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

**Maryland Occupational Safety and Health (MOSH)**

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**Evaluation Period: October 1, 2023 – September 30, 2024**

**Initial Approval Date: July 5, 1973**

**Program Certification Date: February 15, 1980**

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**Occupational Safety and Health Administration**

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**Table of Contents**

[I.Executive Summary ……………………………………………………………………………………..3](#_Toc119418663)

[II.State Plan Background](#_Toc119418664) …………………………………………………………………………………3

[III.Assessment of State Plan Progress and Performance ………………………….](#_Toc119418665).........5

[A. Data and Methodology](#_Toc119418666) …………………………………………………………………………………………………....5

[B. Findings and Observations](#_Toc119418667) 6

[C. State Activity Mandated Measures (SAMM) Highlights](#_Toc119418668) 8

[Appendix A – New and Continued Findings and Recommendations](#_Toc119418669) 10

[Appendix B – Observations Subject to Continued Monitoring](#_Toc119418670) 12

[Appendix C - Status of FY 2023 Findings and Recommendations](#_Toc119418671) 15

[Appendix D – FY 2024 State Activity Mandated Measures (SAMM) Report 1](#_Toc119418672)7

## Executive Summary

The primary purpose of this report is to assess the State Plan’s progress in Fiscal Year (FY) 2024 in resolving outstanding findings from the previous FY 2023 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report. In addition, this report provides an overview of MOSH’s performance based on quarterly monitoring meetings, the FY 2024 State OSHA Annual Report (SOAR), and the FY 2024 End-of-Year (EOY) State Activity Mandated Measures (SAMM) Report.

MOSH covers over 2.6 million workers in nearly 246,000 establishments in the state of Maryland. MOSH remains challenged with compliance staff position vacancies and is actively recruiting to fill benchmark positions. Despite staffing challenges, MOSH met and/or exceeded the majority of the SAMMs.

During the FY 2024 evaluation period, MOSH promulgated the first heat stress regulations on the east coast covering both indoor and outdoor workers in Maryland, with the final rule effective as of September 30, 2024. This effort involved in-depth stakeholder engagement and intensive outreach in diverse industries across the state culminating in a standard that applies to all employees to provide equal protection from heat injury and illness.

In addition, MOSH made progress to address overdue Federal Program Changes (FPCs). MOSH adopted seven of the nine outstanding FPCs from the FY 2023 comprehensive FAME. MOSH adopted two of four FPCs during the FY 2024 evaluation period.

With the passing of legislation, MOSH issued an annual civil penalty adjustment instruction effective July 1, 2024. The instruction adjusts MOSH’s civil penalty structure and OSHA anticipates that maximum and minimum penalty levels for the private sector to be within further review levels for FY 2025 and beyond. For the second consecutive year, MOSH exceeded its State and Local Government (SLG) inspection goal.

During the FY 2024 performance period, MOSH submitted a corrective action plan (CAP) to the Philadelphia Region. It was determined that due to data discrepancies in complaint processing, informal settlement conference procedures, and OIS coding, all findings and observations will remain open and monitored throughout the fiscal year. No new findings and observations were identified.

## State Plan Background

The Maryland Department of Labor (MDOL), Division of Labor and Industry (DLI), is the state agency designated by the governor to administer the MOSH program. The Maryland State Plan was initially approved on July 5, 1973, pursuant to Section 18 of the Occupational Safety and Health (OSH) Act. The State Plan was certified on February 15, 1980, and granted final approval on July 18, 1985.

MOSH operates under the authority of the MOSH Act, Labor and Employment Article, Section 5-101 through 5-901. In FY 2024, MOSH operated under the guidance of Secretary of Labor Portia Wu and Commissioner of the Department of Labor Devki Virk. Since July 2021, Michael Penn, Chief of Compliance, has been delegated the authority to act as Assistant Commissioner until the position is filled. MDOL is headquartered in Baltimore. The DLI offices are in Hunt Valley. In FY 2024, MOSH redesignated the regional boundaries of its six compliance regions to establish a region specifically for Baltimore City. MOSH representatives are assigned to regional areas located in Easton, Hunt Valley, Hagerstown, and Upper Marlboro.

MOSH is the agency responsible for ensuring that employers provide Maryland workers with workplaces free from recognized safety and health hazards. MOSH covers 2.6 million workers in nearly 246,000 businesses in the state of Maryland. MOSH’s Compliance Services Unit conducts occupational safety and health inspections for all SLG workplaces and private sector places of employment in the state of Maryland. However, MOSH does not inspect places of employment which fall under OSHA’s jurisdiction. OSHA’s jurisdiction includes federal workers, the United States Postal Service, private sector maritime activities (shipyard employment, marine terminals, and longshoring), and U.S. military bases. Additionally, MOSH’s Outreach Unit provides free training and education; and manages its cooperative programs.

MOSH operates a private sector on-site consultation project under Section 21(d) and an SLG consultation project under Section 23(g) of the OSH Act of 1970. MOSH investigates whistleblower complaints made by workers who feel that they have been retaliated against by their employer for making a safety and health complaint or exercising other protected activity. FY 2024 was the last full year the MOSH Whistleblower Unit was assisted by wage and hour investigators and a manager from the DLI Employment Standards Unit. As of FY 2025, MOSH assigned seven active MOSH personnel to screen and investigate whistleblower complaints in addition to their regular duties. The Research and Statistics Unit provides MOSH with statistical data on occupational fatal and nonfatal workplace injuries and illnesses. Industries covered by MOSH include a combination of agricultural, manufacturing, construction, transportation, and trade and service industries. Like OSHA, MOSH has selected certain high hazard industries on which to focus its safety and health activities through the implementation of emphasis programs.

As a State Plan, MOSH has the authority to promulgate standards and regulations which maybe more stringent than OSHA’s standards. MOSH has multiple standards and regulations which differ from the federal program including but not limited to: High Voltage Lines (Title 6), Fall Protection in Steel Erection (Code of MD Regulations (COMAR) 09.12.25), Tree Care and Removal (COMAR 09.12.28), and Heat Illness Prevention (COMAR 09.12.32). MOSH also made amendments to OSHA standards that are more stringent than OSHA’s such as: Occupational Exposure to Formaldehyde (29 CFR 1910.1048), Lead in Construction Work (29 CFR 1926.62), Excavations (Requirements for Protective Systems (29 CFR 1926.652), and Steel Erection (29 CFR 1926, Subpart R).

Based on its FY 2025 grant application, as of July 1, 2023, MOSH filled 81% of safety compliance officer benchmarks and 88% of its health compliance officer benchmarks. During FY 2024, MOSH reported that it lost four safety compliance officers and one industrial hygienist, then successfully hired three new industrial hygienists. MOSH overmatched the $4,808,100 federal award by $3,522,302 contributing to 63% of its funding at a state level in FY 2024.

**New Issues**

On March 26, 2024, at approximately 1:30 a.m., the Francis Scott Key Bridge (FSKB) in Baltimore was struck by the container ship Dali, resulting in the collapse of six spans of the bridge and six worker fatalities. MOSH worked within the Unified Command involving state and federal agencies and worked collaboratively with OSHA’s Philadelphia Region along parallel jurisdictions. MOSH also formed a partnership with state transportation officials and its contractors to help ensure that the unprecedented and extremely dangerous shearing of thousands of tons of steel to reopen shipping lanes was completed as safely and efficiently as possible.

OSHA received two CASPAs in FY 2024. One CASPA is still under investigation and an official determination has not yet been made. The other CASPA was related to MOSH’s handling of a safety and health inspection related to bloodborne pathogens enforcement. OSHA began its investigation of this complaint in May 2024. OSHA’s investigation did not result in any findings or recommendations and the CASPA was closed.

## Assessment of State Plan Progress and Performance

### 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
* State Information Report (SIR)
* Mandated Activities Report for Consultation (MARC)
* State OSHA Annual Report (SOAR)
* State Plan Annual Performance Plan (APP)
* State Plan Grant Application
* Quarterly monitoring meetings between OSHA and the State Plan

### Findings and Observations

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

MOSH made progress to address the previous four findings and five observations from the FY 2023 Comprehensive FAME Report. This follow-up FAME report contains four continued findings and five continued observations. MOSH provided a corrective action plan; however, the findings were not completed because a case file review is necessary to verify corrective actions were taken. Appendix A describes the new and continued findings and recommendations. Appendix B describes observations subject to continued monitoring and the related federal monitoring plan. Appendix C describes the status of each FY 2023 finding and recommendation in detail.

**Completed Findings**

There were no completed findings in FY 2024.

**Continued Findings**

**Finding FY 2023-01: Federal Program Changes (FPCs).** MOSH did not take action on eight FPCs within the required timeframes.

**Status:** MOSH has not yet adopted three FPCs, those being the Field Operations Manual, Final Rule to Improve Tracking of Workplace Injuries and Illnesses, and the Process Safety Management of Highly Hazardous Chemicals. This finding remains open.

**Finding 2023-02:** **Complaint Enforcement.** Out of the sample of 84 complaints, MOSH did not initiate enforcement action on 11 of 84 (17%) alleging serious hazards.

**Status:** MOSH issued a procedure change for processing electronic complaints (e-Complaints). A review of e-Complaints transferred from OSHA to MOSH revealed data discrepancies. Progress on this finding will continue to be monitored each quarter and will be re-evaluated during the FY 2025 comprehensive FAME. This finding remains open.

**Finding 2023-03: OIS Data Entry (Whistleblower Complaints).** In FY 2023, MOSH did not record 64 of 65 (98%) administratively closed whistleblower complaints it received into OIS.

**Status:** MOSH is evaluating the entry of screen-outs and complaints that do not fall under 11(c) jurisdiction into OIS. This process will be evaluated through case file reviews during the on-site FY 2025 comprehensive FAME. This finding remains open.

**Finding FY 2023-04: OIS Data Entry (Safety and Health Complaints)**. In FY 2023, MOSH did not record at least 692 of 1185 (58%) OSHA e-complaints, and up to 1,208 of all complaints it received into OIS.

**Status:** MOSH’s alternative recordkeeping system will be evaluated through case file reviews during the on-site FY 2025 comprehensive FAME.

**New FY 2024 Findings**

There were no new findings identified in FY 2024.

#### Observations

**Closed FY 2023 Observations**

There were no closed observations in FY 2024.

**Continued FY 2023 Observations**

**Observation FY 2023-OB-01: Planned Inspections**. In FY 2023, MOSH conducted 79% (1096 of 1390) of its planned safety inspections.

**Status:** MOSH conducted 79% (1010 of 1274) of its planned safety inspections in FY 2024. OSHA will continue to monitor the status of MOSH’s actual versus planned inspections.

**Observation FY 2023-OB-02:** **OIS Data Entry (Fatality/Catastrophe Coding**). Six of 34 (18%) cases coded with a fatality/catastrophe inspection initiating type were not initiated due to a fatality or catastrophe.

**Status:** An on-site case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. MOSH implemented procedure change instructions with management and staff during an all-staff meeting. Progress on this observation will be monitored during quarterly meetings. This observation is continued.

**Observation FY 2023-OB-03: No Inspection/In-Compliance.** MOSH designated three work-related fatalities as no inspections.

**Status:** An on-site 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 FY 2025 comprehensive FAME.This observation is continued.

**Observation FY 2023-OB-04: Informal Settlement Procedures.** In 29 of 57 (51%) of case files with informal conferences, MOSH either held the informal conference or settled the case with an informal settlement outside of the 15 working day contest period and did not identify the disposition of the case as a formally settled contest.

**Status:** An on-site 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 2025 comprehensive FAME.This observation is continued.

**Observation FY 2023-OB-05: Whistleblower Case File Documentation**. Four of 10 (40%) docketed Whistleblower case files lacked Designation of Representative (DOR) documentation.

**Status:** OSHA will conduct a review of Whistleblower case files to determine if the required documentation is present. This observation will be a focus of next year’s 2025 comprehensive FAME. This observation is continued.

**New FY 2024 Observations**

There were no new observations identified in FY 2024.

### State Activity Mandated Measures (SAMM) Highlights

Each SAMM 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 the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan’s FY 2024 State Activity Mandated Measures (SAMM) Report and includes the FRLs for each measure.

The Whistleblower associated SAMMs (#’s 14, 15, and 16) are not being reported for FY 2024 due to the transition of whistleblower data from the Whistleblower Application in OITSS to the Whistleblower module in OIS.

While MOSH did not meet two FRLs, MOSH either met or exceeded the remaining FRLs. MOSH met eight SAMMs and exceeded an additional eight.

The State Plan was outside the FRL on the following SAMMs:

**SAMM 7a – Planned v. Actual Inspections (Safety)**

**Discussion of State Plan Data and FRL:** The FRL for planned vs. actual safety inspections is +/- 5% of the negotiated 1,274 safety inspections which provides a range of 1,210 to 1,338 safety inspections. MOSH conducted 1,010, falling below the FRL.

**Explanation:** MOSH has fallen below the FRL and has not met the number of planned safety inspections since 2018. OSHA recognizes the potential impact caused by reducing the fiscal year 2024 State Plan 23(g) grant during the last quarter of the fiscal year. In addition, at the start of FY 2025, OSHA implemented a new set of SAMMs using a FRL of -20% of the negotiated number for inspections. Even though these SAMMs were not in effect for FY 2024, it is notable that MOSH’s 1,010 safety inspections would have been just barely below the FRL of 1,019 under this new set of measures. OSHA will continue monitoring under the associated observation.

**SAMM 8 - Average Current Serious Penalty in Private Sector**

**Discussion of State Plan Data and FRL:** Average current serious penalty in the private sector is separated into five categories based on the number of workers at the site. The FRL for each category is set at +/-25% of the three-year national average. The three-year national average for one to greater than 250 workers is $3,793.81, providing an FRL of $2,845.36 to $4,742.27. In FY 2024, MOSH’s average current serious penalty for one to greater than 250 workers was $897.40. MOSH’s average current serious penalty in the private sector for each of the other categories was also below the FRL. MOSH’s penalties in relation to the FRL for each category is provided in Appendix D under SAMM #8. Although MOSH’s penalties are significantly lower than the national average, SAMM #12 clarifies that it maintained 83.03% of its penalties – more than the FRL (+/-15% of the three-year national average of 60.19% to 81.44%).

**Explanation:** MOSH issued Instruction Number 24-8 on July 1, 2024. The instruction adjusts MOSH’s civil penalty adjustment process to mirror OSHA’s. Beginning on January 1, 2025, the Commissioner of Labor will annually increase the maximum and minimum willful civil penalties by the calendar year percentage increase in the Consumer Price Index for All Urban Consumers (CPI-U) or a successor index, effective on July 15thof each year. As such, OSHA expects that MOSH’s average current serious penalty in each of the categories to be corrected with the passing of legislature.

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

MOSH FY 2024 Follow-up FAME Report

|  |  |  |  |
| --- | --- | --- | --- |
| **FY 2024-#** | **Finding** | **Recommendation** | **FY 2023-# or**  **FY 2022-OB-#** |
| FY 2024-01 | **Federal Program Changes (FPCs)**  MOSH did not take action on all FPCs within the required timeframes. Three FPCs from FY 2023 and 2024 remain outstanding. | MOSH should continue to ensure action is taken on FPCs within required timeframes and should continue to evaluate its strategy to ensure that action is taken on FPCs within the required timeframes. | FY 2023-01  FY 2022-01  FY 2021-01  FY 2020-01  FY 2019-01  FY 2018-01  FY 2017-01  FY 2016-01  FY 2015-01 |
| FY 2024-02 | **Complaint Enforcement**  In FY 2023, out of the sample of 84 complaints, MOSH did not initiate enforcement action on 11 of 84 (17%) alleging serious hazards. | MOSH should continue to evaluate its policy and strategy to address occupational safety and health complaints alleging serious hazards in accordance with the MOSH FOM. | FY 2023-02  FY 2022-OB-01  FY 2021-OB-01 |
| FY 2024-03 | **OIS Data Entry (Whistleblower Complaints)**  In FY 2023, MOSH did not record 64 of 65 (98%) administratively closed whistleblower complaints it received into OIS. | MOSH should document complaints in OIS in accordance with the WIM and as agreed to by MOSH in Appendix H - 23(g) Assurances and Certifications, Non-Construction Programs (including Lobbying Certification) with 23(g) OSHA Restrictions and Conditions - of the FY 2023 and FY 2024 grant applications. | FY 2023-03 |
| FY 2024-04 | **OIS Data Entry (Safety and Health Complaints)**  In FY 2023, MOSH did not record at least 692 of 1185 (58%) OSHA e-complaints, and up to 1,208 of all complaints it received into OIS. | MOSH should document complaints in OIS, and in accordance with the MOSH FOM, and as agreed to by MOSH in Appendix H - 23(g) Assurances and Certifications, Non-Construction Programs (including Lobbying Certification) with 23(g) OSHA Restrictions and Conditions - of the FY 2023 and FY 2024 grant applications. | FY 2023-04 |

**Appendix B – Observations Subject to Continued Monitoring**

MOSH FY 2024 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  FY 2022-OB-06 | **Planned Inspections**  In FY 2024, MOSH conducted 79% (1010 of 1274) planned safety inspections. | OSHA will continue to monitor the status of MOSH’s actual versus planned inspections. | Continued |
| FY 2024-OB-02 | FY 2023-OB-02 | **OIS Data Entry (Fatality/Catastrophe Coding)**  In FY 2023, six of 34 (18%) cases coded with a fatality/catastrophe inspection initiating type were not initiated due to a fatality or catastrophe. | OSHA will evaluate fatality and accident cases during the FY 2025 comprehensive on-site case file review to ensure that the cases are accurately coded. | Continued |
| FY 2024-OB-03 | FY 2023-OB-03 | **No Inspection/In-compliance**  In FY 2023, MOSH designated up to three work-related fatalities as no inspections. | During the FY 2025 comprehensive on-site case file review, OSHA will review OIS reports, UPA files, and inspections files related to incidents and fatalities designated as “No Inspection.” | Continued |
| FY 2024-OB-04 | FY 2023-OB-04 | **Informal Settlement Procedures**  In FY 2023, 29 of 57 (51%) of case files with informal conferences, MOSH either held the informal conference or settled the case with an informal settlement outside of the 15 working day contest period and did not identify the disposition of the case as a formally settled contest. | OSHA will conduct a review of cases with informal conferences during the FY 2025 comprehensive on-site case file review to determine if MOSH is following its settlement policy outlined in the MOSH FOM. | Continued |
| FY 2024-OB-05 | FY 2023-OB-05 | **Whistleblower Case File Documentation**  In FY 2023, four of 10 (40%) docketed Whistleblower case files lacked DOR documentation. | OSHA will conduct a review of the Whistleblower case files during the FY 2025 comprehensive on-site case file review to determine if the required documentation is present. | Continued |

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

MOSH FY 2024 Follow-up FAME Report

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FY 2023-#** | **Finding** | **Recommendation** | **State Plan Corrective Action** | **Completion Date** | **Current Status**  **and Date** |
| FY 2023-01 | **Federal Program Changes (FPCs)**  MOSH did not take action on nine FPCs within the required timeframes, with one remaining outstanding. | MOSH should develop a strategy that ensures action is taken on FPCs within the required timeframes. | MOSH will meet quarterly to review and act on FPCs. | Not Completed | Open  (As of March 15, 2025) |
| FY 2023-02 | **Complaint Enforcement**  Out of the sample of 84 complaints, MOSH did not initiate enforcement action on 11 of 84 (17%) alleging serious hazards. | MOSH should develop a strategy to address occupational safety and health complaints alleging serious hazards in accordance with the MOSH FOM. | MOSH implemented a procedural change regarding complaints filed by non-employees to opt-out instead of waiting for them to opt-in to proceed, after informing them of the limits of confidentiality. | Not Completed | Open  (As of March 15, 2025) |
| FY 2023-03 | **OIS Data Entry (Whistleblower Complaints)**  In FY 2023, MOSH did not record 64 of 65 (98%) administratively closed whistleblower complaints it received into OIS. | MOSH should document complaints in OIS in accordance with the WIM and as agreed to by MOSH in Appendix H - 23(g) Assurances and Certifications, Non-Construction Programs (including Lobbying Certification) with 23(g) OSHA Restrictions and Conditions - of the FY 2023 and FY 2024 grant applications. | MOSH is evaluating the entry of screen-outs and complaints that do not fall under 11(c) jurisdiction in OIS. | Not Completed | Open  (As of March 15, 2025) |
| FY 2023-04 | **OIS Data Entry (Safety and Health Complaints)**  In FY 2023, MOSH did not record at least 692 of 1185 (58%) OSHA e-complaints, and up to 1,208 of all complaints it received into OIS. | MOSH should document complaints in OIS, and in accordance with the MOSH FOM, and as agreed to by MOSH in Appendix H - 23(g) Assurances and Certifications, Non-Construction Programs (including Lobbying Certification) with 23(g) OSHA Restrictions and Conditions - of the FY 2023 and FY 2024 grant applications. | MOSH is seeking to implement an alternative recordkeeping system. | Not Completed | Open  (As of March 15, 2025) |

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

MOSH FY 2024 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) | 3.52 | 5 | The further review level is negotiated by OSHA and the State Plan. |
| 1b | Average number of work days to initiate complaint inspections (federal formula) | 2.80 | 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) | 2.72 | 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) | 0.11 | 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) | 2.57 | +/- 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) | 2.25 | +/- 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 | 6.60% | +/- 5% of  Grant 5.03% | The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 4.78% to 5.28%. |
| 7a | Planned v. actual inspections (safety) | 1,010 | +/- 5% of  Grant 1,274 | 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 1,210 to 1,338 for safety. |
| 7b | Planned v. actual inspections (health) | 127 | +/- 5% of  Grant 118 | 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 112 to 124 for health. |
| 8 | Average current serious penalty in private sector - total (1 to greater than 250 workers) | $897.40 | +/- 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. |
|  | **a**. Average current serious penalty in private sector  (1-25 workers) | $771.00 | +/- 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. |
|  | **b**. Average current serious penalty in private sector  (26-100 workers**)** | $1,054.30 | +/- 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. |
|  | **c**. Average current serious penalty in private sector  (101-250 workers) | $1,417.39 | +/- 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. |
|  | **d**. Average current serious penalty in private sector  (greater than 250 workers) | $1,721.05 | +/- 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) | 19.09% | +/- 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) | 28.74% | +/- 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 | 100% | 100% | The further review level is fixed for all State Plans. |
| 11a | Average lapse time (safety) | 38.39 | +/- 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) | 80.55 | +/- 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 | 83.03% | +/- 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 | 100% | 100% | The further review level is fixed for all State Plans. |
| 14 | Percent of 11(c) investigations completed within 90 days | N/A | N/ | This measure is not being reported for FY 2024 due to the transition to the new SAMM measures starting in FY 2025. |
| 15 | Percent of 11(c) complaints that are meritorious | N/A | N/A | This measure is not being reported for FY 2024 due to the transition to the new SAMM measures starting in FY 2025. |
| 16 | Average number of calendar days to complete an 11(c) investigation | N/A | N/A | This measure is not being reported for FY 2024 due to the transition to the new SAMM measures starting in FY 2025. |
| 17 | Percent of enforcement presence | 0.99% | +/- 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.