# FY 2024 Follow-up Federal Annual Monitoring Evaluation (FAME) Report

**State of Arizona**

**Industrial Commission of Arizona (ICA)**

**Arizona Division of Occupational Safety and Health (ADOSH)**



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## Executive Summary

The primary purpose of this report is to assess the Arizona State Plan’s progress in Fiscal Year (FY) 2024 in resolving outstanding findings identified in the FY 2023 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report. The Arizona Division of Occupational Safety and Health (ADOSH) is responsible for the enforcement of regulations protecting workers from health and safety hazards in the majority of Arizona’s workplaces.

Arizona made several positive improvements this review period, including conducting more inspections than any year since FY 2017. Average penalties assessed for citations increased this year and exceeded the national average as a result of Arizona House Bill 2120 signed in FY 2022. Lastly, ADOSH enhanced their procedures to adopt federal program changes, some of which were outstanding from previous years.

The 2023 Arizona Special Study concluded in May 2024 and resulted in ADOSH making substantial enhancements to their “Salesforce” interface system to improve the data integration process with the OSHA Information System (OIS). Internal controls were developed and implemented for the State Plan to ensure complaints and inspections were processed and handled in a manner at least as effective as OSHA.

Arizona experienced some challenges this review period, including continued staffing fluctuations, which limited the number of trained compliance staff available to conduct inspections. The program remained persistent and continued to recruit and fill vacancies when resources allowed. Although the total number of inspections increased by 76 from the previous year, ADOSH fell short in attaining their projected goal of 1,175 with 616 (52.4%). The increase in number of inspections caused a bottleneck in the review process, which led to an uptick in the average lapse times for safety and health inspections. Lastly, the average response times to initiate complaint inspections and investigations surged, which was a result of ADOSH’s action to resolve over 1,000 complaints that were found in the Special Study to have not been processed.

Overall, the Arizona State Plan made progress to address the previous eight findings and three observations from the FY 2023 Comprehensive FAME report. In FY 2024, three of the eight findings were completed, one was closed, and four were continued. In addition, two of three previous observations were closed, and one was continued. No new findings resulted; however, two new observations were identified that require Arizona’s attention and will be monitored into FY 2025.

## State Plan Background

The State of Arizona operates an occupational safety and health program administered by ADOSH under the Industrial Commission of Arizona (ICA). Gaetano Testini served as the Executive Deputy Director of the ICA and the State Plan Designee. Mark Norton served as the Director for the ADOSH program until December 2023; Phil Murphy, Assistant Director for Compliance, served as the Interim Director until April 2024 when Brian Hudson was appointed as the ADOSH Director. Steve Morgan was the Assistant Director for the Consultation until his resignation in March of 2024. Bryce Rucker was appointed as the Assistant Director for Consultation in August 2024. Brandt Smith served as the Assistant Director of Administration.

ADOSH’s organizational units include Administration; Safety and Health Compliance; Whistleblower; Consultation, Education, and Training (CET); Boiler and Elevator Safety; and Research and Statistics. The Boiler and Elevator Safety and the Research and Statistics units were not funded under OSHA grants. ADOSH maintains two offices, one in Phoenix and the other in Tucson.

According to the demographic profile in the FY 2024 23(g) grant application, there were approximately 2,880,690 workers employed in all occupations throughout Arizona. ADOSH’s jurisdiction covers nearly all private employers and state and local government workplaces with the exception of mining, smelters, batch plants, and contract employees and contractor-operated facilities engaged in United States Postal Service mail operations. In addition, ADOSH does not cover areas of exclusive federal jurisdiction such as tribal lands or federal employees. The same penalty structure was used for state and local government workplaces as the private sector. Inspections with proposed penalties in excess of $2,500, fatality investigations, and citations related to worker injuries were presented before the Commissioners of the ICA, who may modify proposed citations and penalties prior to citation issuance.

The 23(g) grant provided funding for a full-time equivalent (FTE) staff comprised of 2.98 FTE managers, 5.95 FTE first-line supervisors, 19.00 FTE safety compliance officers, 11.00 FTE health compliance officers, 3.00 FTE whistleblower retaliation investigators, 5.40 FTE clerical/administrative staff, and 2.00 FTE trainers. Seven consultants provided consultation for state and local government employers; 15% of their time was charged to the 23(g) grant and the remainder of their time was charged to a 21(d) Cooperative Agreement that covers private sector consultation activities. The private sector consultation program is evaluated separately in the FY 2024 Regional Annual Consultation Evaluation Report (RACER).

In FY 2024, the initial federal base award to fund the 23(g) program was $2,517,900.  Arizona matched the federal funds and added $136,328 in 100% state funds, bringing the total award to $5,172,128.  Due to the fund reduction of all OSHA 23(g) programs, the federal base award was decreased by $91,000.  Arizona reduced the state required match, accordingly, bringing the total award to $4,990,128.  Arizona did not accept any additional one-time only funds and did not de-obligate any federal funds.  Arizona did not spend $113,706 in 100% state funds.  The final expenditures were $4,876,422.

The next financial monitoring review will be in FY 2025.

**New Issues**

In May 2024, OSHA concluded the Arizona Special Study that was initiated in August 2023. The study resulted from concerns of Arizona’s Salesforce interface system not fully integrating data with OIS and unprogrammed activities (UPAs) and inspections were unaccounted for. The Special Study resulted in seven findings that required correction from Arizona to perform at least as effective to OSHA. Findings were related to the lack of management controls, Salesforce not integrating with OIS, and complaints not processed in accordance with established policies and procedures. As a result of the Special Study findings, Arizona took action to address these concerns and prevent future occurrences. This involved revising and implementing enhanced internal controls, including self-audits, to ensure UPAs and inspections were processed and managed in accordance with approved policies and procedures. In addition, ADOSH, along with Salesforce developers, worked to identify and resolve data discrepancies and ensure information accurately transferred over to OIS. Lastly, Arizona dedicated an intake team to address the backlog of over 1,000 complaints that were not processed appropriately.

The ADOSH administration had undergone several key leadership changes within the review period. A new Director was in place September through December 2023 and then resigned. From December of 2023 to April of 2024, there was an interim Director. Brian Hudson was appointed as Director in April of 2024. The compliance team was divided into five sections, one of which included the newly formed intake team to address incoming complaints as well as the backlog of unresolved complaints identified in the Special Study.

## 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 (SAMM) Report (Appendix D, dated 11/12/2024)
* State Information Report (SIR) dated 11/12/2024
* State OSHA Annual Report (SOAR)
* State Plan Annual Performance Plan (APP)
* State Plan 23(g) Grant Application
* Quarterly monitoring meetings between OSHA and the State Plan
* Whistleblower Application in the OSHA IT Support System (OITSS)
* State Plan Application (SPA)
* OSHA Information System (OIS)
* Arizona 2023 Special Study Report

### B. Findings and Observations

The Arizona State Plan made progress to address the eight findings and three observations from the FY 2023 Comprehensive FAME Report. This follow-up FAME report contains four continued findings, one continued observation, and two new observations. Three of eight findings were completed and one finding and two observations were closed. Appendix A describes 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 2023 finding and recommendation in detail.

**Findings (Status of Previous and New Items)**

**Completed Findings**

**Finding FY 2023-01**: Enforcement activities were not captured in OIS.

**Status:** As a result of the Arizona 2023 Special Study, the Salesforce integration process was enhanced to perform a full sync of unprogrammed activity (UPA) and inspection records. Improvements included daily finalized records uploaded to OIS. A monthly comprehensive synchronization was performed to ensure any changes to records were captured into OIS. This included areas like formal and informal settlement agreements, which were areas of concern identified in the Special Study. Arizona continues to work with Salesforce developers on areas of concern when they arise, so that corrective action can be implemented. This finding is completed.

**Finding FY 2023-02:** The internal evaluation system was not effectively utilized to manage the program.

**Status:** As a result of the Special Study, ADOSH recognized the need for an evaluation system and to define areas for monthly internal audits in order to ensure cases were handled in accordance with approved policies and procedures. Arizona developed dashboards in Salesforce to help track citation and abatement statuses. Internal audits were instituted as a verification method, monthly for supervisors and quarterly for directors. Arizona continues to find areas for improvement and has been communicating with OSHA and the Salesforce developers when these situations arise. This finding is completed.

**Finding FY 2023-08:** Requirements for adopting federal program changes were not completed within six months of the effective date of the directive.

**Status:** ADOSH continued to have challenges with timely adoption. ADOSH did not adopt two federal program change directives within the required six months of their effective dates. This included the “Consultation Policies and Procedures Manual” and the “Process Safety Management of Highly Hazardous Chemicals” directives.

The change in ADOSH’s administration was a contributor to not meeting the required timelines for adopting federal program changes. OSHA provided guidance on the adoption process to the new Arizona leadership. As a result, Arizona streamlined their process by adopting new and outstanding federal program changes identical to OSHA’s, which resulted in expedited adoption effective dates. As a result, ADOSH completed the adoption process for various federal program changes, including the “National Emphasis Program (NEP) on Warehousing and Distribution Center Operations,” “Consultation Policies and Procedures Manual,” and “Process Safety Management of Highly Hazardous Chemicals” directives, and the “Final Rule to Improve Tracking of Workplace Injuries and Illnesses,” and the “Final Rule on the Federal Civil Penalties for Inflation Adjustments for 2024.” OSHA recognizes these efforts and will continue communicating with ADOSH to ensure timelines for adopting federal program changes are met. This finding is completed.

**Closed Findings**

**Finding FY 2023-06**: A total of 337 (67.4%) of the projected 500 construction inspections were conducted.

**Status:** In FY 2024, ADOSH projected to conduct 700 inspections and identify 500 violations in the construction industry. According to OIS, ADOSH conducted 256 (36.6%) inspections in construction, which resulted in 283 (56.6%) violations**.** Achieving inspection goals continued to be a longstanding challenge in ADOSH and was impacted by staffing limitations, such as an increased number of compliance officers in training status. This limited the ability for these compliance officers to conduct inspections independently. As a result, this goal was reassessed through the FY 2025 23(g) grant application process, and OSHA will continue to monitor overall inspections in all industries. Therefore, this finding is closed, and the construction inspection data will be monitored in conjunction with other industries.

**Continued Findings**

**Finding FY 2024-01** (FY 2023-03): ADOSH’s average number of work days to initiate a complaint inspection was 43.12 (SAMM 1a), which was above the negotiated goal of 7.

**Status:**  According to Appendix D, in FY 2024, ADOSH’s average number of work days to initiate a complaint inspection (SAMM 1a) was 43.12, an increase from 10.10 in FY 2023. The FRL was seven working days and was negotiated by OSHA and ADOSH through the 23(g) grant application. This increase was attributed to over 1,000 complaints received and unaccounted for, which was identified in the Special Study. ADOSH has since been working to address this backlog, which resulted in an increase in the average number of working days to initiate the complaint inspections. In addition, to address this finding, ADOSH hired an intake supervisor to assist with managing the backlog and process incoming complaints. This finding remains open.

**Finding FY 2024-02 (FY 2023-O4):** ADOSH’s response time to initiate compliant investigations was 111.20 days (SAMM 2a), which was above the negotiated goal of 3 working days.

**Status:** According to Appendix D, in FY 2024, ADOSH’s average number of work days to initiate a complaint investigation (SAMM 2a) was 111.20, an increase from 13.36 in FY 2023. The FRL was three working days and was negotiated by OSHA and ADOSH through the 23(g) grant application. Similar to SAMM 1a, this increase was attributed to over 1,000 complaints received and unaccounted for, which was identified in the Special Study. ADOSH’s efforts to reduce the backlog has increased the average number of work days to initiate complaint investigations. This finding remains open.

**Finding FY 2024-03** (FY 2023-05): A total of 616 (52.42%) inspections of the goal of 1,175 were conducted (SAMM 7).

**Status:** ADOSH’s inspection goal in FY 2024 was 795 safety and 380 health, totaling 1,175. ADOSH conducted 616 inspections, the highest number since FY 2017. Of the 616 total, 402 were safety (SAMM 7a) and 214 health (SAMM 7b). The acceptable range not requiring further review is 755 to 835 for safety and 361 to 399 for health, which Arizona’s data was below and warranted a closer look. Although the total number of inspections increased from the previous years, ADOSH continued to fall short of reaching their annual inspection goals. The limited number of trained compliance officers available to conduct inspections independently was a primary factor in not reaching inspection goals. However, ADOSH’s strategic plan projected an increased number of inspections each consecutive year, which also made the goal difficult to attain. Arizona has since negotiated a more attainable inspection goal for FY 2025 through the 23(g) grant application process. OSHA will continue to monitor this data through throughout the next evaluation period. This finding remains open.

**Finding FY 2024-04** (FY 2023-07)**:** In FY 2023, abatement documentation was missing in 6 of 39 (15.38%) case files.

**Status:** According to ADOSH’s corrective action plan for the Special Study, internal audits were developed and implemented as a tool to ensure abatement documentation was maintained in inspection files. However, a case file review is necessary to gather the facts needed to evaluate progress on this finding. This will be a focus of next year’s on-site case file review during the FY 2025 Comprehensive FAME. This finding remains open.

**New Findings**

There were no new findings identified in FY 2024.

#### Observations (Status of Previous and New Items)

**Closed Observations**

**Observation FY 2023-OB-02:**  ADOSH’s other-than-serious violations per inspection was 2.41 (SAMM 5b) and above the FRL range of 0.71 to 1.07.

**Status:** According to OIS, ADOSH’s average number of other-than-serious violations per inspection (SAMM 5b) decreased to 1.66 in FY 2024 from 2.41 the previous year. The FRL for this metric was +/- 20% of 0.94, which was based on a three-year national average and provides a range of 0.75 to 1.12. Although ADOSH remained above the FRL, compliance officers identified more other-than-serious hazards than the national average, and through discussions at quarterly monitoring meetings, ADOSH confirmed these were appropriately classified. OSHA will continue to monitor this data through the SAMM report, and this metric will be a focus in the FY 2025 Comprehensive FAME on-site case file review. This observation is closed.

**Observation FY 2023-OB-03**: In two of 16 (13%) state and local government agency consultation files, there was no documentation of the List of Hazards being sent to the union representatives.

**Status:** An on-site review of state and local government workplace consultation case files was conducted to ensure ADOSH was following approved policies and procedures by sending a copy of the List of Hazards to employee representatives. It was confirmed that the common practice was to ensure a List of Hazards was sent to the employee representative, if the worksite was covered by a union. This observation is closed.

**Continued FY 2024 Observations**

**Observation FY 2024-OB-01**: ADOSH’s serious, willful, repeated, and unclassified (SWRU) violations per inspection rate was 1.15 (SAMM 5a) and below the FRL range of 1.39 to 2.08.

**Status:** In FY 2024, according to Appendix D, ADOSH’s average number of SWRU violations per inspection rate (SAMM 5a) was 1.15, an increase from 0.87 from the previous evaluation period. The FRL for this metric was +/- 20% of 1.74, which was based on a three-year national average and provides a range of 1.39 to 2.08. As compliance staff gained experience and training, the ability to identify serious hazards had increased. However, ADOSH’s average continued to fall below the FRL. A case file review is necessary to evaluate progress on this observation and will be a focus during the FY 2025 Comprehensive FAME. This observation remains open.

**New Observations**

There were two new observations identified in FY 2024.

**Observation 2024-OB-02:**  ADOSH’s average lapse time for safety inspections (SAMM 11a) was 97.92 days, which was above the FRL.

**Federal Monitoring Plan FY 2024-OB-02:**  OSHA will monitor ADOSH’s lapse time for safety inspections and ensure they are within the FRL.

**Discussion:** The FRL for the average lapse time for safety inspections (SAMM 11a) is +/- 20% of 56.02 days, which is based on a three-year national average and provides an acceptable range of 44.82 to 67.23.  According to Appendix D, in FY 2024, Arizona’s average lapse time for safety inspections was 97.92 days, an increase from 64.89 in FY 2023, which was above the FRL and warranted a closer look. ADOSH explained that this higher-than-average lapse time was attributed to the increased duration of time cases spent in supervisory review, which was impacted when management was serving in multiple roles prior to the new Director appointed in April 2024. This metric will be monitored as a new observation.

**Observation 2024-OB-03:**  ADOSH’s average lapse time for health inspections (SAMM 11b) was 93.30 days, which was above the FRL.

**Federal Monitoring Plan FY 2024-OB-03:**  OSHA will monitor ADOSH’s lapse time for health inspections and ensure they are within the FRL.

**Discussion:** The FRL for the average lapse time for health inspections (SAMM 11b) is +/- 20% of 67.21 days, which is based on a three-year national average and provides an acceptable range of 53.77 to 80.65.  According to Appendix D, in FY 2024, Arizona’s average lapse time for health inspections was 93.30, an increase from 58.78 days in FY 2023, which was above the FRL. Similar to SAMM 11a, the increase in lapse time was impacted by the duration cases spent in review with supervisors. This metric requires Arizona’s attention and will be monitored as a new observation.

### C. State Activity Mandated Measures (SAMM) Highlights

Each SAMM measure has an agreed upon 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 of the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan’s FY 2024 SAMM Report and includes the FRLs for each measure.

It should be noted that OSHA is in the final stages of transitioning from the Whistleblower Application in the OSHA IT Support System (OITSS), a legacy data system, to the Whistleblower module in OIS, a modern data system. Arizona used the Salesforce application to report whistleblower retaliation data into OIS. At times, errors in the data would be rejected by OIS and require a correction in Salesforce in order to re-upload. This continues to be evaluated to ensure proper integration of data into OIS. As such, OSHA will not be relying on SAMMs 14, 15, or 16 in their evaluation of the State Plans whistleblower programs for FY 2024.

The Arizona State Plan was outside the FRL on the following SAMMs which have not been previously addressed in this report:

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

**Discussion of ADOSH’s Data and FRL:** The FRL was +/- 5% of 3.40, which was negotiated by OSHA and the State Plan through the FY 2024 23(g) grant application.  The range of acceptable data not requiring further review was based on a three-year national average and provides a range between 3.23% to 3.57%.  ADOSH conducted 31 (5.03%) of its total inspections in state and local government workplaces, exceeding the FRL.

**Explanation:** Considering the 5.03% of state and local government inspections conducted, ADOSH exceeded the FRL. However, when considering that ADOSH set an annual numerical goal to conduct 20 safety and 20 health inspections in state and local government workplaces in FY 2024, they fell short. ADOSH accomplished 77.5% of their numeric goal. Performance on this measure was not cause for concern and will continue to be monitored by OSHA through the SAMM report.

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

**Discussion of ADOSH’s Data and FRL:** The FRL for the average current penalty for 1-250+ workers was +/- 25% of $3,793.81, which was based on a three-year national average and provides a range of $2,845.36 to $4,742.27.  In Arizona, employers with 1-250+ workers were penalized at an average of $5,476.34 per serious violation, which was above the FRL range.

**Explanation:** ADOSH’s average current total penalty for serious citations in private sector increased from $3,441.82 in FY 2023 and was slightly greater than the national average. ADOSH applied penalties in accordance with approved procedures. Exceeding penalty averages are not a cause for concern.  OSHA will continue to monitor this metric through the SAMM report.

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

**Discussion of ADOSH’s Data and FRL:** The FRL for the average current penalty for 1-25 workers was +/- 25% of $2,498.51, which was based on a three-year national average and provides a range of $1,873.88 to $3,123.14.  In Arizona, employers with 1-25 workers were penalized at an average of $3,681.00 per serious violation, which was above the FRL range.

**Explanation:** ADOSH’s average current serious penalty in private sector for businesses with 1-25 workers increased from an average of $2,386.00 the previous year and was slightly above the national average for FY 2024. This was not a cause for concern.  OSHA will continue to monitor this metric through the SAMM report.

**SAMM 8b - Average current serious penalty in private sector – total (26-100 workers)**

**Discussion of ADOSH’s Data and FRL:** The FRL for the average current penalty for 26-100 workers was +/- 25% of $4,322.61, which was based on a three-year national average and provides a range of $3,241.96 to $5,403.26.  In Arizona, employers with 26-100 workers were penalized at an average of $6,002.66 per serious violation, which was above the FRL range.

**Explanation:** ADOSH’s average current serious penalty in private sector for businesses with 26-100 workers increased from an average of $3,776.72 the previous year and was above the national average for FY 2024. This was not a cause for concern.  OSHA will continue to monitor this metric through the SAMM report.

**SAMM 8c - Average current serious penalty in private sector – total (101-250 workers)**

**Discussion of ADOSH’s Data and FRL:** The FRL for the average current penalty for 101-250 workers was +/- 25% of $6,114.84, which was based on a three-year national average and provides a range of $4,586.13 to $7,643.55.  In Arizona, employers with 101-250 workers were penalized at an average of $7,782.44 per serious violation, which was slightly above the FRL range.

**Explanation:** ADOSH’s average current serious penalty in private sector for businesses with 101-250 workers increased from an average of $4,216.93 the previous year and was above the national average for FY 2024. This was not a cause for concern.  OSHA will continue to monitor this metric through the SAMM report.

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

**Discussion of ADOSH’s Data and FRL:** The FRL for the average current penalty for 250+ workers was +/- 25% of $7,533.58, which was based on a three-year national average and provides a range of $5,650.19 to $9,416.98.  In Arizona, employers with greater than 250 workers were penalized at an average of $9,720.80 per serious violation, which was slightly above the FRL range.

**Explanation:** ADOSH’s average current serious penalty in private sector for businesses with greater than 250 workers increased from an average of $8,169.21 the previous year and was above the national average for FY 2024. This was not a cause for concern.  OSHA will continue to monitor this metric through the SAMM report.

**SAMM 9b – Percent in compliance (health)**

**Discussion of ADOSH’s Data and FRL:** The FRL for percent in compliance for health inspections (SAMM 9b) is +/- 20% of 44.18%, which was based on a three-year national average and provides an acceptable range of 35.34% to 53.01%.  According to Appendix D, ADOSH’s percent in compliance for health inspections was 27.86% and below the FRL.

**Explanation:** In FY 2024, ADOSH issued citations in a greater number of health inspections, lowering the in-compliance rate. This indicates that Arizona performed better than the national average in terms of identifying and issuing citations related to health inspections.

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

**Discussion of ADOSH’s Data and FRL:** The FRL is fixed at 100% for all State Plans. According to Appendix D, in FY 2024, ADOSH’s responded to 92.3% of work-related fatalities within one working day (SAMM 10).

**Explanation:** During the review period, one fatality was not responded to within one working day. According to ADOSH, the fatality occurred at a private residence worksite, and attempts were made to contact the homeowner to gather information. However, ADOSH had challenges making contact with the employer which delayed initiating the inspection. When ADOSH was able to successfully communicate with the employer, an inspection was initiated. Although this was outside the FRL, it does not rise to the level of an observation and will be monitored by OSHA during the next review period.

**SAMM 12 – Percent penalty retained**

**Discussion of ADOSH’s Data and FRL:** The FRL for percent penalty retained is +/- 15% of 70.81%, which was based on a three-year national average and provides a range of 60.19% to 81.44%. According to Appendix D, in FY 2024, Arizona’s penalty retention is 97.41%.

**Explanation:** Although this SAMM data shows that Arizona retains 97.41% of its penalties in the private sector, it has been a continued discrepancy between Arizona’s Salesforce interface system and OIS. ADOSH management has confirmed that penalties may be reduced through informal settlement procedures and that 97.41% is likely not accurate; however, they did not track this metric outside of the SAMM report in FY 2024. Therefore, the SAMM report does not accurately reflect penalty retention for inspections not contested. OSHA requested ADOSH to provide penalty retention information to discuss in future quarterly meetings. This information will be monitored in the next review period but not a cause for concern at this time since Arizona’s average penalties were generally higher than OSHA’s, as identified in SAMM 8.

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

**Discussion of ADOSH’s Data and FRL:** The FRL is fixed at 100% for all State Plans.  In FY 2024, ADOSH’s percent of initial inspections with employee walk-around representation or worker interviews was 97.89%, which was below the FRL.

**Explanation**: According to the SAMM report, 13 inspections did not have employee involvement in the walk-around or interviews, a slight decrease from 99.44% in FY 2023. This was monitored during quarterly meetings with OSHA. ADOSH believed this to be in part a data entry error and Salesforce to OIS communication issue. OSHA will continue to monitor worker involvement during quarterly meetings but at this current time does not rise to the level of an observation.

**SAMM 17 – Percent of enforcement presence**

**Discussion of ADOSH’s Data and FRL**: The FRL for percent of enforcement presence is +/- 25% of 1.00%, which was based on a three-year national average. The range of acceptable data not requiring further review is a range from 0.75% to 1.25%.  According to Appendix D, ADOSH’s enforcement presence was 0.47% and below the FRL.

**Explanation**: The percent of enforcement presence describes the number of safety and health inspections conducted compared to the number of employer establishments in the state. In FY 2024, Arizona’s enforcement presence increased from 0.44% in FY 2023 which was attributed to a higher number of overall inspections conducted this review period. However, ADOSH continued to reach fewer employers with enforcement activity than the national average. OSHA will continue to monitor the number of inspections during the next review period.

### Appendix A – New and Continued Findings and Recommendations

FY 2024 Arizona Division of Occupational Safety and Health Follow-up FAME Report

| **FY 2024-##** | **Finding** | **Recommendation** | **FY 2023-# or**  **FY 2023-OB-#** |
| --- | --- | --- | --- |
| FY 2024-01 | ADOSH’s average number of work days to initiate a complaint inspection was 43.12 (SAMM 1a), which was above the negotiated goal of 7. | ADOSH should ensure complaint inspections are processed within the negotiated goal of seven work days. | FY 2023-03 |
| FY 2024-02 | ADOSH’s response time to initiate compliant investigations was 111.20 days (SAMM 2a), which was above the negotiated goal of 3 working days. | ADOSH should ensure complaint investigations are initiated within the negotiated goal of three working days. | FY 2023-04 |
| FY 2024-03 | A total of 616 (52.42%) inspections of the goal of 1,175 were conducted (SAMM 7). | ADOSH should determine the cause and ensure action is taken to meet inspection goals and provide a stronger enforcement presence to ensure worker safety. | FY 2023-05 |
| FY 2024-04 | In FY 2023, abatement documentation was missing in 6 of 39 (15.38%) case files. | ADOSH should ensure all abatement documentation is maintained in the file. Corrective action complete, awaiting verification. | FY 2023-07 |

### Appendix B – Observations Subject to Continued Monitoring

FY 2024 Arizona Division of Occupational Safety and Health Follow-up FAME Report

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Observation #**  **FY 2024-OB-#** | **Observation #**  **FY 2023-OB-# *or* FY 2023-#** | **Observation** | **Federal Monitoring Plan** | **Current Status** |
| FY 2024-OB-01 | FY 2023-OB-01 | ADOSH’s serious, willful, repeated, and unclassified (SWRU) violations per inspection rate was 1.15 (SAMM 5a) and below the FRL range of 1.39 to 2.08. | OSHA will monitor the SWRU violations per inspection rate to ensure they are within the FRL. | Continued |
| FY 2024-OB-02 | Not Applicable | ADOSH’s average lapse time for safety inspections (SAMM 11a) was 97.92 days, which was above the FRL. | OSHA will monitor ADOSH’s lapse time for safety inspections and ensure they are within the FRL. | New |
| FY 2024-OB-03 | Not Applicable | ADOSH’s average lapse time for health inspections (SAMM 11b) was 93.30 days, which was above the FRL. | OSHA will monitor ADOSH’s lapse time for health inspections and ensure they are within the FRL. | New |
| Not Applicable | FY 2023-OB-02 | ADOSH’s other-than- serious violations per inspection was 2.41 (SAMM 5b) and above the FRL range of 0.71 to 1.07. | OSHA will work with ADOSH to look into the upward trend of other-than-serious violations per inspection and ensure they are within the FRL. | Closed |
| Not Applicable | FY 2023-OB-03 | In two of 16 (13%) state and local government agency consultation files, there was no documentation of the List of Hazards being sent to the union representatives. | OSHA will monitor and discuss ADOSH’s progress to ensure the list of hazards is transmitted to union representatives and documented in the case file. | Closed |

### Appendix C - Status of FY 2023 Findings and Recommendations

FY 2024 Arizona Division of Occupational Safety and Health Follow-up FAME Report

| **FY 2023-#** | **Finding** | **Recommendation** | **State Plan Corrective Action** | **Completion Date** | **Current Status**  **and Date** |
| --- | --- | --- | --- | --- | --- |
| FY 2023-01 | Enforcement activities were not captured in OIS. | ADOSH should identify the problem and develop a corrective action plan to ensure all enforcement activities are accurately captured in OIS. | ADOSH identified errors in uploading Salesforce into OIS and eliminated the opportunity for errors through training and technical support.  ADOSH updated its internal evaluation system in March 2024 to verify that the uploads into OIS are occurring. The OIS integration process was enhanced to perform a full sync of UPA records. This resulted in all OIS enforcement records to have the proper status, including closed cases. Daily, finalized records are uploaded to OIS. In addition, ADOSH has implemented a monthly process to perform a full OIS sync to ensure that  any missed changes to the UPA or inspection records are uploaded to OIS. OIS integration error reports are sent to ADOSH resources three times/week for correction and upload. | 6/19/2024 | Completed  01/22/2025 |
| FY 2023-02 | The internal evaluation system was not effectively utilized to manage the program. | ADOSH should fully implement an internal evaluation system in order to manage their program and ensure they are at least as effective as OSHA. | Internal audit systems will be updated/created and divide areas of the inspection process into sections, outline sections to define what is being evaluated and how they are evaluated. Meeting with MIS and Salesforce team to develop various audit items and reports for items. In addition, Leader Standard Work is an element in the Arizona Management System that outlines responsibilities for supervisors and managers to perform in their respective duties, ranging from daily, weekly, monthly, and annual responsibilities for the role they are in. Elements of the audit system are currently being developed with some being implemented. An anticipated completion date is 10/1/2024. | 10/01/2024 | Completed  10/01/2024 |
| FY 2023-03 | ADOSH’s average number of workdays to initiate a complaint inspection was 10.10 (SAMM 1a), which was above the negotiated goal of 7. | ADOSH should ensure complaint inspections are processed within the negotiated goal of seven workdays. | ADOSH filled four compliance supervisor positions. This will assist with intake screening and assigning complaints for inspections. A new position is being added to the Intake Team, increasing the personnel to five.  This will increase the number of employees working on complaints and the backlog to significantly drop the number of work days to initiate an inspection. Overtime has been authorized to help reduce the backlog of complaints. An anticipated  completion date is 11/1/2024. | Not Completed | Open  8/13/2024 |
| FY 2023-04 | ADOSH’s response time to initiate complaint investigations was 13.36 days (SAMM 2a) which was above the negotiated goal of 3 working days. | ADOSH should ensure complaint investigations are initiated within the negotiated goal of three working days. | ADOSH identified over 800 complaints that had not been addressed from the  previous Federal Fiscal Year. All complaints were uploaded into Salesforce. ADOSH is recruiting an Intake Supervisor to lead five CSHO technicians to handle administrative complaints and anticipates hiring and training the new staff by 11/1/2024.  ADOSH offered overtime to staff to assist in reviewing employer responses. ADOSH created Leader Standard Work for the intake supervisor to monitor all complaints and referrals received and  assign them in a timely manner. | Not Completed | Open  8/13/2024 |
| FY 2023-05 | A total of 540 (55.39%) inspections of the goal of 975 were conducted (SAMM 7). | ADOSH should determine the cause and ensure action is taken to meet inspection goals and provide a stronger enforcement presence to ensure worker safety. | ADOSH is in the process of backfilling four compliance officer positions. In addition, the plan is to increase the intake team with another technician position, bringing the total position numbers to one supervisor and five intake CSHOs/Technicians. Once onboarded, CSHOs will be provided training and contribute towards inspection goals. An anticipated completion date is 12/31/2024. | Not Completed | Open  8/13/2024 |
| FY 2023-06 | A total of 337 (67.4%) of the projected 500 construction inspections were conducted. | ADOSH should determine the cause of the low number of construction inspections and implement corrective action. | ADOSH is recruiting four CSHO positions and the selection process is currently underway for two. In addition, there are three CSHOs in training with the possibility of being released to conduct independent inspections by the end of December 2024. That will significantly increase the number of inspections conducted each month. An anticipated completion date is 12/31/2024. | Not Applicable | Closed  1/22/2025 |
| FY 2023-07 | Abatement documentation was missing in 6 of 39  (15.38%) case files. | ADOSH should ensure all abatement documentation is maintained in the file. | Supervisors have been trained on Abatement documentation requirements and will complete training with CSHOs by 9/1/2024. Training will cover the abatement process and documentation requirements. ADOSH will update the internal audit system to ensure abatement documentation has been maintained in the files. | 11/19/2024 | Awaiting Verification  1/22/2025 |
| FY 2023-08 | Requirements for adopting federal program changes were not completed within six months of the effective date of the directive. | ADOSH should ensure that they meet the requirements for response and adoption of OSHA’s federal program changes. | ADOSH is running monthly SPA reports, and the metrics are reported to the ICA. ADOSH is in the process of creating a monthly audit which will include the monitoring and review of SPA to verify that all federal program changes are completed within six months of the effective date of the directives. | 1/22/2025 | Completed 1/22/2025 |

### Appendix D – FY 2024 State Activity Mandated Measures (SAMM) Report

FY 2024 Arizona Division of Occupational Safety and Health Follow-up FAME Report

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| SAMM Number | SAMM Name | State Plan Data | Further Review Level | Notes |
| 1a | Average number of work days to initiate complaint inspections (state formula) | 43.12 | 7 | The further review level is negotiated by OSHA and the State Plan. |
| 1b | Average number of work days to initiate complaint inspections (federal formula) | 1.94 | N/A | This measure is for informational purposes only and is not a mandated measure. |
| 2a | Average number of work days to initiate complaint investigations (state formula) | 111.20 | 3 | The further review level is negotiated by OSHA and the State Plan. |
| 2b | Average number of work days to initiate complaint investigations (federal formula) | 6.76 | N/A | This measure is for informational purposes only and is not a mandated measure. |
| 3 | Percent of complaints and referrals responded to within one workday (imminent danger) | 100% | 100% | The further review level is fixed for all State Plans. |
| 4 | Number of denials where entry not obtained | 0 | 0 | The further review level is fixed for all State Plans. |
| 5a | Average number of violations per inspection with violations by violation type (SWRU) | 1.15 | +/- 20% of 1.74 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.39 to 2.08 for SWRU. |
| 5b | Average number of violations per inspection with violations by violation type (other) | 1.66 | +/- 20% of 0.94 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.75 to 1.12 for OTS. |
| 6 | Percent of total inspections in state and local government workplaces | 5.03% | +/- 5% of  3.40% | The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 3.23% to 3.57%. |
| 7a | Planned v. actual inspections (safety) | 402 | +/- 5% of  795 | 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 755 to 835 for safety. |
| 7b | Planned v. actual inspections (health) | 214 | +/- 5% of  380 | 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 361 to 399 for health. |
| 8 | Average current serious penalty in private sector - total (1 to greater than 250 workers) | $5,476.34 | +/- 25% of  $3,793.81 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $2,845.36 to $4,742.27. |
| 8a | Average current serious penalty in private sector  (1-25 workers) | $3,681.00 | +/- 25% of  $2,498.51 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $1,873.88 to $3,123.14. |
| 8b | Average current serious penalty in private sector  (26-100 workers**)** | $6,002.66 | +/- 25% of  $4,322.61 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $3,241.96 to $5,403.26. |
| 8c | Average current serious penalty in private sector  (101-250 workers) | $7,782.44 | +/- 25% of  $6,114.84 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $4,586.13 to $7,643.55. |
| 8d | Average current serious penalty in private sector  (greater than 250 workers) | $9,720.80 | +/- 25% of  $7,533.58 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $5,650.19 to $9,416.98. |
| 9a | Percent in compliance (safety) | 30.63% | +/- 20% of  32.83% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 26.27% to 39.40% for safety. |
| 9b | Percent in compliance (health) | 27.86% | +/- 20% of  44.18% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 35.34% to 53.01% for health. |
| 10 | Percent of work-related fatalities responded to in one workday | 92.31% | 100% | The further review level is fixed for all State Plans. |
| 11a | Average lapse time (safety) | 97.92 | +/- 20% of 56.02 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 44.82 to 67.23 for safety. |
| 11b | Average lapse time (health) | 93.30 | +/- 20% of 67.21 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 53.77 to 80.65 for health. |
| 12 | Percent penalty retained | 97.41% | +/- 15% of  70.81% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 60.19% to 81.44%. |
| 13 | Percent of initial inspections with worker walk-around representation or worker interview | 97.89% | 100% | The further review level is fixed for all State Plans. |
| 14 | Percent of 11(c) investigations completed within 90 days | N/A\* | N/A\* | This measure is not being reported for FY 2023 due to the transition of 11(c) data from IMIS to OIS. |
| 15 | Percent of 11(c) complaints that are meritorious | N/A\* | N/A\* | This measure is not being reported for FY 2023 due to the transition of 11(c) data from IMIS to OIS. |
| 16 | Average number of calendar days to complete an 11(c) investigation | N/A\* | N/A\* | This measure is not being reported for FY 2023 due to the transition of 11(c) data from IMIS to OIS. |
| 17 | Percent of enforcement presence | 0.47% | +/- 25% of  1.00% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.75% to 1.25%. |

NOTE: The national averages in this report are three-year rolling averages. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report in OIS and the State Plan WebIMIS report run on November 12, 2024, as part of OSHA’s official end-of-year data run.

\*Due to the transition of 11(c) data from IMIS to OIS, SAMMs 14, 15, and 16 are not being reported for FY 2024.