube subscribers by 32 (219 from 187).

PROGRAM ACCOMPLISHMENTS FOR FY 2020

Major Program Accomplishments

COVID-19 Activities

During FY 2020 significant agency resources were expended to mitigate the spread of COVID-19.

MIOSHA typically receives about 220 complaints per month. In January 2020 MIOSHA received 210 complaints, in February 2020 MIOSHA received 222 complaints. From March 2020 through September 2020, MIOSHA received 7,084 complaints which is an average of 1,012 complaints per month. This is a 460% increase in complaint volume.

On May 15, 2020 MIOSHA activated a COVID-19 hotline, 855 SAFE-C19, for employees and employers to call to get answers and guidance on COVID-19 precautions and compliance issues. The hotline is staffed by MIOSHA administrative support personnel who are equipped with Frequently Asked Questions. If the administrative support personnel were unable to satisfy the caller, the call was transferred to one of MIOSHA’s field staff to provide more in-depth assistance. In FY 2020, the hotline addressed 3,893 calls with an average wait time of less than 15 seconds and an average call handling time of less than five minutes.

MIOSHA launched a COVID-19 safety grant program in FY 2020. MIOSHA utilized over 8 million dollars of federal CARES Act funding to provide up to \$10,000 in matching grants to small employers to purchase equipment and materials to protect their employees from COVID-19. There were over 2,200 applicants and grants were awarded to over 1,400 different small employers. Including the employer match, over 16 million dollars was invested in protecting employees from COVID-19.

MIOSHA developed a COVID-19 Ambassador Program utilizing CET staff to provide tier one and tier two consultative visits to small employers in the retail, restaurant, bar, and gym industry sectors. Tier one visits involved unannounced promotional visits to briefly cover toolkit information which included a checklist and sample COVID-19 Preparedness and Response plan that the employers could use. The tier two visits were more in-depth assessments using the checklist in the toolkit to assist employers in protecting their employees from COVID-19. MIOSHA Ambassador Program CET staff conducted 195 tier one visits and 263 tier two visits.

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

FY 2020 MIOSHA Follow-up FAME Report

CET Grant Program

In FY 2020, MIOSHA awarded 20 Consultation Education and Training grants to non-profit groups to enhance safety and health training and to support worker safety and health across the state. The grants require a minimum 10% match from the training entities. The MIOSHA CET Grant Program provides additional options for safety and health education and training to employers and employees. Most of the grants focus on the performance goals identified in the MIOSHA Strategic Plan, with a particular emphasis on hazard recognition and prevention for high hazard industries. The CET Grant Program is designed to:

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

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

MIOSHA Workplace Improvement to Safety and Health (MIWISH) Grant Program

MIOSHA continued the MIWISH matching grant program in FY 2020. The grant program is used to create a safer and healthier work environment and reduce the risk of injury and illness to workers in Michigan. The grants were offered to employers to purchase safety and health-related equipment and equipment-related training. Preference was given to employers in high hazard industries identified in MIOSHA's 2019-2023 Strategic Plan.

MIOSHA awarded 77 MIWISH grants in FY 2020 totaling \$216,896. Including the employer's \$250,974 in matching funds a total of \$467,870 was invested in the health and safety of Michigan workers.

MIOSHA Training Institute (MTI)

In FY 2008, MIOSHA implemented a new safety and health training/certificate program. Seminars offered through MTI provide an opportunity to earn a certificate. In FY 2020, CET:

- Continued to provide MTI outreach by distributing printed seminar brochures.
- Continued to conduct MTI outreach while participating at expositions, meetings, and conferences.
- Provided MTI seminar brochures at 22 events in FY 2020.
- Routinely communicated with MIOSHA stakeholders through GovDelivery, MIOSHA News and eNews, Facebook, and Twitter announcements to keep them aware of the MTI offerings. In FY 2020, there were 71 MTI GovDelivery messages sent.
- Two Level 2 boot camps were held in FY 2020.
- Since its inception, more than 31,383 participants have been trained. At the conclusion of FY 2020, 1,317 MTI students had earned Level One certificates for General Industry and Construction; 419 students had earned Level Two Compliance; 28 students had earned Level Two Safety & Health Management Systems certificates; and 121 students had earned Occupational Health certificates for a total of 1,885 MTI certificate holders.
- FY 2020, 161 MTI seminar trainings were scheduled. Attendance was 1,056 participants. Due to the outbreak of COVID-19 in March 2020, several trainings were cancelled due to low student attendance. In an effort to increase attendance, MIOSHA began offering MTI training seminars in a virtual or hybrid learning platform. Six virtual trainings were scheduled. Based on comments entered on the course evaluation forms from students, the virtual training platform was a success. The students were pleased

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

FY 2020 MIOSHA Follow-up FAME Report

with the virtual trainings due to the convenience of being able to take the training from home and not having to travel.

Coffee with MIOSHA

MIOSHA scheduled five “Coffee with MIOSHA” events around the state to invite businesses and employees to have a cup of coffee and meet MIOSHA staff to learn about training opportunities and other resources MIOSHA has to offer. On October 16, 2019, Olivier/VanDyk Insurance Company hosted the first event of the year in Wyoming, Michigan and had 82 attendees. On December 18, 2019, the Michigan Safety Conference hosted our second event of the year in Lansing, Michigan and had 80 attendees. In February 2020, Lawrence Tech University hosted the third event of the year in Southfield, Michigan and had 50+ attendees. In May 2020, Mid-Michigan Chapter of the American Society of Safety Professionals (ASSP) hosted the fourth event and the first virtual Coffee with MIOSHA event and had 50+ attendees. The fifth event scheduled for June 2020 is being rescheduled to FY 2021 due to COVID-19.

MIOSHA Emphasis Programs

Fall Prevention

The MIOSHA Fall Prevention State Emphasis Program (SEP), “Stop Falls. Save Lives”, continued. In FY 2020, MIOSHA participated in the National Safety Stand-Down To Prevent Falls in Construction campaign by holding a live Q&A webcast on September 17, 2020 to increase the focus on “fall hazards” and reinforce the importance of “fall prevention”. MIOSHA conducted 271 inspections related to this SEP. MIOSHA issued 294 citations for serious violations of the rules and 15 citations for repeat violations. Initial penalties equaled \$414,000.00

Excavation and Trenching

MIOSHA adopted the National Emphasis Program on excavation and trenching operations to help prevent deaths, accidents and serious injuries during construction excavation and trenching activities. MIOSHA participated in the 4th National Trench Safety Stand Down campaign. In collaboration with Partnership Program participants, the National Utility Contractors Association (NUCA) took the lead this year. The virtual event was held on June 15-19, 2020, to increase awareness of trenching and excavation hazards while promoting the use of trench protective systems.

Work in Roadways

In response to several fatalities of workers in the roadway, the MIOSHA Work in Roadways SEP was continued through 2020 to educate MIOSHA staff, employers and employees on the importance of identifying hazards in roadways. MIOSHA provided more presence on roadway worksites to enforce MIOSHA regulations and protect workers during construction and general industry activities. The applicable regulations not only protect the employees performing the work but also the general public that travel through work zones or occupations that place workers in or adjacent to the roadway. MIOSHA enforcement and consultation staff were scheduled to participate in an event April 21, 2020. This event was postponed due to COVID-19 and will be rescheduled.

MIOSHA Partnerships and Alliances

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

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

FY 2020 MIOSHA Follow-up FAME Report

Partnerships

MIOSHA had six active partnerships in FY 2020:

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

Westwind Construction – On May 2, 2018, MIOSHA entered into a partnership with Westwind Construction for Phase 3 of the Ridge 45 Apartment Community. Phase 3 will include seven three-story, 24-unit apartment buildings and associated site work in Garfield Township, Grand Traverse County, Michigan (“Ridge 45”). The project has a construction completion date of January 2021.

CSM Group – Bronson Medical Hospital. On October 29, 2019, MIOSHA entered into a partnership with CSM Group who will oversee the construction of the Bronson Methodist Hospital. The project includes the construction of a five-story medical office building, a 6th floor enclosed mechanical penthouse, and medical specialty office space. In addition to the new construction activities, the site improvements include surface parking lot, landscape botanical gardens and logistic interface to the existing Bronson Medical Facility and City infrastructure.

Kiewit Engineering Company – On October 30, 2019, MIOSHA entered into a partnership with Kiewit Engineering Company for the DTE Energy Blue Water Energy Center project. The site activity is to engineer, procure and construct a natural gas-fired combined power generation facility on a green field site. The project has a construction completion date of March 2022.

Barton Malow Company – On November 12, 2019, MIOSHA entered into a partnership with Barton Malow Company for construction of the Wayne County Justice Center. This project includes an adult detention center, juvenile detention center, criminal courthouse, sheriff offices, prosecutors' offices, and a surface parking lot. The project is anticipated to last until 2023.

The MIOSHA/Ford/UAW partnership was renewed and signed on February 25, 2020. MIOSHA Director Bart Pickelman attended the signing as did Ford and UAW executives. Scheduled MIOSHA Day visits were curtailed by the COVID-19 pandemic in March 2020. MIOSHA/Ford/UAW team members began holding virtual meetings to discuss different options to proceed safely with MIOSHA Day visits. On August 31, 2020 and September 2, 2020, virtual meetings took place with all key members present. A virtual walkthrough of the Ford Livonia Transmission Plant was accomplished to review safety protocols put in place to protect workers from the spread of the SARS-CoV-2 virus. Virtual meetings will continue until onsite visits can resume.

Alliances

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

Active MIOSHA alliances and highlighted activities:

American Subcontractors Association-Michigan
CET consultants completed virtual visits at two members construction worksites.

ASSP (Greater Detroit, Mid-Michigan, and West Michigan)
Mid-Michigan Chapter Coffee with MIOSHA virtual program. MIOSHA Director, Barton Pickelman was keynote speaker.

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

FY 2020 MIOSHA Follow-up FAME Report

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

Consultant worked with association to help refine their member COVID-19 workplace exposure program.

Great Lakes Safety Training Center

Consultant worked with center with their COVID-19 Preparedness plan for reopening.

Macomb Community College

Consultants created and provided online training during COVID-19 related shutdowns.

Michigan Assisted Living Association

Consultant provided virtual training session (Slips, Trips and Falls: It Isn't Just a Concern for Persons Served). The pre-recorded training was made available to the association membership.

Michigan Green Industry Association

MIOSHA Consultants participated in a MGIA two-day Spring Trade Show.

Construction Association of Michigan (CAM)

Consultant provided and executed the first webcast MTI seminar "Understanding & Improving Your Safety Culture amidst the COVID-19 pandemic".

Renewed Agreements

Associated General Contractors of Michigan (AGC)

Renewed: June 17, 2020

Operating Engineers Local 324 Journeyman & Apprentice Training Fund, Inc. & Stationary

Renewed: May 27, 2020

University of Michigan, Center for Occupational Health and Safety Engineering

Renewed: May 26, 2020

Michigan Industrial Ventilation Conference

The 69th Annual Michigan Industrial Ventilation Conference was held February 10-14, 2020. Each year, MIOSHA sponsors this internationally recognized conference with the help of experts from across the U.S., Canada, Puerto Rico, and Brazil, who provide instruction on the design, use, maintenance, testing, and troubleshooting of industrial ventilation systems. CET Division staff worked with Michigan State University, the Lansing Area Safety Council, the University of Michigan's Center for Occupational Health and Safety Engineering, and 26 additional instructors to make sure the conference was a great learning experience for the attendees. This year's conference had 125 attendees. Another 55 individuals attended two optional workshops addressing combustible dust and troubleshooting of industrial ventilation systems. A review of the conference evaluations showed the conference was an overwhelming success. Two MIOSHA employees have participated in the conference for a combined 30 years!

Significant Cases

December 23, 2019, the GISHD issued citations with penalties totaling \$117,900 to Jasper Weller LLC dba Weller Truck Parts. The penalty is a result of a complaint inspection with one serious and two willful violations.

August 21, 2020, the GISHD issued citations with penalties totaling \$108,200 to Sodecia Automotive Detroit Corp. The penalty is a result of a program planned inspection with three serious, two repeat-serious, eight other-than-serious and three repeat-other-than-serious violations.

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

FY 2020 MIOSHA Follow-up FAME Report

MIOSHA State Internal Evaluation Plan (SIEP) for FY 2020

Activity/Program Component Evaluated:

MIOSHA conducted an audit for fiscal year 2020 to determine if MIOSHA is following the procedures established in Agency Instruction Access to Employee Medical Records related to how medical records are stored in case files.

Findings:

The audit included review of Agency Instruction Access to Employee Medical Records. During the audit, it was noted that the Agency Instruction Access to Employee Medical Records contains a section titled Confidentiality and Security of Medical Records. This section states “When it is necessary to maintain [personally identifiable employee medical information] PIEMI in an inspection case file, copies will be placed in an envelope, sealed, and marked confidential. The envelope will be retained in the case file. At the end of the case file retention period, copies of PIEMI information shall be shredded.”

The audit included review of 40 randomly selected files from 2019 involving OSHA-covered fatalities, amputations, and hospitalizations from the Construction Safety and Health Division (CSHD) and the General Industry Safety and Health Division (GISHD).

The audit found two GISHD files where the PIEMI was not placed in an envelope, sealed, and marked confidential. These two files represent 5 percent of the case files reviewed. Overall findings indicate compliance with the instruction.

Recommendations of Activity/Program Evaluation:

- Provide refresher training to staff on the requirements of the instruction.

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

FY 2020 MIOSHA Follow-up FAME Report

State Activity Mandated Measures (SAMM) FY 2020

Compliance

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

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

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

Mandated activities are tracked on a quarterly basis using the SAMM Report which compares State activity data to an established reference point. A comparison of MIOSHA activity measures for FY 2018, FY 2019, and FY 2020 is provided in the table below. Notable improvement was seen in four of the following mandated activities in FY 2020:

- The average current penalty per serious violation for larger employers, 251 + employees increased 3.6% from \$3,266 to \$3,383.
- The percent in-compliance rate for safety decreased from 40.9% to 35.5%.
- The average lapse time decreased for both safety and health compared to FY 2019.
- The percent penalty retained increased from 59.42% to 64.41%.

Comparison of FY 2018, FY 2019, and FY 2020 State Activity Mandated Measures

Performance	FY18	FY19	FY20	Comments
Average number of work days to initiate complaint inspections (state formula)	6.58	6.50	8.53	The average number of days to initiate a complaint inspection increased in FY2020 to 8.53 days due to COVID-19 related issues but remains below the established goal of 10 days.
Average number of work-days to initiate complaint inspections (federal formula)	4.85	4.32	5.37	(Federal formula)

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

FY 2020 MIOSHA Follow-up FAME Report

Average number of work-days to initiate complaint investigations (state formula)	4.49	5.45	6.91	The average number of days to initiate a complaint investigation increased in FY2020 due to COVID related issues but remains below the established goal of 8 days.
Average number of work-days to initiate complaint investigations (federal formula)	3.82	4.53	5.87	(Federal formula)
Percent of complaints & referrals responded to within 1 work-day imminent danger	100%	100%	100%	All imminent danger complaints were responded to within one day.
Number of denials where entry not obtained	0	0	0	Entry was obtained for all denials in FY 2019.
Average violations per inspection with violations - Serious/willful/repeat	1.47	1.38	1.46	The number of SWR citations increased from FY 2019. MIOSHA continues to follow its training plan to assist investigative staff in identifying serious hazards.
Average violations per inspection with violations- Other than serious	1.38	1.29	1.31	The number of other than serious citations increased in FY 2020. MIOSHA continues to follow its training plan to assist investigative staff in identifying serious hazards.
Percent of total inspections in public sector	3.4%	2.9%	2.7%	The percent of programmed public sector inspections decreased in FY 2020 due to COVID-19 related issues.
Inspections - Safety	3,283	3,440	2365	The number of safety inspections decreased in FY 2020 due to COVID-19 related issues.
Inspections - Health	1,064	982	796	The number of health inspections decreased in FY 2020 due to COVID-19 related issues.
Average current penalty per serious violation (Private Sector Only) Total 1-250+ EEs	\$1,118	\$1,402	\$1,287	The overall average current penalty per serious violation decreased in FY 2020.
Average current penalty per serious violation (Private Sector Only) 1-25 EEs	\$577	\$671	\$680	The average penalty for this size employer increased in FY 2020.
Average current penalty per serious violation (Private Sector Only) 26-100 EEs	\$1,365	\$1,404	\$1,338	The average penalty for this size employer decreased in FY 2020.
Average current penalty per serious violation (Private Sector Only) 101-250 EEs	\$1,937	\$1,941	\$1,933	The average penalty for this size employer decreased slightly in FY 2020.
Average current penalty per serious violation (Private Sector Only) 251+ EEs	\$2,870	\$3,266	\$3,383	The average penalty for the largest employers increased in FY 2020.

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

FY 2020 MIOSHA Follow-up FAME Report

Percent in compliance - Safety	39.2%	40.9%	35.52%	The percent in compliance for safety inspections decreased in FY 2020.
Percent in compliance - Health	37.6%	47%	52.3%	The percent in compliance for health inspections increased in FY 2020.
Percent of work-related fatalities responded to in one workday	100%	100%	96.6%	Two general industry fatalities were not responded to in one workday.
Average lapse time from opening conference date to citation issue date — Safety	38.39	43.46	43.28	Safety lapse time decreased in FY20 20.
Average lapse time from opening conference date to citation issue date — Health	56.47	69.66	68.04	Health lapse time decreased in FY 2020.
Percent penalty retained	58.06	59.42	64.41	The percent penalty retained increased in comparison to FY 2019.
Percent of initial inspections with employee walk around representation	99.36	99.41	99.34	The percent of inspections with walk around representation or employee interview decreased slightly in FY 2020.
Percent of 11(c) investigations completed within 90 days	75.0	80.0	78.0	MIOSHA continued to work on the backlogged cases.
Percent of 11(c) complaints that are meritorious	8.0	16.0	10.0	MIOSHA's percent meritorious 11(c) complaints decreased in FY 2020.
Average number calendar days to complete 11(c) investigations	81.0	70.0	70.0	The average number of days to complete 11(c) investigations remained steady from FY 2019. The discrimination unit continues to work on the backlogged cases.

Consultation

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

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

The MIOSHA consultation program met or exceeded the following measures in FY 2020:

- Percent of initial visits in high hazard establishments = 98%
- Percent of initial visits to smaller businesses = 99%
- Percent of visits where consultant conferred with employees = 100%
- Percent of serious hazards verified corrected in original time or on-site = 84%