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

**SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION, OFFICE OF OCCUPATIONAL SAFETY AND HEALTH**

South Carolina dept of labor logo

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

**Initial Approval Date: November 30, 1972**

**Program Certification Date: August 3, 1976**

**Final Approval Date: December 15, 1987**

**Prepared by:**

**U. S. Department of Labor**

**Occupational Safety and Health Administration**

**Atlanta Region**



**Table of Contents**

[I.Executive Summary 3](#_Toc119418663)

[II.State Plan Background 4](#_Toc119418664)

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

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

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

[C. State Activity Mandated Measures (SAMM) Highlights 9](#_Toc119418668)

[Appendix A – New and Continued Findings and Recommendations 13](#_Toc119418669)

[Appendix B – Observations Subject to Continued Monitoring 14](#_Toc119418670)

[Appendix C - Status of FY 2023 Findings and Recommendations 17](#_Toc119418671)

[Appendix D – FY 2024 State Activity Mandated Measures (SAMM) Report 19](#_Toc119418672)

## 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. This report also assesses the South Carolina Department of Labor, Licensing, and Regulations (SCDLLR) – Division of Occupational Safety and Health Program’s (SC OSHA’s) progress toward achieving its performance goals established in the FY 2022 Five-Year Strategic Management Plan, as well as reviews the effectiveness of programmatic areas related to enforcement activities. SC OSHA made progress in addressing three of its ten Observations noted in the FY 2023 Comprehensive FAME. In addition, no new findings were identified and only one additional Observation was identified.

South Carolina developed a five-year strategic plan covering the period 2022 through 2026. The Five-Year Strategic Plan has three overall strategic goals, which are: Goal 1. Ensure and improve workplace safety and health; Goal 2. Promote a culture of safety and health; and Goal 3. Strengthen public confidence through the development and delivery of SC OSHA’s programs and services.

In FY 2024, South Carolina OSHA conducted focused inspections across the state. These inspections targeted the following areas: Respirable Silica; Combustible Dust; Lead; Hexavalent Chromium; Residential Construction; Trenching and Excavation; Plain View Hazards; Temporary Workers; Workplace Violence; Warehousing and Distribution; Falls; and Heat.

In FY 2024, SC OSHA participated in national safety events such as National Safety Month and Fall Stand-Down activities. These initiatives provided valuable education and training for employers and workers. South Carolina OSHA has continued its partnership with SC DHEC to address food service safety concerns, providing intervention to restaurants and other establishments in response to public complaints. SC OSHA also enhanced its digital outreach through billboards across the state, promoting safety protocols for issues such as fall protection and heat stress. The billboards included contact information for SC OSHA to offer guidance and support. Social media alerts and online public service announcements (PSA) were also part of SC OSHA’s strategy to reach a broader audience. SC OSHA also used LinkedIn and streaming services to disseminate health and safety information on hazards such as heat stress, falls, and mental health.

In FY 2024, SC OSHA faced difficulties in attracting and retaining compliance officers due to its noncompetitive salaries. An internal salary study led to a budget request that was approved to increase salaries to be more consistent with neighboring states. SC OSHA participated in a state job fair to aid recruitment and continued investing in staff development through safety training, certifications, and professional growth programs.

The State’s total recordable case (TRC) rate for Calendar Year (CY) 2023 was 2.2. This rate is 20% lower than the national average. The State’s days away, restricted or transferred (DART) rate for CY 2023 was 1.3. This rate is 14% lower than the national average. This data was released by the Bureau of Labor Statistics (BLS) in Nov. 2024, and it is the most current data available.

## State Plan Background

The SC OSHA State Plan was one of the first programs approved by the U.S. Department of Labor, per the guidelines of the Occupational Safety and Health Act of 1970. This was accomplished on November 30, 1972, and final approval was granted in 1987. In 1994, the South Carolina Department of Labor was eliminated, as part of the reorganization of the state government, and the South Carolina Department of Labor, Licensing and Regulation (SCDLLR) was created. During this review period, Emily H. Farr was the Director of SCDLLR, and Kristina Baker was the Deputy Director. SCDLLR is divided into the following three divisions: Labor; Fire and Life Safety; and Professional and Occupational Licensing. The SC OSHA program, within the Division of Labor, is responsible for the management and operation of the State Plan.

It is important to note that SC OSHA is organized into four main areas: Administration, Compliance, Legal, as well as Outreach and Education. The Deputy Director Kristina Baker oversees the program and has four area leads that manage the day-to-day running of the program.

During the review period, Gwen Thomas was the State Plan Manager for the SC OSHA Program and responsible for the area of Administration. This includes leading the following departments: training; technical support and standards; the Web Integrated Management Information System; and the South Carolina Bureau of Labor Statistics. The Office of Technical Support and Standards (OTSS) provides information to assist the public in complying with standards. The office also supports the enforcement program with compliance guidance by providing guidance for internal and external use. In addition, OTSS reviews new OSHA standards and directives and manages its adoption of these documents for the State.

The Compliance Manager, Charles Price, manages the Compliance area, including leading the safety and health compliance teams consisting of supervisors, compliance safety and health officers (CSHOs), and administrative staff.

The Chief Labor Counsel, Deidre Laws, manages the Legal area, which includes 11(c) Whistleblower program, informal conferences, contested cases and FOIAs.

The SC OSHA Consultation Manager, Kenyarda Edwards oversees the Office of Outreach and Education (O&E), which includes the safety and health training, compliance assistance, the South Carolina Palmetto Star Program, and On-site Consultative Services. The Palmetto Star Program is the equivalent to the OSHA Voluntary Protection program. The On-site Consultative Services are provided free of charge to private sector employers, through OSHA’s 23(d) grant program.

In South Carolina, state and local government agencies and workers are afforded the same rights, responsibilities, and coverage as those in the private sector.

**The table below shows SC OSHA’s funding levels from FY 2020 through FY 2024**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FY 2020 - FY 2024 Funding History** | | | | | |
| **Fiscal Year** | **Federal Award ($)** | **State Plan Match ($)** | **100% State Funds ($)** | **Total Funding ($)** | **% of State Plan Contribution** |
| 2024 | $2,559,600 | $2,559,600 |  | $5,119,200\* | 50% |
| 2023 | $2,416,300 | $2,416,300 | - | $4,832,600 | 50% |
| 2022 | $2,349,000 | $2,349,000 | - | $4,698,000 | 50% |
| 2021 | $2,299,700 | $2,299,700 | - | $4,599,400 | 50% |
| 2020 | $2,095,200 | $2,095,200 | - | $4,190,400 | 50% |

\*Decreased Funding by 3.61%

**New Issues**

South Carolina has filed two lawsuits in the U.S. District Court for the District of South Carolina, concerning the State Plan’s obligations to have maximum and minimum penalties that are at least as high as OSHA’s. The first suit was dismissed. However, South Carolina has filed a motion to reopen pursuant to Fed. Rule Civ. Pro. 60(b), which is pending.  Only one of these lawsuits The second suit is also pending.

In a letter dated December 7, 2023, the Union of Southern Service Workers (USSW), Service Employees International Union, submitted a petition to Assistant Secretary Doug Parker, pursuant to 29 C.F.R. § 1955.5, requesting that OSHA withdraw its approval of the South Carolina State Plan. The petition alleged that the State Plan failed to maintain an effective enforcement program. After careful consideration, OSHA has denied the petition to revoke the State Plan. However, we will continue to work closely with SC OSHA leadership to address identified concerns and improve the effectiveness of their program.

## Assessment of State Plan Progress and Performance

### Data and Methodology

OSHA established a two-year cycle for the FAME process. FY 2024 is a follow-up year, and as such, OSHA was not required to perform an on-site evaluation or case file review. However, due to concerns regarding the State Plan’s effectiveness in addressing key Findings and Observations, OSHA conducted interviews with management and supervisors during the week of January 13, 2025. These discussions focused on reviewing SAMM data and assessing management controls implemented to address identified issues. The interviews provided valuable insights into the State Plan's strategies for improving performance metrics and ensuring timely and effective enforcement actions.

As part of the FAME review, South Carolina OSHA's High Hazard Industry Planning Guide (HHPG) was also evaluated. The HHPG serves as a management tool to assist in prioritizing and scheduling programmed inspections statewide. It ranks manufacturing and non-manufacturing industries based on Total Recordable Case (TRC) rates and Days Away from Work, Restrictions, or Transfers (DART) rates, which are equal to or greater than the statewide averages of 2.4 and 1.7 for manufacturing and non-manufacturing, and 1.3 and 0.7 for construction. SC OSHA will incorporate aspects of the Site-Specific Targeting (SST) program into their HHPG during Fiscal Year 2025 to include non-responders and those sites with increased trending rates. These modifications will improve focus on various industries and strengthen their enforcement efforts.

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)

The State Plan made progress to address the previous Observations from the FY 2023 Comprehensive FAME Report. This follow-up FAME report contains five continued Findings and eight Observations (seven continued and one new). Three Observations were closed and seven continued. 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.

**Continued FY 2024 Findings**

**Finding FY 2024-01 (previous Findings FY 2023-01):** The SAMM data (SAMM 1a) shows the average number of working days to initiate formal complaint inspections was 69.97 days, which was outside the FRL of seven (7) days.

**Status:** This Finding is continued as Finding FY 2024-01 but was amended to reflect the new SAMM data from FY 2024. SC OSHA should continue to develop a management plan to ensure complaint inspections are initiated timely to meet the negotiated goal. This Finding remains open.

**Finding FY 2024-02 (previous Findings FY 2023-02):** The SAMM data (SAMM 2a) shows the average number of working days to initiate formal complaint inspections was 63.60 days, which was outside the FRL of five (5) days.

**Status:** This Finding is continued as Finding FY 2024-02, but it was amended to reflect the new SAMM data from FY 2024. SC OSHA should continue to develop a management plan to ensure complaint inspections are initiated timely to meet the negotiated goal. This Finding remains open.

**Finding FY 2024-03 (previous Findings FY 2023-03, FY 2022-01, FY 2021-01, FY 2020-02, FY 2019-02:** The percentage of health (69.23%) inspections that were in-compliance was higher than the FRL range of 35.34% to 53.01% (SAMM 9b).

**Status:** This Finding is continued as Finding FY 2024-03, but it was amended to reflect the new SAMM data from FY 2024. SC OSHA should ensure inspection resources are spent in workplaces that are exposing workers to hazards by implementing corrective actions in the most hazardous worksites. Efforts should focus on creating targeted lists and gaining access to high-hazard sites to maximize employee protection. Training should continue to address hazard recognition skills with health compliance staff. This Finding remains open.

**Finding FY 2024-04:** Six (6) case files had OTS violations that were not cited.

**Status:** This Finding is continued as Finding FY 2024-04, but a case file review is necessary to gather the facts needed to evaluate progress on this Finding. SC OSHA should ensure that hazards identified during inspections that have sufficient prima facie evidence are addressed through a citation. This Finding will be a focus of next year’s on-site case file review during the FY 2025 comprehensive FAME and remains open.

**Finding FY 2024-05 (previous Findings FY 2023-05, FY 2022-02, FY 2021-02):** SC State Plan has failed to adopt OSHA’s initial FY 2016 maximum and minimum penalty increase and subsequent annual penalty amount increases.

**Status:** SC OSHA should work with their State authorities to complete the legislative changes necessary to adopt the maximum and minimum penalty increase and subsequent annual increases to be at least as effective as federal OSHA penalty levels.

#### Observations:

***Closed FY 2023 Observations***

**Observation FY 2023-OB-05:** In FY 2023, SC OSHA did not effectively assign targeting inspections in FY 2023. For example, SC OSHA conducted only two programmed health inspections in private industry and one programmed inspection in the public sector.

**Status:** In FY 2024, the State Plan showed improvement by completing 121 programmed planned inspections, 12 of which were health, compared to a total of 57 in FY 2023 with two (2) coded as health. This Observation is closed.

**Observation FY 2023-OB-09:** SC OSHA conducted 76 health inspections, which was 10.6% below their goal of 85. The range of acceptable data not requiring further review is from 80.75 to 89.25 for health (SAMM 7b).

**Status:** In FY 2024, the State Plan conducted 120 health inspections, which was 141% above their goal of 85. The range of acceptable data not requiring further review is from 81 to 89 for health (SAMM 7b). This Observation is closed.

**Observation FY 2023-OB-10:** There was no evidence in the retaliation case files reviewed that SC OSHA was advising complainants of their right to dually file with OSHA.

**Status:** SC OSHA has updated its policy to allow for dual filing, enabling both digital and paper complaints to be processed simultaneously. A brief explanation of this capability will be included on the website. Additionally, SC OSHA confirmed the process for dual filing with Regional OSHA’s Whistleblower Program. This Observation is closed.

***Continued FY 2024 Observations***

**Observation FY 2024-OB-02 (previous Observation FY 2023-OB-01):** SC OSHA did not validate and process at least three (3) of 17 complaints (18%) from former employees and other complainants alleging serious hazards. SC OSHA should adhere to the informal complaint processing procedures and requirements and develop a strategy to ensure that all complaints alleging serious hazards are addressed.

**Status:** A case file review is necessary to gather the facts needed to evaluate performance in relation to this Observation. SC OSHA has implemented a new worksheet to address processing procedures for Serious and Other than Serious complaints. This Observation will be a focus of next year’s on-site case file review during the FY 2025 comprehensive FAME.This Observation will be continued.

**Observation FY 2024-OB-03** **(previous Observation FY 2023-OB-02)**: In three (3) of 17 (18%) informal (phone/fax) complaints reviewed complaint items were not adequately addressed prior to closing the case files. The complaint allegations not addressed were in relation to potential health hazards.

**Status:** A case file review is necessary to gather the facts needed to evaluate performance in relation to this Observation. SC OSHA has conducted re-training on abatement documentation requirements. This Observation will be a focus of next year’s on-site case file review during the FY 2025 comprehensive FAME.This Observation will be continued.

**Observation FY 2024-OB-04** **(previous Observation FY 2023-OB-03, FY 2022-OB-01 FY 2021-OB-01)**: Three (3) of 15 (18%) fatality investigations reviewed lacked documentation to determine the reason(s) an OSHA standard was not cited.

**Status: A** case file review is necessary to gather the facts needed to evaluate performance in relation to this Observation. SC OSHA has conducted training with Supervisors on required documentation. This Observation will be a focus of next year’s on-site case file review during the FY 2025 comprehensive FAME.This Observation will be continued.

**Observation FY 2024-OB-05** **(previous Observation FY 2023-OB-04)**: Four (4) out of 21 (19%) fatality and severe injury investigations reviewed identified a delay in conducting interviews.

**Status:** A case file review is necessary to gather the facts needed to evaluate performance in relation to this Observation. SC OSHA has conducted training with staff to ensure that interviews are conducted timely. This Observation will be a focus of next year’s on-site case file review during the FY 2025 comprehensive FAME.This Observation will be continued.

**Observation FY 2024-OB-06** **(previous Observation FY 2023-OB-06, FY 2022-OB-03 FY 2021-OB-03)**: In at least five (5) inspections it was identified that SC OSHA could have used the $7,000 Gravity Based Penalty (GBP) to achieve the necessary deterrent effect.

**Status:** A case file review is necessary to gather the facts needed to evaluate performance in relation to this Observation. SC OSHA has agreed to revisit their internal policy on the application of a Gravity Based Penalty of $7,000. This Observation will be a focus of next year’s on-site case file review during the FY 2025 comprehensive FAME.This Observation will be continued.

**Observation FY 2024-OB-07** **(previous Observation FY 2023-OB-07)**: In FY 2024, the average safety lapse time (SAMM 11a) for citations was calculated at 67.58 days which is slightly above the FRL range of 44.82 to 67.23 days.

**Federal Monitoring Plan:** OSHA will continue to discuss this metric with SC OSHA in FY 2025 during quarterly meetings. However, there was a significant improvement from FY 2023 where safety lapse time was 91.18 days. This Observation will be continued.

**Observation FY 2024-OB-08** **(previous Observation FY 2023-OB-08)**: In FY 2024, the average health lapse time (SAMM 11b) for citations was calculated at 87.19 days which is above the FRL range of 53.77 to 80.65 days.

**Federal Monitoring Plan:** OSHA will continue discussing this metric with SC OSHA during quarterly meetings in FY 2025. However, there has been a significant improvement from FY 2023, when the safety lapse time was 95.11 days. This Observation will be continued.

***New FY 2024 Observation***

**Observation FY 2024-01:** In FY 2024, the percentage of safety inspections in-compliance (51.89%) exceeded the FRL range of 26.27% to 39.40% for safety (SAMM 9a).

**Federal Monitoring Plan:** OSHA will continue to discuss this metric with the South Carolina State Plan during quarterly meetings in FY 2025.

**Discussion:** The FRL for SAMM 9a is ±20% of 32.83%, based on a three-year national average. South Carolina’s in-compliance rate is above the FRL, which could raise concerns. As this is the first year above the FRL, OSHA will monitor the situation as an Observation.

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

**SAMM 1a – Average number of workdays to initiate complaint inspections (state formula) and SAMM 2a – Average number of workdays to initiate complaint investigations (state formula)**

**Discussion of State Plan data and FRL:** In FY 2024, SC OSHA initiated complaint inspections in an average of 69.97 days (state formula) and complaint investigations in 63.60 days (state formula). For SAMM 1a, the FRL is 7, which is the average number of days to initiate complaint inspections, and for SAMM 2a, the FRL is 5, which is the average number of days to initiate complaint investigations. SC OSHA was outside of the FRLs in SAMM 1a and SAMM 2a.

**Explanation:** SC OSHA was outside of the State formula’s FRL for inspections (7 days) and investigations (5 days) but was at the federal formula for inspections (SAMM 1b). SAMM 1a and 2a calculate the number of days between complaint receipt date and the first action. Under this formula, longer response times may be caused by incomplete complaints. SAMM 1b is for informational purposes only, and is not a mandated measure, but it calculates the number of days between the date the office deems the complaint to be valid (having all information needed to initiate a complaint inspection) and the first action date. Under SAMM 1b, SC OSHA had an average of 7.13 days for complaint inspections, and for SAMM 2b, SC OSHA had 8.37 days for complaint investigations.

Extended response times were primarily due to an increased volume of unprogrammed activity in addition to limited staffing resources managing the complaint desk. Also, adding to the response time was the need to get more information on incomplete complaints. SC OSHA has begun to take steps to address these issues by reallocating resources and enhancing staff training to better manage the complaint process. These efforts aim to bring response times closer to the prescribed FRLs in future evaluations. Findings FY 2024-01 and FY 2024-02 remain open.

**SAMM 4 – Number of denials where entry not obtained**

**Discussion of State Plan Data and FRL:** Two (2) outliers were initially identified in Appendix D, indicating instances where denials were not obtained.

**Explanation:** These outliers were determined to be the result of data entry errors. This has since been corrected, and updated data confirms there are no outliers in this measure.

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

**Discussion of State Plan Data and FRL:**In FY 2024 the national average for other-than-serious (OTS) violations was 0.94, within the FRL range of 0.75 to 1.12. SC OSHA’s average for OTS violations per inspection was 0.29, which falls below the FRL. Although the State was within range for Serious, Willful, Repeat violations per inspection, the lower OTS suggests that some violations are not being cited as referenced in Finding FY 2024-04.

**Explanation:** Although the State's Serious, Willful, Repeat (SWRU) violations per inspection were within range at 1.93 (with a FRL of 1.39 to 2.08), the lower OTS suggests that some violations may not be cited, as referenced in Finding FY 2024-04. This Finding remains open.

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

**Discussion of State Plan data and FRL:** The FRL was +/-5% of the negotiated level of 5.36%. The range of acceptable data not requiring further review was 5.09% to 5.63%. SC OSHA conducted 5.70% of its total inspections in state and local government workplaces, which was slightly above the FRL.

**Explanation:** Although this issue does not rise to the level of an Observation for exceeding theState and local government workplace inspection goal, Federal OSHA will continue to review State and local government sector inspections during quarterly meetings.

**SAMM 7 – Planned v. Actual Inspections – Safety/Health**

**Discussion of State Plan Data and FRL:** SC OSHA conducted 154% of the planned safety inspections (301 of 195) and 141% of health inspections (120 of 85).

**Explanation:** SC OSHA successfully exceeded their inspection goal for FY 2024, demonstrating progress towards enforcement goals. SC OSHA also made a concerted effort to fill staff vacancies and provide newly hired staff with training needed to conduct inspections. SC OSHA closed the fiscal year with twenty-three (23) CSHOs, or approximately 85% staffed. However, SC OSHA's enforcement presence (SAMM 17) is at 0.41%, well below the FRL range of 0.75% to 1.25%. This indicates that additional effort is needed to enhance their enforcement activities across the state.

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

**Discussion of State Plan data and FRL:** The FRL for SAMM 8, total average current penalty per serious violation (1 to greater than 250 employees) was +/- 25% of the three-year national average of $3,793.81, which equals a range of $2,845.36 to $4,742.27. SC OSHA’s total average current penalty per serious violation (1 to greater than 250 employees) was $1,772.04, which is lower than the FRL.

**Explanation:** SC OSHA is below the FRL on average current serious penalties per violation. Please refer to Finding FY 2024-02. This Finding remains open.

**SAMM 9a – Percent in-compliance for safety inspections**

**Discussion of State Plan data and FRL:** The FRL was +/-20% of the three-year national average of 32.83% for percent in-compliance safety inspections. The range of acceptable data not requiring further review was from 26.27% to 39.40% for safety. SC OSHA had a safety in-compliance rate of 51.89%.

**Explanation:** SC OSHA's in-compliance rate for safety inspections was above the FRL range, which may be attributed to a low number of experienced staff. As a result, this has been identified as a new Observation based on the SAMM data.

**SAMM 9b – Percent in-compliance for health inspections**

**Discussion of State Plan data and FRL:** The FRL was +/-20% of the three-year national average of 44.18% for percent in-compliance health inspections. The range of acceptable data not requiring further review was from 35.34% to 53.01% for health. SC OSHA had a health in-compliance rate of 69.23%.

**Explanation:** SC OSHA percent in-compliance for health inspections exceeded the FRL range, potentially due to a low number of experienced staff. This Finding remains open.

**SAMM 11a – Average lapse time**

**Discussion of State Plan Data and FRL:** The FRL for the average lapse time for safety inspections is set at ±20% of 56.02 days, which is a range of 44.82 to 67.23 days. SC OSHA completed safety inspections in an average of 67.58 days, just 0.35 days above the upper limit.

**Explanation:** SC OSHA has reported they have initiated a proactive hiring process to fill vacancies, which will help ease the workload, improve the review process, and enhance case file management. The FY 24 lapse time represents a 27-day improvement over FY23. This Observation will continue to be monitored.

**SAMM 11b – Average lapse time**

**Discussion of State Plan Data and FRL:** The FRL for average lapse time for health inspections is set at ±20% of 67.21 days, which is a range of 53.77 to 80.65 days. SC OSHA completed health inspections in an average of 87.19 days, exceeding the upper limit by 6.54 days.

**Explanation:** SC OSHA has reported that they initiated a proactive hiring process to fill vacancies, which is expected to ease the workload, improve the review process, and enhance case file management. While the lapse time was slightly above the FRL, it reflects a 7.92-day improvement over FY23. This Observation will continue to be monitored.

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

FY 2024 South Carolina Follow-up FAME Report

|  |  |  |  |
| --- | --- | --- | --- |
| **FY 2024-#** | **Finding** | **Recommendation** | **FY 20XX-# or**  **FY 20XX-OB-#** |
| Finding FY 2024-01 | The SAMM data (SAMM 1a) shows the average number of working days to initiate formal complaint inspections was 69.97 days, which was outside the FRL of seven (7) days. | SC OSHA should develop a management plan to ensure complaint inspections are initiated timely to meet the negotiated goal. | Finding FY 2023-01 |
| Finding FY 2024-02 | The SAMM data (SAMM 2a) shows the average number of working days to initiate formal complaint inspections was 63.60 days, which was outside the FRL of five (5) days. | SC OSHA should develop a management plan to ensure complaint investigations are initiated timely to meet the negotiated goal. | Finding FY 2023-02 |
| Finding FY 2024-03 | The percentage of health (69.23%) inspections that were in-compliance was higher than the FRL range of 35.34% to 53.01% (SAMM 9b). | Ensure inspection resources are spent in workplaces that are exposing workers to hazards by implementing corrective actions in the most hazardous worksites. Efforts should be focused on creating targeting lists and gaining entry to sites with the most hazards to best protect employees. Training should continue to address hazard recognition skills with health compliance staff. | Finding FY 2019-02  FY 2020-02  Finding FY 2021-01  Finding FY 2022-01  Finding FY 2023-03 |
| Finding FY 2024-04 | In FY 23, Six (6) case files had OTS violations that were not cited. | Ensure that hazards identified during inspections that have sufficient prima facie evidence are addressed through a citation. | Finding FY 2023-04 |
| Finding FY 2024-05 | SC State Plan has failed to adopt OSHA’s initial FY 2016 maximum and minimum penalty increase and subsequent annual penalty amount increases. | SC OSHA should work with their State authorities to complete the legislative changes necessary to adopt the maximum and minimum penalty increase and subsequent annual increases to be at least as effective as federal OSHA penalty levels. | Finding FY 2021-02  Finding FY 2022-02  Finding FY 2023-05 |

### Appendix B – Observations Subject to Continued Monitoring

FY 2024 South Carolina Follow-up FAME Report

| **Observation #**  **FY 2024-OB-#** | **Observation#**  **FY 2023-OB-# *or* FY 20XX-#** | **Observation** | **Federal Monitoring Plan** | **Current Status** |
| --- | --- | --- | --- | --- |
| FY 2024-OB-01 |  | In FY 2024, the percentage of safety inspections in-compliance (51.89%) exceeded the FRL range of 26.27% to 39.40% for safety (SAMM 9a). | OSHA will continue to discuss this metric with the South Carolina State Plan during quarterly meetings in FY 2025. | New |
| FY 2024-OB-02 | FY 2023-OB-01 | In FY 2023, SC OSHA did not validate and process at least three (3) of 17 complaints from former employees and other complainants alleging serious hazards. SC OSHA should adhere to the informal complaint processing procedures and requirements and develop a strategy to ensure that all complaints alleging serious hazards are addressed. | During next year’s FAME, a limited scope review will be conducted to determine if Observation is reflected in the data trend. | Continued |
| FY 2024-OB-03 | FY 2023-OB-02 | In FY 2023, in three (3) of 17 informal (phone/fax) complaints reviewed complaint items were not adequately addressed, prior to closing the case files. The complaint allegations not addressed were in relation to potential health hazards. | During next year’s FAME, a limited scope review will be conducted to determine if Observation is reflected in the data trend. | Continued |
| FY 2024-OB-04 | FY 2023-OB-03  FY 2022-OB-01  FY 2021-OB-01 | In FY 2023, three (3) of 15 fatality investigations reviewed lacked documentation to determine the reason(s) an OSHA standard was not cited. | During next year’s FAME, a limited scope review will be conducted to determine if Observation is reflected in the data trend. | Continued |
| FY 2024-OB-05 | FY 2023-OB-04 | In FY 2023, four (4) out of 21 fatality and severe injury investigations reviewed identified a delay in conducting interviews. | During next year’s FAME, a limited scope review will be conducted to determine if Observation is reflected in the data trend. | Continued |
|  | FY 2023-OB-05 | In FY 2023, SC OSHA did not effectively assign targeting inspections in FY 2023. For example, SC OSHA conducted only two programmed health inspections in private industry and one programmed inspection in the public sector. |  | Closed |
| FY 2024-OB-06 | FY 2021-OB-03  FY 2022-OB-03  FY 2023-OB-06 | In at least five (5) inspections it was identified that SC OSHA could have used the $7,000 Gravity Based Penalty (GBP) to achieve the necessary deterrent effect. | During next year’s FAME, a limited scope review will be conducted to determine if this Observation is reflected in the data trend. | Continued |
| FY 2024-OB-07 | FY 2023-OB-07 | In FY 2024, the average safety lapse time (SAMM 11a) for citations was calculated at 67.58 days which is slightly above the FRL range of 44.82 to 67.23 days. | OSHA will continue to discuss this metric with South Carolina State Plan in FY 2025 during quarterly meetings. However, there was a significant improvement from FY 2023 where safety lapse time was 91.18 days. | Continued |
| FY 2024-OB-08 | FY 2023-OB-08 | In FY 2024, the average health lapse time (SAMM 11b) for citations was calculated at 87.19 days which is above the FRL range of 53.77 to 80.65 days. | During next year’s FAME, a limited scope review will be conducted to determine if Observation is reflected in the data trend. | Continued |
|  | FY 2023-OB-09 | SC OSHA conducted 76 health inspections, which was 10.6% below their goal of 85. The range of acceptable data not requiring further review is from 80.75 to 89.25 for health (SAMM 7b). |  | Closed |
|  | FY 2023-OB-10 | There was no evidence in the retaliation case files reviewed that SC OSHA was advising complainants of their right to dually file with OSHA. |  | Closed |

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

FY 2024 South Carolina Follow-up FAME Report

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FY 2023-#** | **Finding** | **Recommendation** | **State Plan Corrective Action** | **Completion Date** | **Current Status**  **and Date** |
| Finding FY 2023-01 | The SAMM data (SAMM 1a) shows the average number of working days to initiate formal complaint inspections was 29.58 days, which was outside the FRL of seven (7) days. | SC OSHA should develop a management plan to ensure complaint inspections are initiated timely to meet the negotiated goal. | SC OSHA evaluated and updated the complaint procedures to decrease the number of working days to initiate complaint for new and existing cases. |  | Open |
| Finding FY 2023-02 | The SAMM data (SAMM 2a) shows the average number of working days to initiate formal complaint inspections was 42.60 days, which was outside the FRL of five (5) days. | SC OSHA should develop a management plan to ensure complaint investigations are initiated timely to meet the negotiated goal. | SC OSHA evaluated and updated the complaint procedures to decrease the number of working days to initiate complaint for new and existing cases. |  | Open |
| Finding FY 2019-02  FY 2020-02  Finding FY 2021-01  Finding FY 2022-01  Finding FY 2023-03 | The percentage of health (59.57%) inspections that were in-compliance was higher than the FRL range of 32.06% to 52.58% (SAMM 9b). | Ensure inspection resources are spent in workplaces that are exposing workers to hazards by implementing corrective actions in the most hazardous worksites. Efforts should be focused on creating targeting lists and gaining entry to sites with the most hazards to best protect employees. Training should continue to address hazard recognition skills with health compliance staff. | Inspections were conducted according to SC OSHA’s high hazard planning guide and the number of unprogrammed inspections received. SC OSHA continues to review the NAICS that are assigned and determine which industries warrant enforcement, based on industry incidence rates. SC OSHA also continues to provide additional training to CSHO’s to ensure that all potential violations are addressed.  SC OSHA annually updates the internal High Hazard Planning Guide (HHPG) that identifies industries in the most hazardous NAICS codes according to BLS data. Compliance Officers are continually being trained on the HHPG and on effective hazard recognition on all inspections to include health inspections. |  | Open |
| Finding FY 2023-04 | Six (6) case files had OTS violations that were not cited. | Ensure that hazards identified during inspections that have sufficient prima facie evidence are addressed through a citation. | SC OSHA will ensure that in the future, Compliance Officers address OTS violations according to South Carolina OSHA policy and procedures. |  | Open |
| Finding FY 2021-02  Finding FY 2022-02  Finding FY 2023-05 | SC State Plan has failed to adopt OSHA’s initial FY 2016 maximum and minimum penalty increase and subsequent annual penalty amount increases. | SC OSHA should work with their state authorities to complete the legislative changes necessary to adopt the maximum and minimum penalty increase and subsequent annual increases to be at least as effective as federal OSHA penalty levels. | Regarding failure to adopt the increase in penalties, SC OSHA is closely following the recently filed declaratory judgment action,  McMaster v. U.S. Dept. of Labor. |  | Open |

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

FY 2024 South Carolina Follow-up FAME Report

| SAMM Number | SAMM Name | State Plan Data | Further Review Level | Notes |
| --- | --- | --- | --- | --- |
| 1a | Average number of workdays to initiate complaint inspections (state formula) | 69.97 | 7 | The further review level is negotiated by OSHA and the State Plan. |
| 1b | Average number of workdays to initiate complaint inspections (federal formula) | 7.13 | N/A | This measure is for informational purposes only and is not a mandated measure. |
| 2a | Average number of workdays to initiate complaint investigations (state formula) | 63.60 | 5 | The further review level is negotiated by OSHA and the State Plan. |
| 2b | Average number of workdays to initiate complaint investigations (federal formula) | 8.37 | 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) | N/A | 100% | The further review level is fixed for all State Plans. |
| 4 | Number of denials where entry not obtained | 2 | 0 | The further review level is fixed for all State Plans. |
| 5a | Average number of violations per inspection with violations by violation type (SWRU) | 1.93 | +/- 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) | 0.29 | +/- 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 | 5.70% | +/- 5% of  Grant 5.36% | 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 5.09% to 5.63%. |
| 7a | Planned v. actual inspections (safety) | 301 | +/- 5% of  Grant 195 | 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 185 to 205 for safety. |
| 7b | Planned v. actual inspections (health) | 120 | +/- 5% of  Grant 85 | 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 81 to 89 for health. |
| 8 | Average current serious penalty in private sector - total (1 to greater than 250 workers) | $1,772.04 | +/- 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) | $1,093.00 | +/- 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**)** | $1,599.73 | +/- 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) | $1,890.21 | +/- 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) | $3,005.81 | +/- 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) | 51.89% | +/- 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) | 69.23% | +/- 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) | 67.58 | +/- 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 67.23for safety. |
| 11b | Average lapse time (health) | 87.19 | +/- 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 | 76.67% | +/- 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/A | 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 | 0.41% | +/- 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%. |