

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

**State of New Jersey**  
**Public Employees Occupational Safety and Health (PEOSH)**



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## I. Executive Summary

The purpose of this Federal Annual Monitoring Evaluation (FAME) report is to assess the New Jersey (NJ) Public Employees Occupational Safety and Health (PEOSH) State Plan's activities for Fiscal Year (FY) 2020, and its progress in resolving outstanding findings and recommendations from previous FAME reports, with a focus being on the FY 2019 Comprehensive FAME Report.

On March 9, 2020, NJ Governor Murphy officially declared a state of emergency and public health emergency to contain the spread of COVID-19. The state of emergency resulted in an interruption of numerous operations throughout the state, as well as full activation of the NJ Office of Emergency Management. As in the past, PEOSH personnel continued to be leaders in the realm of homeland security, serving as key members of the emergency response community and serving in leadership roles in local, state, and federal emergency response efforts and activities. NJDOH staff assisted in staffing and supervision of the COVID-19 Emergency Command Center (ECC). PEOSH staff also assisted the NJ Office of Homeland Security and Preparedness (NJOHSP) with reviewing donated personal protective equipment (PPE) for utilization in protecting individuals from COVID-19.

New Jersey, along with most other states in the country, found it necessary to adapt to conducting daily operations in a modified manner. Enforcement inspections were accomplished using different procedures (for example, alternate on-site inspections or phone/correspondence/virtual inspections) to ensure that state and local government (SLG) workers were protected. Along with the enforcement staff, consultants also had to contend with adapting to a different way of conducting business. Consultants continued to reach out to their clients to provide information as well as responding to inquiries from clients about COVID precautions.

PEOSH actively engages with OSHA by providing requested information in a timely manner. The program is responsive to addressing OSHA's FAME findings and implementing corrective actions. PEOSH works collaboratively with OSHA and continuously strives to improve its program.

Last year's FAME report included three findings that related to hazard identification, worker retaliation case file documentation, and insufficient documentation in consultation case files. These three findings will be continued during the FY 2021 performance period until OSHA conducts a comprehensive on-site case file review for next year's FAME.

OSHA determined that one of the four observations from the FY 2019 FAME report (health lapse time) was sufficiently addressed and could be closed. The remaining three observations are continued for further monitoring during the FY 2021 performance period. Appendix A of this report describes the continued findings and recommendations. Appendix B describes observations and the related federal monitoring plans. Appendix C describes the status of previous findings with associated completed corrective actions.

## II. State Plan Background

PEOSH is administered by the Public Safety and Occupational Safety and Health Division of the New Jersey Department of Labor and Workforce Development (NJDLWD) in partnership with the Consumer Environmental Occupational Health Service (CEOHS) of the New Jersey Department of Health (NJDOH). Robert Asaro-Angelo is currently the commissioner who oversees the NJ State Plan which includes two offices: a labor (safety) central office and a health central office – both located in Trenton, New Jersey. These offices cover all state and local government sector enforcement and consultation activities in New Jersey.

PEOSH covers both safety and health disciplines. Private sector enforcement is retained under federal jurisdiction, while private sector consultative services are provided by the NJDLWD Consultation Services Bureau under section 21(d) of the OSH Act. Private sector consultation services are administered under a separate grant. A review of that program is not included in this report. The New Jersey State Plan agreement requires PEOSH to adopt all applicable OSHA safety and health standards – either identically or as alternative standards “at least as effective as” the federal standards.

PEOSH does not contain provisions for the issuance of monetary penalties for state and local government sector employers found not to be in-compliance with applicable standards on a first instance basis, except in cases of willful or repeat violations. There is also a provision for penalties on all failure to correct violations. PEOSH’s review proceedings are similar to OSHA review procedures.

The table below presents PEOSH’s funding history over the past five years:

FY 2016-2020 Funding History					
Fiscal Year	Federal Award (\$)	State Plan Match (\$)	100% State Plan Funds (\$)	Total Funding (\$)	Percentage of State Plan Contribution
2020	\$2,090,400	\$2,090,400	\$786,415	\$4,967,215	58%
2019	\$1,959,300	\$1,959,300	\$1,020,494	\$4,939,094	61%
2018	\$1,921,400	\$1,921,400	\$1,013,965	\$4,856,765	60%
2017	\$1,921,400	\$1,921,400	\$1,252,679	\$5,095,479	62%
2016	\$1,921,400	\$1,921,400	\$1,165,793	\$5,008,593	62%

In the FY 2020 grant application, PEOSH allocated for 13.25 enforcement staff and had 10.25 onboard; 3.50 safety and health consultants were allocated, three were onboard. Four PEOSH enforcement staff also conduct whistleblower investigations. PEOSH does not meet staffing expectations (20 safety/seven health); however, as a state and local government-only State Plan, PEOSH is not subject to required benchmark levels.

## New Issues

### **Lapsing of Funds**

On August 8, 2019, a new policy became effective for permanently redistributing 23(g) funds that are repeatedly lapsed or deobligated by State Plans. Under this policy, State Plans that lapse or deobligate funds in three consecutive years will have a portion of their base awards permanently reduced in year four. NJ PEOSH lapsed a total of \$53, 796.26 from their FY 2020 federal grant award. This is the first year PEOSH has lapsed funds. OSHA issued a formal warning letter to NJ PEOSH with notification of the lapse and a reminder of OSHA's new policy.

## **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**

This follow-up FAME report contains three continued findings and three continued observations. One observation from last year's FAME was closed. 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.

## **FINDINGS**

### **Completed Findings**

There were no completed findings identified in FY 2020.

## Continued Findings

### **Finding FY 2020-01 (Finding FY 2019-01): Hazard Identification/Sampling**

In FY 2019, five of six (83%) health enforcement case files reviewed had potential hazards where sampling should have been done, and two files noted that sampling needed to be done but was not due to sampling equipment not being calibrated.

**Status:** Department of Health (DOH) staff was instructed to perform sampling where potential hazards exist based on active work tasks. New Jersey DOH (NJDOH) secured contracts with two vendors to perform sampling equipment service and calibration. Servicing of dosimeters and for acoustical calibrators was completed. NJDOH also has a contract with a local equipment rental service to provide sampling and/or monitoring equipment, as required, for enforcement inspections and consultations. The corrective action is completed; however, OSHA will conduct an on-site case file review in FY 2021 to gather the information needed to evaluate this finding. This finding will be a focus of next year's on-site case file review during the comprehensive FAME and remains open, awaiting verification.

### **Finding FY 2020-02 (Finding FY 2019-02): Case File Documentation and Organization**

FY 2019 worker retaliation case files reviewed did not accurately reflect the correct case closure date, contain proof of complaint filing date, document that supervisory review was conducted prior to the issuance of determination letters, or document that the respondent received the determination letters.

**Status:** PEOSH supervisors and whistleblower compliance officers attended a Microsoft Teams meeting on August 11, 2020 where Chapters 4 and 5 of the PEOSH WB Manual was reviewed and reinforced. PEOSH will use the date posted on the closing letter as the closing date as stated in the PEOSH WB manual. WB complaints received via United States Postal (USP) mail, fax, and/or email will reflect the date received. Supervisory review is documented by signing and dating the Reports of Investigation (ROI) prior to issuance of the determination letter. The corrective action is completed; however, OSHA will conduct an on-site case file review in FY 2021 to gather the information needed to evaluate this finding. This finding will be a focus of next year's on-site case file review during the comprehensive FAME and remains open, awaiting verification.

### **Finding FY 2020-03 (Finding FY 2019-03): Consultation Case File Documentation**

In FY 2019, consultation case file documentation was lacking.

**Status:** New processes for documenting consultation case files were implemented. For example: prior to report issuance, field notes and photos are shared with the supervisor which identify potentially missed hazards; consultants and supervisors review hazard abatement certification submitted by the employer prior to closing the case file; prior to authorizing an abatement extension, all required information will be completed by the employer, reviewed by the supervisor, and documented in the case file; and three-year DART/TRC rates will be calculated and compared to the national average NAICS code which will be provided to the employer during the opening conference and/or in the written report. This finding will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME and remains open, awaiting verification.

## New FY 2020 Findings

No new findings identified in FY 2020.

## **OBSERVATIONS**

### Closed Observations

#### **Observation FY 2019-OB-01:** *Health Lapse Time*

In FY 2020, the average health lapse time (SAMM #11) for citations was calculated at 68.76 days – a decrease from 76.80 days in FY 2019 and within the FRL range of 48.31 to 72.47 days.

**Status:** In FY 2020, PEOSH/DOH successfully lowered the health lapse time average and currently falls within the acceptable FRL range. This observation is closed.

### Continued Observations

#### **Observation FY 2020-01 (FY 2019-OB-02/FY 2018-OB-01):** *Complaint Notification*

In two of the eight (25%) complaint files reviewed in FY 2019, the letter sent to the complainant did not address complaint items when no citation was issued.

**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 2020-02 (FY 2020-OB-19-03):** *Sound Legal Reasoning*

In one of the five (20%) docketed workplace retaliation case files reviewed in FY 2019, it is unclear if the determination reached was based on substantive evidence in the case file and sound legal reasoning.

**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 2020-03 (FY 2019-OB-04/FY 2018-OB-05):** *Consultation Reports*

In FY 2019, there were delays in issuing consultation reports. In four of the 19 (21%) consultation case files reviewed, reports were not issued to the employer within 20 calendar days of the closing conference. In addition, in seven of the 19 (37%) consultation case files reviewed, opening conference dates were different from the closing conference dates.

**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.

### New FY 2020 Observations

There were no new observations identified in FY 2020.

### 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 PEOSH'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 1a – Average number of workdays to initiate complaint inspections (state formula):**

Discussion of State Plan data and FRL: PEOSH's average number of workdays to initiate complaint investigations was 37.12 days for FY 2020, which is higher than the negotiated FRL number of five days for serious hazards; 120 days for other-than-serious hazards.

Explanation: PEOSH's safety enforcement staff responded within five days to the 23 formal complaints received in FY 2020. The 37.12 day response time is skewed due to the high number of indoor air quality (IAQ) complaints received by NJDOH during the year. All IAQ complaints are handled by NJDOH CSHOs and as phone/fax complaints; if no response is received from the employer after five/10 days, an inspection is conducted. NJDOH's response to all non-IAQ complaints (187) averaged 2.46 days – less than five days which is within the negotiated level of five days for serious/120 days for other-than-serious hazards. OSHA will continue to monitor this issue utilizing quarterly SAMM reports.

#### **SAMM 2a – Average number of workdays to initiate complaint investigations (state formula):**

Discussion of State Plan data and FRL: PEOSH's average number of workdays to initiate complaint investigations was 2.46 days for FY 2020, which is higher than the negotiated FRL number of one workday.

Explanation: NJDOH routinely receives a high volume of IAQ complaints which created the majority of the phone/fax complaints. Although the average number is above the negotiated FRL, it significantly decreased from 4.68 days in FY 2019. OSHA will continue to monitor this issue utilizing quarterly SAMM reports.

#### **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 the three-year national average of 1.79 for serious/willful/repeat (S/W/R) violations, which equals a range of 1.43 to 2.15. PEOSH's S/W/R average is 4.20 violations, which is above the FRL range. The FRL for other-than-serious (OTS) violations is +/- 20% of the three-year national average of 0.95 which equals a range of 0.76 to 1.14. PEOSH's OTS average is 2.52 (also above the FRL range).

Explanation: PEOSH's violations per inspection continue to be above average.

#### **SAMM 7 – Planned v. actual inspections – safety/health:**

Discussion of State Plan data and FRL: The FRL for planned v. actual inspections is +/- 5% of the negotiated number of 500 safety inspections which equals a range of 475 to 525 inspections and



125 health inspections which equals a range of 118.75 to 131.25 inspections. PEOSH's safety staff conducted 248 inspections which is substantially lower than the FRL. The health staff conducted 115 inspections which is slightly below the FRL range.

Explanation: PEOSH's low number of inspections can be attributed to the state of emergency declared by Governor Murphy on March 9, 2020 due to the COVID-19 pandemic. Some establishments were closed and/or open with limited operations; therefore, PEOSH developed and implemented alternate inspection methods (virtual inspections) throughout the remainder of FY 2020. Inspections were limited to responding to imminent danger/fatalities/complaints/referral notifications. Due to the extenuating circumstances, this does not rise to the level of an observation, but will be monitored by OSHA during quarterly meetings.

**SAMM 9 – Percent in-compliance:**

Discussion of State Plan data and FRL: The FRL for percent in-compliance for safety is +/- 20% of the three-year national average of 31.03% which equals a range of 24.82% to 37.24%. During FY 2020, PEOSH's average percent in-compliance was 15.65% for safety, considerably lower than the FRL range. The FRL for percent in-compliance for health is +/- 20% of the three-year national average of 37.15% which equals a range of 29.72% to 44.58%. The health in-compliance percentage is slightly higher than the FRL and was calculated at 46.67%.

Explanation: This is most likely due to COVID-19 complaints. OSHA will continue to monitor this issue utilizing quarterly SAMM reports.

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

Discussion of State Plan data and FRL: During FY 2020, PEOSH investigated four work-related fatalities compared to two in FY 2019. PEOSH's one-day response time was 100%.

Explanation: PEOSH continues to perform well under SAMM 10.

**SAMM 11 – Average lapse time:**

Discussion of State Plan data and FRL: The FRL for average lapse time for safety is +/- 20% of the three-year national average of 50.58 days, which equals a range of 40.46 days to 60.70 days. During FY 2020, PEOSH's average lapse time for citations was calculated at 14.74 days for safety – considerably lower than the FRL range. The FRL for average lapse time for health is +/- 20% of the three-year national average of 60.39 which equals a range of 48.31 days to 72.47 days. The health lapse time is within the FRL and was calculated at 68.76 days in FY 2020 compared to 76.80 days in FY 2019.

Explanation: OSHA will continue to monitor this issue utilizing quarterly SAMM reports.

## Appendix A – New and Continued Findings and Recommendations

### FY 2020 PEOSH Follow-up FAME Report

FY 2020-#	Finding	Recommendation	FY 20XX-#
FY 2020-01	<p><i>Hazard Identification/Sampling</i>                      In FY 2019, five of six (83%) health enforcement case files reviewed had potential hazards where sampling should have been done, and two files noted that sampling needed to be done but was not due to sampling equipment not being calibrated.</p>	PEOSH/DOH staff should ensure that sampling should be performed when potential hazards exist. In addition, a maintenance/calibration contract with the manufacturer or outside vendor needs to be implemented to ensure equipment is calibrated and ready for use. Corrective action complete; awaiting verification.	FY 2019-01
FY 2020-02	<p><i>Case File Documentation and Organization</i>                      FY 2019 worker retaliation case files reviewed did not accurately reflect the correct case closure date, contain proof of complaint filing date, document that supervisory review was conducted prior to the issuance of determination letters, or document that respondent received the determination letters.</p>	PEOSH should follow its procedures detailed in the PEOSH Whistleblower Manual, Chapter 4, Case Disposition and Chapter 5, Documentation and Commissioners Determination. Corrective action complete; awaiting verification.	FY 2019-02
FY 2020-03	<p><i>Consultation Case File Documentation</i>                      In FY 2019, consultation case file documentation was lacking.</p>	PEOSH should improve documentation in its consultation case files by adhering to PEOSH’s consultation policies and procedures manual. Supervisors should review consultation case files to ensure appropriate documentation is included. Corrective action complete; awaiting verification.	FY 2019-03 FY 2018-03

## Appendix B – Observations and Federal Monitoring Plans

### FY 2020 PEOSH Follow-up FAME Report

Observation # FY 2020-OB-#	Observation # FY 20XX-OB-#	Observation	Federal Monitoring Plan	Current Status
FY 2020-OB-01	FY 2019-OB-02 FY 2018-OB-01 FY 2017-OB-01	<i>Complaint Notification</i> In two of the eight (25%) complaint files reviewed in FY 2019, the letter sent to the complainant did not address complaint items when no citation was issued.	In FY 2021, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.	Continued
FY 2020-OB-02	FY 2019-OB-03	<i>Sound Legal Reasoning</i> In one of the five (20%) docketed workplace retaliation case files reviewed in FY 2019, it is unclear if the determination reached was based on substantive evidence in the case file and sound legal reasoning.	In FY 2021, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.	Continued
FY 2020-OB-03	FY 2019-OB-04 FY 2018-OB-05	<i>Consultation Reports</i> In FY 2019, there were delays in issuing consultation reports. In four of the 19 (21%) consultation case files reviewed, reports were not issued to the employer within 20 calendar days of the closing conference. In addition, in seven of the 19 (37%) consultation case files reviewed, opening conference dates were different from the closing conference dates.	In FY 2021, a limited number of case files will be selected randomly and reviewed to determine if these are isolated instances or if this represents a trend that requires further action.	Continued
	FY 2019-OB-01	<i>Health Lapse Time</i> In FY 2020, the average health lapse time (SAMM #11) for citations was calculated at 68.76 days – a decrease from 76.80 days in FY 2019 and within the FRL range of 48.31 to 72.47 days.		Closed

## Appendix C - Status of FY 2019 Findings and Recommendations

### FY 2020 PEOSH Follow-up FAME Report

FY 2019-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status
FY 2019-01	<p><i>Hazard Identification/Sampling</i></p> <p>Health enforcement case files noted potential hazards where sampling should have been performed, but was not due to sampling equipment not being calibrated.</p>	<p>PEOSH/DOH staff should ensure that sampling should be performed when potential hazards exist. In addition, a maintenance/calibration contract with the manufacturer or outside vendor needs to be implemented to ensure equipment is calibrated and ready for use.</p>	<p>NJDOH staff was instructed to perform sampling where potential hazards exist based on active work tasks. NJDOH secured contracts with two vendors to perform sampling equipment service and calibration. Servicing of dosimeters and for acoustical calibrators was completed. NJDOH contracted with a local equipment rental service to provide sampling and/or monitoring equipment, as required, for enforcement inspections and consultations.</p>	September 30, 2020	Awaiting Verification
FY 2019-02	<p><i>Case File Documentation and Organization</i></p> <p>Worker retaliation case files did not accurately reflect the correct case closure date, contain proof of complaint filing date, document that supervisory review was conducted prior to the issuance of determination letters, or document that the respondent received the determination letter.</p>	<p>PEOSH should follow its procedures detailed in the PEOSH Whistleblower (WB) Manual, Chapter 4, Case Disposition and Chapter 5, Documentation and Commissioners Determination.</p>	<p>PEOSH will use the date posted on the closing letter as the closing date as stated in the PEOSH W/B manual. WB complaints received via USP mail or fax are date stamped upon receipt into the PEOSH office. Complaints received via email are reflected as the email receipt date. Supervisory review is documented by signing and dating the Reports of Investigation (ROI) prior to issuance of the determination letter. In addition, supervisors and WB compliance officers attended a Microsoft Teams meeting where Chapters 4 &amp; 5 of the PEOSH WB Manual were reviewed and reinforced.</p>	August 11, 2020	Awaiting Verification

## Appendix C - Status of FY 2017 Findings and Recommendations

### FY 2020 PEOSH Follow-up FAME Report

FY 2019-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status
FY 2019-03	<p><i>Consultation Case File Documentation</i>                      Consultation case file documentation was lacking.</p>	<p>PEOSH should improve documentation in its consultation case files by adhering to PEOSH’s consultation policies and procedures manual. Supervisors should review consultation case files to ensure appropriate documentation is included.</p>	<p>New processes for documenting consultation case files were implemented such as: prior to report issuance, field notes and photos are shared with the supervisor which identify potentially missed hazards; consultants and supervisors review hazard abatement certification submitted by the employer prior to closing the case file; prior to authorizing an abatement extension, all required information will be completed by the employer, reviewed by the supervisor, and documented in the case file; and three-year DART/TRC rates will be calculated and compared to the national average NAICS code which will be provided to the employer during the opening conference and in the written report.</p>	March 17, 2020	Awaiting Verification

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

### FY 2020 PEOSH Follow-up FAME Report

<b>U.S. Department of Labor</b>				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: New Jersey - PEOSH			FY 2020	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
<b>1a</b>	Average number of work days to initiate complaint inspections (state formula)	37.12	5 days for serious hazards; 120 days for other than serious hazards	The further review level is negotiated by OSHA and the State Plan.
<b>1b</b>	Average number of work days to initiate complaint inspections (federal formula)	12.39	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>2a</b>	Average number of work days to initiate complaint investigations (state formula)	2.46	1	The further review level is negotiated by OSHA and the State Plan.
<b>2b</b>	Average number of work days to initiate complaint investigations (federal formula)	2.34	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>3</b>	Percent of complaints and referrals responded to within one workday (imminent danger)	100%	100%	The further review level is fixed for all State Plans.
<b>4</b>	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
<b>5</b>	Average number of violations per inspection with violations by violation type	SWRU: 4.20	+/- 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: 2.52	+/- 20% of Other: 0.95	

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

### FY 2020 PEOSH Follow-up FAME Report

<b>U.S. Department of Labor</b>				
<b>6</b>	Percent of total inspections in state and local government workplaces	100%	100%	Since this is a State and Local Government State Plan, all inspections are in state and local government workplaces.
<b>7</b>	Planned v. actual inspections – safety/health	S: 248	+/- 5% of S: 500	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 475 to 525 for safety and from 118.75 to 131.25 for health.
		H: 115	+/- 5% of H: 125	
<b>8</b>	Average current serious penalty in private sector - total (1 to greater than 250 workers)	N/A	+/- 25% of \$2,964.86	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	<b>a.</b> Average current serious penalty in private sector (1-25 workers)	N/A	+/- 25% of \$1,967.64	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	<b>b.</b> Average current serious penalty in private sector (26-100 workers)	N/A	+/- 25% of \$3,513.45	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	<b>c.</b> Average current serious penalty in private sector (101-250 workers)	N/A	+/- 25% of \$5,027.02	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
	<b>d.</b> Average current serious penalty in private sector (greater than 250 workers)	N/A	+/- 25% of \$6,190.91	N/A – This is a State and Local Government State Plan. The further review level is based on a three-year national average.
<b>9</b>	Percent in compliance	S: 15.65%	+/- 20% of S: 31.03%	The further review level is based on a three-year

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

### FY 2020 PEOSH Follow-up FAME Report

<b>U.S. Department of Labor</b>				
		H: 46.67%	+/- 20% of H: 37.15%	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.
<b>10</b>	Percent of work-related fatalities responded to in one workday	100%	100%	The further review level is fixed for all State Plans.
<b>11</b>	Average lapse time	S: 14.74	+/- 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: 68.76	+/- 20% of H: 60.39	
<b>12</b>	Percent penalty retained	N/A	+/- 15% of 67.51%	N/A – The State Plan did not impose any monetary penalties in FY 2020. 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%.
<b>13</b>	Percent of initial inspections with worker walk around representation or worker interview	96.42%	100%	The further review level is fixed for all State Plans.
<b>14</b>	Percent of 11(c) investigations completed within 90 days	0%	100%	The further review level is fixed for all State Plans.
<b>15</b>	Percent of 11(c) complaints that are meritorious	0%	+/- 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%.
<b>16</b>	Average number of calendar days to complete an 11(c)	276	90	The further review level is fixed for all State Plans.



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

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<b>U.S. Department of Labor</b>				
	investigation			
<b>17</b>	Percent of enforcement presence	N/A	+/- 25% of 1.09%	N/A – This is a State and Local Government State Plan and is not held to this SAMM. The further review level is based on a three-year national average.

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.

**STATE OSHA ANNUAL REPORT (SOAR) 2020**

**NEW JERSEY**

**New Jersey Department of Labor and Workforce Development  
Division of Public Safety and Occupational Safety and Health  
Office of Public Employees Occupational Safety and Health**

*In partnership with the*

**New Jersey Department of Health  
Public Health Services Branch  
Division of Epidemiology, Environmental and Occupational Health  
Consumer, Environmental and Occupational Health Service  
Environmental and Occupational Health Assessment Program**

**December 2020**

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

### **FY 2020 PEOSH Follow-up FAME Report**

#### **INTRODUCTION**

The purpose of the New Jersey Public Employees Occupational Safety and Health (PEOSH) Act, N.J.S.A. 34:6A-et seq. is to ensure that all New Jersey public employees are provided with a safe and healthful work environment, free from recognized hazards. In New Jersey, the Federal Occupational Safety and Health Administration (OSHA) responds to private sector safety and health concerns and has no jurisdiction over public employees' safety and health matters.

Major provisions of the PEOSH Act include the promotion of occupational safety and health; the adoption of federal OSHA standards, (29 CFR 1910) General Industry Standards, (29 CFR 1926) Construction Standards, (29 CFR 1928) Agricultural Standards, (29 CFR 1915) Shipyard Standards, (29 CFR 1917) Marine Terminal Standards, (29 CFR 1918) Long shoring Standards, (29 CFR 1919) Gear Certification Standards, and (29 CFR 1924) Standards for workshops/rehabilitation facilities; the promulgation of standards in the absence of federal standards if existing standards are not strict enough; employee rights to request an inspection; and employer responsibilities.

In accordance with the New Jersey Public Employees Occupational Safety and Health Act employers have an obligation to provide public employees with a workplace free from recognized hazards which may cause serious injury or death and to comply with occupational safety and health standards adopted under the Act.

An employee, group of employees, or employee representative has the right to request an inspection of a public facility by notifying, in writing, the appropriate agency charged with investigating safety or health concerns; remain anonymous to the employer after signing the complaint; be present during the inspection; and be protected from discriminatory action as a result of filing a safety or health complaint.

Two state agencies are responsible for implementing the PEOSH Act. The New Jersey Department of Labor and Workforce Development (NJDOL) is the lead agency responsible for administering and enforcing the law throughout the State. In addition, the NJDOL responds to complaints, conducts seminars and distributes information regarding safety hazards. The New Jersey Department of Health (NJDOH) responds to complaints, conducts seminars, and distributes information regarding health hazards.

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#### MANDATED ACTIVITIES

Activity	Safety		Health	
	Goal	Actual	Goal	Actual
Enforcement Inspection	500	*251	125	115
Consultation Visit	100	+35	30	**12
Training Program	50	**27	25	**17
Outreach Participants	1,000	396	1,000	625

\* In the 3<sup>rd</sup> quarter of FFY 2020 the total number of Safety Enforcement Compliance Officers increased to eight (8) with the addition of a new hire. New hires require in-field training accompanied by existing compliance officers for a period of four (4) to six (6) months. Also, due to the COVID-19 pandemic shutdown, PEOSH Safety enforcement inspections were limited to responding to imminent danger/fatalities/complaints/referral notifications until alternate inspection methods were developed and implemented in the 4<sup>th</sup> quarter of FFY 2020.

\*\* NJDOH had one consultant and one trainer for FFY 2020. NJDOH PEOSH consultations were limited due to the COVID-19 pandemic shutdown. NJDOH PEOSH consultation staff assisted PEOSH enforcement with case review of COVID-19 related employee fatalities during the COVID-19 pandemic shutdown. One consultation staff was lost in August 2020 due to employment departure.

\*\*\* Does not include participation in the Firefighter Summit, thirteen (13) Legionella Facility walkthroughs and forty-five (45) conference calls on Legionella investigations.

+Includes Initial, Follow-up, and Training and Assistance visits.

++ Compliance Assistance visits where formal training was conducted.

#### ENFORCEMENT INSPECTIONS

	Safety	Health	Total
Programmed	86	17	103
Complaint	23	74	97
Referral	24	10	34
Accident	16	0	16
Fatality	3	24	27
Technical/Monitoring	0	7	7
Follow-up	99	5	104
Total	251	137	388

#### CONSULTATIONS

Visit Type	Safety	Health	Total
Initial	17	7	24
Follow-up	11	0	11
Training & Assistance	7	5	12
Total	35	12	47

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#### 2019-2023 Non-Fatal Occupational Injury and Illness Incident Rates for Industry Sectors Covered by PEOSH 5-Year Strategic Plan

Incidence rates <sup>1</sup> of non-fatal occupational injuries and illnesses by industry and case types, New Jersey, 2018							
		Total recordable cases					
Industry <sup>2</sup>	NAICS code <sup>3</sup>	2018	2019	2020	2021	2022	2023
<b>State government</b>							
Support activities for transportation	488	10.1	10.1				
<b>Local government</b>							
Water, sewage and other systems	2213	7.8	8.0				
Fire protection	92216	7.6	7.9				
Public Works Departments <sup>4</sup>	921	2.7	2.8				
<sup>1</sup> Incidence rates represent the number of injuries and illnesses per 100 full-time workers and were calculated as (N/EH) x 200,000 where N = number of injuries and illnesses EH = total hours worked by all employees during the calendar year 200,000 = base for 100 equivalent full-time workers (working 40 hours per week, 50 weeks per year).  <sup>2</sup> Totals include data for industries not shown separately. <sup>3</sup> <i>North American Industry Classification System</i> -- United States, 2007. <sup>4</sup> Public Works Departments (PWD) do not have an individual NAICS code. Therefore, the measure used for the PWD category is the incident rate for the occupational duties found at PWD facilities under the 921 NAICS code for recordable cases with days away from work. This incident rate for PWD occupational duties for days away from work under the NAICS 921 comprises the majority (average 80 %) of the total number of cases. SOURCE: N.J. Department of Labor & Workforce Development, in cooperation with U.S. Bureau of Labor Statistics, U.S. Department of Labor, Survey of Occupational Injuries and Illnesses, November 4, 2020.							

### Analysis

PEOSH began its new 5-Year Strategic Plan in Federal Fiscal Year (FFY) 2019. Revisions from the previous Strategic plan are reflected in the removal of Nursing and Residential Care Facilities.

PEOSH continues to use data provided by NJDOL’s Office of Research and Information to evaluate industry trends in non-fatal occupational injury and illness incidence rates and identify those with the highest injury and illness rates.

### Progress Toward Strategic Plan Goals

The New Jersey Public Employees Occupational Safety and Health State OSHA Annual Report (SOAR) for FFY 2020 provides a summary of the PEOSH activities and results as they relate to the PEOSH Strategic Plan for FFY 2019 – FFY 2023. The strategic goals, objectives, and activities provide the focus for PEOSH enforcement, education and training, outreach, and administrative programs. Our strategic goals help us to accomplish our mission by focusing on

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prevention and protection in the targeted industries. Working in partnership with our customers, PEOSH focuses on providing safe and healthful workplaces for New Jersey’s public employees, and on preventing workplace injuries and illnesses. PEOSH’s success in meeting the goals and objectives as outlined in the Strategic Plan are measured by combining results from multiple program areas in both the NJDOL and the NJDOH. The Strategic Plan is designed to integrate various activities, and to present a unified purpose and direction for all of the programmatic elements within PEOSH. For example, when a new standard is adopted, compliance inspections will be conducted to ensure compliance with the standard, training and outreach materials will be developed, and compliance assistance will be provided to educate employers and workers and to assist employers in-compliance.

The strategic plan identifies three (3) fundamental goals to reduce workplace injuries, illnesses and fatalities in New Jersey. The goals, activities to meet the goals and FFY 2020 outcomes are described below.

#### **Strategic Goal #1**

***Improve workplace safety and health for all public employees as evidenced by fewer hazards, reduced exposures and fewer injuries, illnesses, and fatalities.***

**Outcome Goal:** Reduce the number of worker injuries and illnesses, by focusing statewide attention and Agency resources on the most prevalent types of injuries, illnesses, the most hazardous public occupations, and the most hazardous workplaces.

#### **Performance Goal 1.1 - State Support Activities for Transportation (NAICS 488)**

Decrease non-fatal occupational injury and illness incident rates in state, county and/or local agencies in the specific NAICS segments by 5 % by 2023 (1 % per year).

NJDLDWD planned to:

- Identify and verify all worksites covered by NAICS 488;
- Identify appropriate outreach materials;
- Make outreach materials available through mass mailing and the website;
- Conduct outreach for training and consultation services;
- Identify organizations to form alliance/partnership; and
- Develop a baseline.

#### **National/Special Emphasis Programs and Campaigns (NEP/SEP):**

The following Programs are associated with this performance goal:

- Amputations
- Heat Stress
- Highway Work Zone Safety
- Temporary Workers
- Trenching

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#### Activities:

A summary of activities is found in the table at the end of the report.

#### Outcome Measures:

All NAICS 488 work sites were identified. The employers are:

- New Jersey Turnpike Authority (includes Garden State Parkway);
- South Jersey Transportation Authority (includes Atlantic City Expressway); and
- South Jersey Port Corporation.

The baseline to be used is the 2018 NAICS 488 incidence rate of non-fatal occupational injuries and illnesses of **10.1** total recordable cases (Source: the NJDOL, Office of Research and Information) See chart on page four (4). The current Occupational Injury and Illness data table can be found at: [http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy\\_index.html](http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy_index.html).

A 5% decrease from the baseline of 10.1 will result in 9.6 total recordable cases. The latest Division of Program Planning, Analysis and Evaluation data is for the year 2019.

#### Performance Goal 1.2 – Local Fire Protection (NAICS 92216)

Decrease non-fatal occupational injury and illness incident rates in state, county and/or local agencies in the specific NAICS segments by 5 % by 2023 (1 % per year).

NJDLWD planned to:

- Develop a baseline;
- Identify appropriate outreach materials;
- Make outreach materials available through mass mailing and the website;
- Conduct outreach for training and consultation services; and
- Identify organizations to form alliance/partnership.

#### National/Special Emphasis Programs and Campaigns (NEP/SEP):

The following Programs are associated with this performance goal:

- Heat Stress
- Highway Work Zone Safety

#### Local Emphasis Programs (LEP):

- Asbestos
- Firefighting-Emergency Responder Preparedness
- Noise

#### Activities:

A summary of activities is found in the table at the end of the report.

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#### **Outcome Measures:**

The baseline to be used is the 2018 NAICS 92216 incidence rate of nonfatal occupational injuries and illnesses of 7.6 total recordable cases (Source: the NJDOL, Office of Research and Information). See chart on page four (4). The current Occupational Injury and Illness data table can be found at: [http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy\\_index.html](http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy_index.html).

A 5% decrease from the baseline of 7.6 will result in 7.2 total recordable cases. The latest Division of Program Planning, Analysis and Evaluation data is for the year 2019.

#### **Performance Goal 1.3 – Public Works Departments (NAICS 921)**

Decrease injuries and illnesses in state, county and/or local agencies in the specific NAICS segments by 5 % by 2023 as follows (1% per year):

NJDOL planned to:

- Develop a baseline;
- Identify appropriate outreach materials;
- Make outreach materials available through mass mailing and the website;
- Conduct outreach for training and consultation services; and
- Identify organizations to form alliance/partnership.

#### **National/Special Emphasis Programs and Campaigns (NEP/SEP):**

The following Programs are associated with this performance goal:

- Highway Work Zone Safety
- Amputations
- Heat Stress
- Temporary Workers
- Trenching

#### **Activities:**

A summary of activities is found in the table at the end of the report.

#### **Outcome Measures:**

The baseline to be used is the 2018 NAICS 921 incidence rate of cases involving days away from work by occupation (Source: the NJDOL, Office of Research and Information). See chart on page four (4). The current Occupational Injury and Illness data table can be found at: [http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy\\_index.html](http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy_index.html).

A 5% decrease from the baseline of 2.7 will result in a 2.6 incident rate for cases with days away from work. The latest Division of Program Planning, Analysis and Evaluation data is for the year 2019.

#### **Performance Goal 1.4 –Water and Sewage Treatment Facilities (NAICS 2213)**

Decrease injuries and illnesses in state, county and/or local agencies in the specific NAICS segments by 5 % by 2023 as follows (1% per year):



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NJDLWD planned to:

- Develop a baseline;
- Identify appropriate outreach materials;
- Make outreach materials available through mass mailing and the website;
- Conduct outreach for training and consultation services; and
- Identify organizations to form alliance/partnership.

#### **National/Special Emphasis Programs and Campaigns (NEP/SEP):**

The following Programs are associated with this performance goal:

- Amputations
- Heat Stress
- Highway Work Zone Safety
- Temporary Workers
- Trenching

#### **Activities:**

A summary of activities is found in the table at the end of the report.

#### **Outcome Measures:**

The baseline to be used is the 2018 NAICS 221320 incidence rate of nonfatal occupational injuries and illnesses of **7.8** total recordable cases (Source: the NJDOL, Office of Research and Information). See chart on page four (4). The current Occupational Injury and Illness data table can be found at: [http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy\\_index.html](http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy_index.html)).

A 5% decrease from the baseline of 7.8 will result in 7.4 total recordable cases. The latest Division of Program Planning, Analysis and Evaluation data is for the year 2019.

#### **Strategic Goal #2**

*To promote safety and health values in New Jersey's public sector workplaces.*

**Outcome Goal:** To promote public sector employer and worker awareness of, commitment to, and participation in safety and health.

#### **Performance Goal 2.1 – Employee Involvement**

100% of PEOSH Interventions (e.g., inspections, consultations, etc.) will include employee involvement (every year).

#### **Activities:**

A summary of activities is found in the table at the end of the report.

#### **Outcome Measures:**

100% of PEOSH Interventions conducted in FFY 2020 included employee involvement. The goal was met for this year.

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#### **Performance Goal 2.2 – Promote Safety and Health Management System**

100% of PEOSH Consultations will include site specific recommendations to improve the Safety and Health Program Management System in place at that facility.

#### **Activities:**

A summary of activities is found in the table at the end of the report.

#### **Outcome Measures:**

In FFY 2020, 100% of PEOSH Consultations included site specific recommendations to improve the Safety and Health Program Management System in place at that facility. The goal was met for this year.

#### **Performance Goal 2.3 – Compliance Assistance for High Hazard Industry Organizations/Groups**

Perform compliance assistance interventions for high hazard industry organizations / groups, specifically those named in Performance Goals 1.1, 1.2, 1.3 and 1.4 (State Support for Transportation, Local Fire Protection, Public Works, and Water and Sewer). These interventions will focus on the hazards of relevant National/Special Emphasis Programs and Campaigns (NEP/SEP), and promoting PEOSH cooperative services.

Examples of interventions are speaking engagements, exhibitions, training sessions, etc. at high hazard industry associations/groups.

#### **Activities:**

A summary of activities is found in the table at the end of the report.

#### **Outcome Measures:**

From NJDOL, there were no specific interventions conducted in high hazard industry organizations / groups. The goal was not met for this year due, in part, to work restrictions under the COVID-19 pandemic shut down.

From NJDOH, three (3) specific interventions were conducted which reached 55 individuals in high hazard industry organizations / groups. The goal was met for this year.

#### **Strategic Goal #3**

***Secure public confidence through excellence in the development and delivery of PEOSH programs and services.***

**Outcome Goal:** Respond effectively to legal mandates, so that workers are provided full protection under the PEOSH Act.

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#### **Performance Goal 3.1–Fatality Investigations/Inspections**

Initiate inspections of fatalities and catastrophes within one (1) day of notification for 100% of occurrences to prevent further injuries or deaths by the end of FFY 2023.

##### **Activities:**

A summary of activities is found in the table at the end of the report.

##### **Outcome Measures:**

There were nine (9) public employee fatalities recorded in FFY 2020. Five (5) were determined to be non-occupational safety or health related. No investigations were initiated due to pre-existing medical conditions. The investigations undertaken were initiated within one (1) day of notification meeting the Strategic Goal of 100%. The goal was met for this year.

#### **Performance Goal 3.2A–Safety Complaints Received**

As stated in the Annual Plan, the NJDOL planned to initiate 100% of safety complaint inspections within five (5) working days of notification.

##### **Activities:**

For FFY 2020, NJ PEOSH Safety Enforcement received 23 formal complaints.

##### **Outcome Measures:**

100% of the FFY 2020 complaint investigations were initiated within five (5) days. The goal was met for this year.

#### **Performance Goal 3.2B –Health Complaints Received**

As stated in the Annual Plan, the NJDOH goal is to initiate 95% of non-IAQ/ sanitation complaint inspections within five (5) working days of notification.

##### **Activities:**

For FFY 2020, NJDOH PEOSH Program received 187 non-IAQ/Sanitation complaints. One-hundred eighty- seven (187) inspections were initiated within five (5) days (average 2.46 days, range 1-5 days). The NJDOH PEOSH Program received 152 IAQ and sanitation complaints in FFY 2020.

##### **Outcome Measures:**

The goal to initiate 95% of non-IAQ/sanitation complaints was met. 100% (187/187) of the non-IAQ, non-sanitation complaints were initiated within five (5) days. The goal was met for this year.

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#### **Performance Goal 3.3 – Consultation Customer Satisfaction Surveys**

Every year, 90% of surveys received from public employers utilizing consultation and/or training services rate the service(s) as highly effective (score 7 or higher, on a scale of 1 through 10 on the customer satisfaction survey).

##### **Activities:**

All public employers who participate in initial consultations are provided with a customer satisfaction survey which rates the consultation intervention on a scale of 1 to 10. PEOSH strives to rate 7 or better on all customer satisfaction surveys that are returned by public employers.

A summary of activities is found in the table at the end of the report.

##### **Outcome Measures:**

NJDOL PEOSH received 26 customer satisfaction surveys for consultation, training, and compliance assistance activities. 100% of the customer satisfaction surveys received rated the consultation interventions as highly effective (score 7 or higher on a scale of 1 through 10 on a customer satisfaction survey). The goal was met for this year.

NJDOH PEOSH received 12 customer satisfaction surveys for consultation, and formal training activities. 100% of the customer satisfaction surveys received rated the consultation interventions as highly effective (score 7 or higher on a scale of 1 through 10 on a customer satisfaction survey). The goal was met for this year.

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

##### **Outcome Measures:**

##### **Enforcement:**

LABOR: The NJDOL safety enforcement conducted 251 inspections which was 249 short of its goal. Following the NJDOL safety enforcement's approval to backfill a compliance officer position that occurred due to a retirement, the number of compliance officers increased to eight (8) in the 3<sup>rd</sup> quarter of FFY 2020 as a result of a new hire. New hires require in-field training accompanied by existing compliance officers for a period of four (4) to six (6) months. Safety Enforcement has requested approval for the hiring of additional replacements for vacant positions, but this request has been placed on hold as a result of the COVID-19 pandemic.

Due to the COVID-19 pandemic shut-down, PEOSH Safety enforcement inspections were limited to responding to imminent danger/fatalities/complaints/referral notifications until alternate inspection methods were developed and implemented in mid-September of the FFY 2020 4<sup>th</sup> quarter.

It is also noted that four (4) of the enforcement staff are assigned to conduct PEOSH whistleblower complaint investigations which can also displace enforcement inspection activity.

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HEALTH: The NJDOH PEOSH Program conducted 137 inspections, which was above the goal of 125. NJDOH PEOSH currently has three (3) CSHOs assigned to field work and one (1) CSHO assigned to IAQ/Sanitation and informal phone/fax complaints. Approval for one (1) CSHO position is currently being pursued.

#### **Consultation:**

LABOR: The NJDOL PEOSH Program conducted 17 initial visits, 11 follow up visits, and seven (7) training and education visits, but was unable to attain the goal of 100 due to circumstances surrounding COVID-19.

HEALTH: The NJDOH PEOSH Program conducted 12 consultations including seven (7) initial visits, zero (0) follow up visits and five (5) training and assistance visits, but was unable to attain the goal of 30 due, in part, to work restrictions under the COVID-19 pandemic shut down.

#### **Training:**

LABOR: The NJDOL PEOSH Training Unit did not reach the goal of 100 training classes reaching 1,000 students due, in part, to work restrictions under the COVID-19 pandemic shut down. In FFY 2020, 27 training classes were provided to 396 public employees in New Jersey.

HEALTH: The NJDOH PEOSH Program conducted 17 training classes and reached 625 participants. The goal of 50 classes and 1,000 participants was not met due, in part, to work restrictions under the COVID-19 pandemic shutdown. The NJDOH PEOSH Program had one (1) trainer for FFY 2020.

#### **Penalties:**

The Office of Public Employees Occupational Safety and Health (OPEOSH) has concluded that to better serve and to make workplaces safer and healthier, those areas that incur penalties for violations could create safer and healthier environments by using consultation services in their workplaces. As a result and to encourage the use of these consultation services, the OPEOSH may at an informal conference offer a reduction in the amount of the imposed penalties of up to 75% provided that the offending authority agrees to total consultation services for all facilities within its control. This agreement would include both the NJDOL and NJDOH consultation units. Should the offending authority agree to a partial consultation involving only the facility where violations were cited, a penalty reduction would be limited to 25% of the original penalty.

Should a penalty reduction agreement be made at the informal conference, the Assistant Director overseeing the NJDOL consultation services along with the NJDOH designee shall ensure that the proper documents are filled out and that the consultation visits are initiated in a timely manner. Upon the completion of consultation services, the Assistant Director and NJDOH designee shall advise the Chief of PEOSH of said completion so that the penalty case may be closed. PEOSH will extend abatement dates if necessary following established PEOSH guidelines.

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In FFY 2020 there were two (2) penalty Orders to Comply (OTC) issued by NJDOL PEOSH. One (1) of the penalty OTCs resulted in a penalty settlement agreement that included a comprehensive safety and health consultation.

#### **Informal conferences:**

NJ PEOSH conducted one (1) informal conference during FFY 2020 as noted above.

#### **Monetary Penalties Collected:**

Total monetary penalties collected for FFY 2020: **\$71,250.00**

#### **Discrimination:**

NJDOL: PEOSH processed 16 discrimination complaints under its jurisdiction, 13 of which were completed within 90 days. Two (2) cases were investigated (one pending). The one (1) case resulted in a non-merit finding. Fourteen (14) cases were administratively closed as they did not establish all of the required prima-facie elements to initiate a formal discrimination investigation or were not jurisdictional under the PEOSH Act. There were zero (0) cases transferred to the Office of Administrative Law (OAL). Once hearing decisions/recommendations are returned to NJDOL, the Commissioner of NJDOL may adopt, reject or modify the recommendations which will become a final determination not more than 45 days from receipt of the OAL hearing report.

Three (3) investigators were enrolled in the #2720 Whistleblower Complaint Resolution from 8/4-8/6/2020 at the OSHA Training Institute in Chicago in accordance with the OSHA Training Directive TED-01-00-020. This course was cancelled due to the COVID-19 pandemic.

#### **Compliance Assistance:**

NJDOL PEOSH and NJDOH PEOSH reported the following notable Compliance Assistance Activities in FFY 2020:

On 12/10 through 12/13/19, a PEOSH consultant provided HAZCOM Train the Trainer training for employees to assist the employer in providing in-house HAZCOM training.

#### **General Issues of Concern/Note/Information:**

##### **PEOSH Advisory Board:**

For FFY 2020, PEOSH conducted a total of three (3) PEOSH Advisory Board meetings as part of their outreach program. These meetings involve employer and employee representatives from State, counties and municipalities. Several public representatives are also represented. Minutes are provided to members on health and safety topics that are presented for discussion at the meetings. Ongoing data for enforcement, consultation and training services provided by PEOSH is presented to the group. Special alerts and updates on standard adoptions are also presented.

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Minutes are kept on file and are used to continually improve the level of service provided by PEOSH.

There was no Advisory Board Meeting in April 2020 due to the COVID-19 Pandemic.

#### **New Jersey Fire Commission, Firefighter Health and Safety Advisory Council:**

The Council meets quarterly to discuss health and safety issues that affect New Jersey Firefighters and make recommendations to the NJ Fire Commission. In FFY 2020, the Council's work was impacted by the COVID-19 Pandemic. However, work continued on addressing firefighter eye protection needs through the issuance of a PEOSH Alert, firefighter PPE decontamination, firefighter injuries sustained during motor vehicle crashes as well as discussion concerning revisions to New Jersey law concerning junior firefighter training. During FFY 2020, the legislation moved through appropriate committees. (The bill, S238/A1106, was signed by Governor Murphy as announced by the Governor's Office on 11/20/2020).

#### **OSHA Outreach Training Presented:**

On 11/07 and 11/14/2019, a PEOSH consultant presented the PEOSH Fire Service Update at two (2) county fire academies. A combined total of 43 individuals attended the sessions.

On 1/23/2020, the PEOSH Assistant Chief provided a presentation to the Somerset County EMS Chief Officer's Association at the RWJ Somerset Hospital. Approximately 25 chief officers attended, each representing one Somerset County EMS organization.

On 2/22/2020, a PEOSH consultant presented the PEOSH Fire Service Update to the Cape May County Fire Chief's Association, a collection of chief officers from departments in the state's southernmost county. A total of 41 attendees participated in the presentation, which was held at the Cape May Public Safety Training Center.

On 3/09/2020, a PEOSH consultant delivered a presentation on PEOSH and commonly found hazards to the NJ Water Environment Association, a collection of county and municipal government employees who work at water utilities and wastewater utilities. A total of 30 attendees participated in the presentation, which was held in Eatontown, NJ.

On 3/11/2020, the PEOSH DOH Program Manager presented at The New Jersey Attorney General's Advocacy Institute for "Investigating Environmental Crimes." This training provided an overview of environmental crime investigations, including a review of pertinent statutes, guidance on how to approach these investigations and insight into New Jersey State agencies that are involved in this process. This training was provided to attorneys and investigators from the Division of Criminal Justice, the Division of Law, County Prosecutors' Offices and the New Jersey Departments of Community Affairs, Environmental Protection, Health and Labor and Workforce Development.

On 5/26/2020, NJDOH and NJDOL presented the New Jersey Work Environment Council's "COVID-19: Protecting Workers, Saving Lives." The presentation provided an overview of

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worker safety information, enforcement activities, and outreach/education materials related to NJPEOSH response to the COVID-19 pandemic.

On 9/24/2020, the PEOSH Assistant Chief and one PEOSH consultant presented the PEOSH Fire Service Update as a virtual training class to an audience of approximately 30 participants.

#### **Promotional Activities:**

On 11/7 and 11/8/2019, PEOSH employees staffed the PEOSH booth at the New Jersey Education Association exposition hall at the Atlantic City Convention Center. PEOSH Staff distributed information on consultation and training opportunities and answered questions from elected officials and support staff on available resources.

On 11/19 through 11/21/2019, PEOSH NJDOL and NJDOH employees and supervisors staffed the PEOSH booth at the League of Municipalities exposition hall at the Atlantic City Convention Center. PEOSH staff distributed information on consultation and training opportunities and answered questions from elected officials and support staff on available resources.

On 3/11/2020, the PEOSH DOH Program Manager presented at The New Jersey Attorney General's Advocacy Institute for "Investigating Environmental Crimes." This training provided an overview of environmental crime investigations, including a review of pertinent statutes, guidance on how to approach these investigations and insight into New Jersey State agencies that are involved in this process. This training was provided to attorneys and investigators from the Division of Criminal Justice, the Division of Law, County Prosecutors' Offices and the New Jersey Departments of Community Affairs, Environmental Protection, Health and Labor and Workforce Development.

On 5/26/2020, NJDOH and NJDOL presented at the New Jersey Work Environment Council's "COVID-19: Protecting Workers, Saving Lives." The presentation provided an overview of worker safety information, enforcement activities, and outreach/education materials related to NJPEOSH response to the COVID-19 pandemic.

On 8/3/2020, the Assistant Chief presented COVID-19 safety training to a group of DOL, DOE, DOH, and OAG employees who inspect career schools and vocational training facilities.

#### **Certified Education Facilities Manager Training:**

The NJDOH PEOSH Program enforces the New Jersey Indoor Air Quality Standard, which applies to all public and charter schools in New Jersey. While the standard is intended to protect the health of teachers and custodians, compliance with the standard also is protective of the health of public school children throughout the state from indoor contaminants, including mold. One of the requirements of the standard is for the employer to identify and train a Designated Person responsible for complying with the standard. This responsibility typically falls on the Facilities Manager. Every school district is required to employ a Certified Educational Facilities Manager (CEFM), a certification granted by Rutgers University. The PACNJ, NJSB&GA and PEOSH IAQ Designated Person Course is approved for four (4) CEU's toward maintenance of



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this certification.

The NJDOH PEOSH Program continued its' training partnership with the Rutgers CEFM program to provide indoor air quality training as part of the CEFM curriculum. NJDOH PEOSH Program staff taught five (5) courses for a total of 83 attendees throughout the state in FFY 2020. This partnership allows PEOSH to more efficiently reach our target audience while minimizing the cost of compliance to school districts. The CEFM program benefits from this partnership by being able to offer students up-to-date regulatory guidance directly from the regulatory agency and being able to assure that students who achieve the certification will meet the training requirements of the Indoor Air Quality Standard. Assuring that facilities managers in New Jersey Schools have a basic understanding of the importance of good indoor air quality is anticipated to have a benefit to all occupants of our public schools by reducing preventable and costly chronic diseases associated with poor indoor air quality, including asthma.

#### **Hazard Communication - Train the Trainer Program:**

The New Jersey Hazard Communication Standard requires that each employer train potentially exposed employees using Hazard Communication trainers who are “Technically Qualified” as defined in NJAC 12:100-7. In addition, all Hazard Communication trainers need training on the new GHS classification, SDSs and labels as well as Hazardous Substance Fact Sheets (HSFS). The new course focuses strictly on the health & safety topics: chemical health hazards (recognition, evaluation & control), hazard information (SDS, HSFS, labels & GHS classifications), the requirements of both the Hazard Communication and NJ Right to Know standards. NJDOH PEOSH Program staff taught one (1) course with a total of 26 attendees in the state in FFY 2020.

#### **Respiratory Protection for Emergency Response & Respirator Fit Test Workshop:**

This is a five (5) hour course that focuses on the requirements of the OSHA Respiratory Protection Standard, the implementation of a complaint Respiratory Protection Plan, and hands on fit testing. Participants take part in the process of fit testing by performing fit testing of fellow students. NJDOH PEOSH taught this course for the New Jersey Water Environmental Association with a total of 15 attendees.

#### **Indoor Air Quality:**

NJDOH PEOSH continues to work with The American Lung Association, Pediatric/Adult Asthma Coalition of New Jersey (PACNJ) and the NJ School Building and Grounds Association (NJSB&GA) to present a four (4) hour Indoor Air Quality (IAQ) course. The main goal of the course is to assist school districts in understanding the NJ Indoor Air Quality Standard and provide guidance on implementation of a successful IAQ program. The presentations also stress the value of the school nurse as an active participant in the IAQ Program and the establishment of an effective IAQ Team which includes the school nurse.

The course is free and open to anyone involved in indoor air quality in schools from Superintendent to Janitor. Participation in the program is approved for four (4) CEU's toward the maintenance of several certifications required in New Jersey: Nursing, Public Health Official and the Certified Educational Facilities Manager.

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PACNJ also presents information concerning the Asthma Friendly Schools Award requirements, an initiative of the American Lung Association nationwide to reduce the incidence and cost in terms of both lost school days and money resulting from asthma. Improved indoor air quality in schools, by using green cleaning products and improving conditions that trigger asthma will reduce the incidence of asthma attacks for students and teachers and improve learning.

There are six (6) requirements that must be met by a school district to be recognized as an Asthma Friendly School:

1. Asthma Training for School Nurses: Each school nurse is to complete the PACNJ Asthma Basics for School Nurses and Gadgets and Gizmos for Asthma Control online training.
2. Asthma In-Service for Faculty: Each school nurse is to conduct the PACNJ Faculty In-Service Program: Asthma Management in the Classroom: What Teachers Need to Know.
3. Asthma Treatment Plan Training: "PACNJ Asthma Treatment Plan: School Nurses Leading the Way" online training presentation and quiz is completed by school nurse.
4. Indoor Air Quality (IAQ) Training: NJ PEOSH Indoor Air Quality Designated Persons Training is completed by a School Nurse and the IAQ Designated Person from the school district and an Indoor Air Quality Team has been established in the school.
5. No-Idling Pledge, from the NJ Department of Environmental Protection, has been completed by the school district.
6. A nebulizer is required in each school.

NJDOH PEOSH Program staff taught 13 IAQ courses to a total of 390 attendees throughout the state in FFY 2020.

### **Homeland Security:**

#### **NJDOH Activities**

On 11/13/2019, the Enforcement Supervisor participated with the OSHA Emergency Preparedness and Response (EPR) Conference Call. The agenda/discussion included a showcase of Utah's experiences with the Juab County Union Pacific Train Derailment, OSHA Ionizing Radiation health topics page, Planning Guidance for Category A Solid Waste, and NIOSH's Illicit Drug Tool Kit for First Responders.

On 2/26-27/2020, the Enforcement Supervisor attended a 2-day U.S. Department of Homeland Security-FEMA Emergency Response to Domestic Biological Incidents (PER-220) course.

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March – September 2020, staff assisted in the staffing and supervision of the NJDOH-COVID-19 Emergency Command Center (ECC).

#### **Firefighters:**

PEOSH NJDOH training staff provided the “2019-20 PEOSH Fire Service Update.” This training was offered to Kean University’s Firefighter Program as an opportunity to learn more about PEOSH, PEOSH regulations, the N.J.A.C. 12:100 Firefighter Standards, hazards specific to firefighting, and PEOSH On-Site Consultation and Training Program. The presentations stressed Asbestos and Noise as well as the usual coverage of the more commonly cited PEOSH standards. In all, 44 firefighters attended the three (3) training sessions.

#### **NJDOL Activities**

All PEOSH Consultants and PEOSH Management maintain current certification in Hazardous Waste Operations & Emergency Response (HAZWOPER) through taking 8-hour annual refreshers at the Rutgers School of Public Health.

#### **Homeland Security Piece:**

On 2/07/2020, the Assistant Director attended a meeting of the Coronavirus Task Force that was held at the NJ Department of Health (NJDOH), Trenton, NJ. The Commissioner of the NJDOH and other departments, including the NJ Office of Homeland Security and Preparedness were present. Discussed were coronavirus cases in New Jersey that were a result of individuals traveling to NJ and the quarantining and monitoring of those individuals. Plans were made to hold weekly tele-conference calls to keep Task Force members informed of coronavirus cases.

Starting on 3/27/2020, PEOSH staff assisted NJ Office of Homeland Security and Preparedness (NJOHSP) with reviewing donated PPE that would be used to protect individuals from coronavirus. The PPE reviews were conducted at a NJOHSP warehouse in northern NJ. The donated PPE would then be distributed to first responders, to those providing healthcare and to others who needed PPE. The PPE inspections took place several times a month and by the end of September 2020 a total of 704 pallets of PPE were inspected.

The PEOSH Consultation/Training Assistant Chief maintains current ICS-300 certification.

#### **Training Received by PEOSH Staff:**

##### **NJDOH Training**

On 10/21/2019, staff attended the OSHA HAZWOPER Basics for CSHOs, Part I Webinar #0154.

On 10/28/2019, staff attended the OSHA HAZWOPER Basics for CSHOs, Part II Webinar #0154.

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On 11/18/2019, staff attended OSHA Willful Violations Webinar #0155.

On 5/07/2020, staff attended OSHA COVID-19 Interim Enforcement Response Plan Webinar #0158.

On 6/29/2020, staff attended OSHA Healthcare Inspections Webinar #0159.

On 9/21/2020, staff attended OSHA Recordkeeping Refresher Webinar #0164.

### **NJDOL Training**

From 3/24 – 3/26/2020, 11 PEOSH consultants/compliance officers, three (3) Assistant Chiefs, two (2) Chiefs, one (1) Assistant Director and one (1) Assistant Commissioner, attended and completed the “Virtual” OSHA #2260 Permit Required Confined Space training taught by the Rutgers School of Public Health.

From 7/13-7/15/2020, eight (8) PEOSH consultants/compliance officers and one (1) Assistant Chief attended and completed the “Virtual” OSHA #3015 Excavation, Trenching & Soil Mechanics training taught by Rutgers School of Public Health.

From 9/16-9/18/2020, 10 PEOSH consultants/compliance officers, one (1) Assistant Chief and one (1) Chief attended and completed the “Virtual” OSHA #3115 Fall Arrest Systems training taught by Rutgers School of Public Health.

From 9/21-9/23/2020, 10 PEOSH consultants/compliance officers, two (2) Assistant Chiefs and one (1) Chief attended and completed the “Virtual” OSHA #2055 Cranes in Construction taught by Rutgers School of Public Health.

Web training courses taken with the number of staff who participated:

- 0001 Cranes and Rigging Safety for Construction (2)
- 0002 The Control of Hazardous Energy Summary (10)
- 0002 The Control of Hazardous Energy (6)
- 0003 Excavator Quick Couplers (3)
- 0005 Payment for PPE (1)
- 0007 Process System Management of Reactive Hazards (1)
- 0011 Tree Care & Removal (2)
- 0015 Power Industrial Vehicles (5)
- 0016 Field Operations Manual Overview (1)
- Webinar 0016 Field Operations Manual Overview (2)
- 0017 Process Safety Management of Chlorine Hazards (1)
- 0018 OSHA FOM, Chapter 15 Legal Issues (4)
- 0024 How to Train Workers with Limited Language and Literacy Skills (1)
- 0026 Preparing for Flu Pandemic (1)
- 0026 H1N1 Compliance Directive CPL-02-02-075 (1)
- 0027 Recordkeeping National Emphasis Program Interviewing Webinar (4)

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- 0029 Successful Resolution of OSHA Penalties (1)
- 0031 Overview of the Cranes and Derricks in Construction Final Rule (4)
- 0032 Best Practices for Interacting with Victims’ Families (6)
- 0033 Construction Targeting (2)
- 0035 Permit Space Entry Options Specified in 29 CFR 1910.146 (6)
- 0037 Fall Protection in Residential Construction (2)
- 0045 Workers Compensation Insurance Coverage
- 0046 Workplace Violence (3)
- 0046 OSHA’s New Guidance on Workplace Violence (2)
- 0047 Resources Available from OSHA TDC (1)
- 0051 Noise Monitoring and Evaluation Resources (2)
- 0053 Distracted Driving (4)
- 0056 Hazard Communication Update Lesson from 2012 (5)
- 0057 Overview of Communicating OSHA Fatality Inspection Procedures to a Victim’s Family  
and Nursing Home NEP Directives (2)
- 0059 OSHA Workplace Violence (3)
- 0060 Working with State Plans-Introductory and Overview (2)
- 0061 State Plan Changes (2)
- 0062 Significant Cases: Lead Base Paint in Bridge Demolition (1)
- 0064 Corporate Wide Settlement Agreement (1)
- 0065 CSHO Safety in Roadway and Highway Construction Work Zones (7)
- 0066 Standards and Citations Policy for Roadway & Highway Construction Work Zone Inspections (3)
- 0067 Safeguarding Robotics Webinar – April 22, 2013
- 0068 Documenting Heat Stress Violations (4)
- 0069 Recognizing Failures in Machine Safeguarding Systems (4)
- 0070 OSHA Logs: How to Use Them (6)
- 0073 Navigating the BLS Website (3)
- 0075 Noise Hazards in the Workplace (2)
- 0078 FAA/OSHA Transitioning of Enforcement (1)
- 0079 Protecting Temporary Workers (3)
- 0080 Whistleblower Complaint Intake for CSHOs (4)
- 0081 Overview of the Revised Electric Power Standards (2)
- 0083 OTI Impact Training (2)
- 0089 OSHA’s Response to Ebola (1)
- 0089 OSHA’s Response to Ebola in the Workplace (1)
- 0092 Hazards with Water Treatment Chemicals-Oil Refinery and Trenching (3)
- 0092 CSHO Unique Gases (1)
- 0094 OSHA’s Role in Executive Order 13763 (1)
- 0095 Electrical Hazards Overview (7)
- 0097 Confined Spaces in Construction (5)
- 0098 Hazard Communication 2010 (2)
- 0099 Reasonable Cause Investigative Standard (2)

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- 0101 Recent Revisions to Whistleblower Investigation Manual Chapter 6 (2)
- 0102 Aerial Lifts in Construction (2)
- 0102 Aerial Lifts in Construction Industry (4)
- 0105 Time Management (4)
- 0108 Employee Engagement – May 5, 2016
- 0109 Revised Reporting Requirements (1)
- 0109 Revised Reporting Requirements – May 16, 2016 (1)
- 0110 Electrical Hazards in Construction (5)
- 0111 Revisions to OSHA Penalties (1)
- 0115 Interim Enforcement Procedures for New Recordkeeping (2) Requirements Under 29 CFR 1904.35- November 14, 2016 (2)
- 0116 Anti-Retaliation Provisions of Injury and Illness Tracking Rule (1)
- 0117 New Walking-Working Surfaces and PPE (Fall Protection) Rule (6)
- 0121 Workplace Violence (3)
- 0123 Lockout/Tagout-Minor Servicing Alternatives (5)
- 0124 Active Personal Fall Protective Arrest System (6)
- 0128 OSHA’s Role in Emergency Response (5)
- 0130 Commercial Diving-February 5, 2018 (1)
- 0132 Noise Engineering Controls (2)
- 0133 Pressure Vessels (2)
- 0134 Documenting Trench Inspections (Techniques) (7)
- 0135 Evaluating Flammable Liquids and Gases (6)
- 0136 Scaffolding Erection and Dismantling (4)
- 0138 Safe & Sound Campaign (2)
- 0142 Criminal Violations (2)
- 0144 Site Specific Targeting (3)
- 0145 OSHA Priority: Trenching and Excavation (3)
- 0146 Rapid Response Investigations (1)
- 0151 Tank Gauging (1)
- 0153 Combustible Dust Hazards (3)
- 0154 HAZWOPER Basics for CSHOs (2)
- 0155 Willful Violations (4)
- 0156 Electrical Hazards in GI (1)
- 0157 Confined Space in General Industry (6)
- 2078 Fire Protection and Life Safety (2)
- 2208 Industrial Noise (1)
- 2260 Permit-Required Confined Space Entry course (2)
- 2268 Permit Required Confined Space Entry (1)
- 2548 Machine Guarding (4)
- 3018 Excavation, Trenching and Soil Mechanics (2)
- 3038 Concrete, Forms, and Shoring (1)
- 3088 Principles of Scaffolding (2)
- 3118 Fall Protection (2)
- 3320 Combustible Dust Hazards and Controls

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- 8508 Emergency Preparedness (1)

#### **Standards and Regulations Adoptions FFY 2020:**

2/18/20 – Walking-Working Surfaces, Personal Protective Equipment (Fall Protection Systems),  
&  
Special Industries (Electric Power Generation, Transmission & Distribution);  
Corrections

2/18/20 – Additional Ambient Aerosol CNC Quantitative Fit Testing Protocols; Respiratory  
Protection Standard

2/18/20 – Occupational Exposure to Beryllium & Beryllium Compounds in Construction &  
Shipyard Sectors

2/18/20 – Cranes & Derricks in Construction of Information Collection Requirements

2/18/20 – Standards Improvement Project – Phase IV

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<b>Strategic Goal:</b> Improve workplace safety and health for all public employees as evidenced by fewer hazards; reduced exposures and fewer injuries, illnesses and fatalities.				
<b>Outcome Goal:</b> Reduce the number of worker injuries and illnesses by focusing statewide attention and agency resources on the most prevalent types of injuries and illnesses; the most hazardous public occupations and the most hazardous workplaces.				
<b>Performance Goal 1.1:</b> Decrease injuries and illnesses in state, county and/or local agencies in the specific NAICS code by 5% by 2023 as follows (1% per year): <b>State Support Activities for Transportation (NAICS: 488)</b>				
Performance Indicator Type	Indicator	Result		
		Labor	Health	Total
Activity Measures	Indicator 1 – Number of enforcement inspections conducted	2	0	2
	Indicator 2 – Number of initial/follow-up consultation visits conducted	0	0	0
	Indicator 3 – Number of training and assistance visits and education seminars conducted	0	0	0
	Indicator 4 – Number of outreach materials distributed	0	0	0
	Indicator 5 – Number of alliance/partnerships established	0	0	0
Intermediate Outcome Measures	Reduction of injuries and illnesses in NAICS 488 by 1% per year.			
	Indicator 1 - Serious citations (Enforcement)	10	0	10
	Indicator 2 - Serious hazards (Consultation)	0	0	0
	Indicator 3 - Number of employees trained	0	0	0
Primary Outcome Measures	Reduction of injuries and illnesses in NAICS 488 by 5% by 2023 from 2018 baseline of <b>10.1</b> Total Recordable Cases.			
Comments				



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<b>New Jersey Department of Labor &amp; Workforce Development in conjunction with                      The New Jersey Department of Health                      FFY 2020 State OSHA Annual Report (SOAR): Results Summary Chart</b>				
<b>Strategic Goal:</b> Improve workplace safety and health for all public employees as evidenced by fewer hazards; reduced exposures and fewer injuries, illnesses and fatalities.				
<b>Outcome Goal:</b> Reduce the number of worker injuries and illnesses by focusing statewide attention and agency resources on the most prevalent types of injuries and illnesses; the most hazardous public occupations and the most hazardous workplaces.				
<b>Performance Goal 1.2:</b> Decrease injuries and illnesses in state, county and/or local agencies in the specific NAICS code by 5% by 2023 as follows (1% per year): <b>Local Fire Protection (NAICS: 92216)</b>				
Performance Indicator Type	Indicator	Result		
		Labor	Health	Total
Activity Measures	Indicator 1 – Number of enforcement inspections conducted	34	7	41
	Indicator 2 – Number of initial/follow-up consultation visits conducted	2	1	3
	Indicator 3 – Number of training and assistance visits and education seminars conducted	0	3	3
	Indicator 4 – Number of outreach materials distributed	0	0	0
	Indicator 5 – Number of alliance/partnerships established	0	0	0
Intermediate Outcome Measures	Reduction of injuries and illnesses in NAICS 92216 by 1% per year.			
	Indicator 1 - Serious citations (Enforcement)	79	1	80
	Indicator 2 - Serious hazards (Consultation)	5	0	5
	Indicator 3 - Number of employees trained	0	44	44
Primary Outcome Measures	Reduction of injuries and illnesses in NAICS 92216 by 5% by 2023 from 2018 baseline of 7.6 Total Recordable Cases.			
Comments	Activity measures include initial inspections.			

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**Strategic Goal:** Improve workplace safety and health for all public employees as evidenced by fewer hazards; reduced exposures and fewer injuries, illnesses and fatalities.

**Outcome Goal:** Reduce the number of worker injuries and illnesses by focusing statewide attention and agency resources on the most prevalent types of injuries and illnesses; the most hazardous public occupations and the most hazardous workplaces.

**Performance Goal 1.3:** Decrease injuries and illnesses in state, county and/or local agencies in the specific NAICS code by 5% by 2023 as follows (1% per year): **Public Works Departments (NAICS: 921)**

Performance Indicator Type	Indicator	Result		
		Labor	Health	Total
Activity Measures	Indicator 1 – Number of enforcement inspections conducted	59	2	61
	Indicator 2 – Number of initial/follow-up consultation visits conducted	11	1	12
	Indicator 3 – Number of training and assistance visits and education seminars conducted	4	0	4
	Indicator 4 – Number of outreach materials distributed	0	0	0
	Indicator 5 – Number of alliance/partnerships established	0	0	0
Intermediate Outcome Measures	Reduction of injuries and illnesses in NAICS 921 by 1% per year.			
	Indicator 1 - Serious citations (Enforcement)	327	0	327
	Indicator 2 - Serious hazards (Consultation)	10	0	10
	Indicator 3 - Number of employees trained	74	5	79
Primary Outcome Measures	Reduction in the incident rate for cases with days away from work in NAICS 921 by occupation listing common in Public Works facilities by 5% by 2023 (1% each year).			
Comments	Activity measures include initial inspections.			

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**New Jersey Department of Labor & Workforce Development in conjunction with  
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**Strategic Goal:** Improve workplace safety and health for all public employees as evidenced by fewer hazards; reduced exposures and fewer injuries, illnesses and fatalities.

**Outcome Goal:** Reduce the number of worker injuries and illnesses by focusing statewide attention and agency resources on the most prevalent types of injuries and illnesses; the most hazardous public occupations and the most hazardous workplaces.

**Performance Goal 1.4:** Decrease injuries and illnesses in state, county and/or local agencies in the specific NAICS code by 5% by 2023 as follows (1% per year): **Water and Sewage Treatment (NAICS: 2213)**

Performance Indicator Type	Indicator	Result		
		Labor	Health	Total
Activity Measures	Indicator 1 – Number of enforcement inspections conducted	33	3	36
	Indicator 2 – Number of initial/follow-up consultation visits conducted	1	1	2
	Indicator 3 – Number of training and assistance visits and education seminars conducted	1	0	1
	Indicator 4 – Number of outreach materials distributed	0	0	0
	Indicator 5 – Number of alliance/partnerships established	0	0	0
Intermediate Outcome Measures	Reduction of injuries and illnesses in NAICS 2213 by 1% per year.			
	Indicator 1 - Serious citations (Enforcement)	137	1	138
	Indicator 2 - Serious hazards (Consultation)	0	0	0
Primary Outcome Measures	Indicator 3 - Number of employees trained	16	6	22
	Reduction of injuries and illnesses in NAICS 2213 by 5% by 2023 from 2018 baseline of 7.8 Total Recordable Cases.			
Comments	Activity measures include initial inspections.			

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**Strategic Goal:** To promote safety and health values in New Jersey’s public sector workplaces.

**Outcome Goal:** To promote public sector employer and worker awareness of, commitment to, and participation in safety and health.

**Performance Goal 2.1:** 100% of PEOSH Interventions (e.g., inspections, consultations, etc.) will include employee involvement (every year).

Performance Indicator Type	Indicator	Result		
		Labor	Health	Total
Activity Measures	Indicator 1 – Number of inspections* conducted	251	115	366
	Indicator 2 – Number of inspections conducted where employees were conferred with	251	115	366
	Indicator 3 – Number of consultation* visits conducted	24	7	31
	Indicator 4 – Number of consultation visits conducted where employees were conferred with	24	7	31
	Indicator 5 – Number of education/training seminars conducted	34	17	51
	Indicator 6 – Number of education/training seminars conducted where employees were conferred with.	34	17	51
Intermediate Outcome Measures	100% of PEOSH interventions include employee involvement.	100% of PEOSH interventions included employee involvement		
Primary Outcome Measures	100% of PEOSH interventions include employee involvement.	100% of PEOSH interventions included employee involvement		
Comments	*Includes Initial and Follow Up (Does not include Training and Education for Consultation).			

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<b>Strategic Goal:</b> To promote safety and health values in New Jersey’s public sector workplaces.				
<b>Outcome Goal:</b> To promote public sector employer and worker awareness of, commitment to, and participation in safety and health.				
<b>Performance Goal 2.2:</b> 100% of PEOSH Consultations will include site specific recommendations to improve the Safety and Health Program Management System in place at that facility.				
Performance Indicator Type	Indicator	Result		
		Labor	Health	Total
Activity Measures	Percent of PEOSH Consultations that include site specific recommendations.	100%		
Intermediate Outcome Measures	Number of initial Consultation visits conducted	24	7	31
	Number of initial Consultation visits where site specific recommendations to improve Safety and Health Program Management Systems were provided.	24	7	31
Primary Outcome Measures	100% of PEOSH Consultations will include site specific recommendations.	100% of PEOSH Consultations included site specific recommendations in FFY2020.		
Baseline	Goal is measured annually, no baseline is applicable.			
Comments	Recommendations will be included as an attachment to each consultation report.			

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<b>New Jersey Department of Labor &amp; Workforce Development in conjunction with                      The New Jersey Department of Health                      FFY 2020 State OSHA Annual Report (SOAR): Results Summary Chart</b>				
<b>Strategic Goal:</b> To promote safety and health values in New Jersey’s public sector workplaces.				
<b>Outcome Goal:</b> To promote public sector employer and worker awareness of, commitment to, and participation in safety and health.				
<b>Performance Goal 2.3:</b> Perform compliance assistance interventions for high hazard industry organizations/groups concerning the hazards of relevant National and Local Emphasis Programs, and promoting PEOSH Cooperative Services.				
Performance Indicator Type	Indicator	Result		
		Labor	Health	Total
Activity Measures	Indicator - Number of interventions for high hazard public employers	15	3	18
Intermediate Outcome Measures	Compliance assistance interventions for high hazard industry organizations/groups concerning the hazards of relevant National and Local Emphasis Programs, and promoting PEOSH Cooperative services are performed.		Yes	
Final Outcome Measures	Compliance assistance interventions for high hazard industry organizations/groups concerning the hazards of relevant National and Local Emphasis Programs, and promoting PEOSH Cooperative services are performed.		Yes	
Comments	Examples of interventions are speaking engagements, exhibitions, training sessions, etc. at high hazard industry associations/groups. National Emphasis Programs include work zone safety and trenching. Local Emphasis Programs include Noise and Asbestos.			

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<b>New Jersey Department of Labor &amp; Workforce Development in conjunction with                      The New Jersey Department of Health                      FFY 2020 State OSHA Annual Report (SOAR): Results Summary Chart</b>				
<b>Strategic Goal:</b> To secure public confidence through excellence in the development and delivery of PEOSH programs and services.				
<b>Outcome Goal:</b> Respond effectively to legal mandates, so that workers are provided full protection under the PEOSH Act.				
<b>Performance Goal 3.1:</b> Initiate inspections of fatalities and catastrophes within one (1) day of notification for 100% of occurrences to prevent further injuries or deaths.				
Performance Indicator Type	Indicator	Result		
		Labor	Health	Total
Activity Measures	Indicator 1 – Number of fatalities /catastrophes reported.	9	47	56
	Indicator 2 – Number of fatalities /catastrophes investigated within one (1) day of notification.	4	47	51
Intermediate Outcome Measures	100% of investigations started in one (1) day.	100% of fatality investigations were initiated within (1) day.		
Primary Outcome Measures	100% of investigations started in one (1) day.			
Comments	Goal is measured annually, no baseline applies.			

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**Strategic Goal:** To secure public confidence through excellence in the development and delivery of PEOSH programs and services.

**Outcome Goal:** Respond effectively to legal mandates, so that workers are provided full protection under the PEOSH Act.

**Performance Goal 3.2A:** Safety complaints: Initiate 100 % of formal safety complaint inspections within five (5) working days of notification.

Performance Indicator Type	Indicator	Total
Activity Measures	Indicator 1 – Number of formal safety complaints received	23
	Indicator 2 – Number of formal safety complaints initiated within five (5) working days of notification.	23
Intermediate Outcome Measures	100% of safety complaint inspections initiated within five (5) working days of notification.	100% of safety complaint inspections were initiated within (five) 5 days.
Primary Outcome Measures	100% of safety complaint inspections initiated within five (5) working days of notification.	
Comments:	Goal is measured annually, no baseline applies.	



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**Strategic Goal:** To secure public confidence through excellence in the development and delivery of PEOSH programs and services.

**Outcome Goal:** Respond effectively to legal mandates, so that workers are provided full protection under the PEOSH Act.

**Performance Goal 3.2B:** Health complaints: Initiate 95% of non-indoor air quality (IAQ), sanitation health complaint inspections within five (5) working days of notification.

Performance Indicator Type	Indicator	Result Total
Activity Measures	Indicator 1 – Number of health complaints received	342
	Indicator 2 – Number of non-IAQ/sanitation complaints received	187
	Indicator 3 – Number of non-IAQ/sanitation health complaints initiated within five (5) days.	187
Intermediate Outcome Measures	95% of non-IAQ, sanitation health complaint inspections initiated within five (5) working days of notification.	100% of non-IAQ, sanitation health complaints were initiated within five (5) days. The average for initiating was less than five (5) days (2.5 days).
Primary Outcome Measures	95% of non-IAQ, sanitation health complaint inspections initiated within five (5) working days of notification.	
Comments		

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

### FY 2020 PEOSH Follow-up FAME Report

**New Jersey Department of Labor & Workforce Development in conjunction with  
The New Jersey Department of Health  
FFY 2020 State OSHA Annual Report (SOAR): Results Summary Chart**

**Strategic Goal:** To promote safety and health values in New Jersey’s public sector workplaces.

**Outcome Goal:** Respond effectively to legal mandates, so that workers are provided full protection under the PEOSH Act.

**Performance Goal 3.3:** Every year, 90% of surveys received from public employers utilizing consultation and/or training services rate the service(s) as highly effective (score 7 or higher, on a scale of 1 through 10 on the customer satisfaction survey).

	Activity Measures	Result		
		Labor	Health	Total
Performance Indicators	Indicator 1 – Total number of consultation, training, and formal compliance assistance visits	85	29	114
	Indicator 2 – Number of survey responses received	26*	292	318
	Indicator 3 – Number of responses that rate the intervention as highly effective (score 7 or higher, on a scale of 1 through 10)	26*	292	318
Intermediate Outcome Measures	90% of surveys received from public employers utilizing consultation and/or training services rate the service(s) as highly effective (score 7 or higher, on a scale of 1 through 10 on the customer satisfaction survey)	100% of the survey responses received rated the consultation services as highly effective.		
Primary Outcome Measures	90% of surveys received from public employers utilizing consultation and/or training services rate the service(s) as highly effective (score 7 or higher, on a scale of 1 thru 10 on customer satisfaction survey).	100% of the survey responses received rated the consultation services as highly effective.		
Comments	* Due to COVID-19, some surveys were not distributed, and those that were distributed may not have been received due to challenges with continuous office staffing. As a result, it would be statistically irrelevant to use these numbers for comparison. The PEOSH C&T team is working on transitioning to electronic surveys to ensure easier and contactless submission of satisfaction surveys from clients. Future surveys will be requested by email only.			