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

**Virginia Occupational Safety and Health (VOSH) Program**



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

**Initial Approval Date: September 28, 1976**

**Program Certification Date: August 21, 1984**

**Final Approval Date: November 30, 1988**

**Prepared by:**

**U. S. Department of Labor**

**Occupational Safety and Health Administration**

**Philadelphia Region**

**Philadelphia, Pennsylvania**



**Table of Contents**

[I.Executive Summary 3](#_Toc119418663)

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

[III.Assessment of State Plan Progress and Performance 6](#_Toc119418665)

[A. Data and Methodology 6](#_Toc119418666)

[B. Findings and Observations](#_Toc119418667) 7

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

[Appendix A – New and Continued Findings and Recommendations 11](#_Toc119418669)

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

[Appendix C - Status of FY 2023 Findings and Recommendations 13](#_Toc119418671)

[Appendix D – FY 2024 State Activity Mandated Measures (SAMM) Report 14](#_Toc119418672)

1. **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. VOSH continues to effectively accomplish its mission of protecting over four million Virginians from workplace safety and health hazards by covering over 306,650 employers. The U.S. Bureau of Labor Statistics 2023 data reflect an overall Total Recordable Case Rate (TRCR) of non-fatal occupational injuries and illnesses of 2.3 for Virginia (15% lower than the national TRCR). Virginia’s TRCRs in private industry, construction, and government also remain below the national average.

VOSH continued to respond to occupational concerns in the Commonwealth of Virginia by inspecting or investigating at least 72% of all the complaints received in FY 2024. VOSH refers complaints that are outside of its coverage or jurisdiction to other regulatory or law enforcement agencies as appropriate. VOSH also remained steadfast in its commitment to conduct inspections in high-hazard industries by conducting 875 programmed inspections in FY 2024.

VOSH continues to have significant enforcement presence. VOSH conducted 2,008 inspections in private and state and local government (SLG) workplaces during FY 2024 – 318 more inspections than was conducted in FY 2023. This number also signifies the first time VOSH completed over 2,000 inspections in almost two decades and a 46% increase in the number of inspections over the past two federal fiscal years. These inspections resulted in VOSH issuing 4,204 violations – an increase of 1,404 violations from FY 2023. VOSH investigates all work-related fatalities within its jurisdiction and coverage limitations.

Throughout the year, VOSH made progress to address the previous two FAME findings and three observations from the FY 2023 Comprehensive FAME Report. VOSH adopted all FY 2024 federal program changes (FPCs) within the required time frames; however, there remain several outstanding FPCs identified during the FY 2023 FAME. VOSH communicated to OSHA the corrective steps for the remaining finding and observations, however, case file reviews are required to evaluate and verify their status which will be conducted during the FY 2025 comprehensive FAME on-site case file review.

VOSH is responsive to OSHA’s requests and works collaboratively to achieve the mission of protecting the nation’s workers. VOSH shares initiatives and seeks to work in concert with OSHA when possible. During the FY 2024 performance period, VOSH made progress to address its two findings from the FY 2023 comprehensive FAME and submitted a corrective action plan to the Philadelphia Region. A comprehensive on-site case file review is necessary to verify that the findings have been adequately corrected, therefore, all findings remain open. Additionally, the three observations will continue pending a case file review in FY 2025. No new findings or observations were identified.

1. **State Plan Background**

Virginia operates a State Plan occupational safety and health program authorized under Section 18 of the Occupational Safety and Health (OSH) Act of 1970. The Virginia Department of Labor and Industry (DOLI) administers the VOSH Program. VOSH operates within DOLI and is headquartered in Richmond, Virginia with field offices located in Abingdon, Lynchburg, Manassas, Norfolk, Richmond, Roanoke, and Verona.

In FY 2024, VOSH operated under Gary Pan, Commissioner of DOLI. Charles Stiff served as DOLI’s Deputy Commissioner. Ronald Graham served as VOSH’s health director and Jeffrey Cabral served as the safety director during FY 2024. Jennifer Rose continued her role within VOSH as the Director of Cooperative Programs which includes consultation and Voluntary Protection Programs (VPP). Diane Duell currently oversees the Division of Legal Support (DLS) which includes whistleblower oversight. The agency directors for safety, health, whistleblower, cooperative programs, and legal services are under the direction of the Assistant Commissioner who, in turn, reports to the Commissioner. Additionally, Princy Doss serves as the Director of Policy and Planning under the direction of Senior Fellow, Jay Withrow who reports directly to the Deputy Commissioner.

VOSH consists of two major units: compliance and cooperative programs, including consultation and training services. The compliance unit inspects workplaces; issues citations and penalties for violations of established occupational standards; and responds to fatalities, incidents, and worker complaints about workplace safety and health hazards. VOSH also conducts randomly scheduled inspections of high-hazard industries. In addition to enforcement efforts, VOSH provides compliance assistance through targeted outreach, education, and training to emphasize increased awareness on the part of both employers and workers of the importance of a robust safety and health culture.

In 2024, VOSH launched a pilot program called the VOSH Institute of Learning and Outreach (VILO). This pilot program supports Virginia’s center for excellence in the development of an Injury and Illness Free Career Culture. VILO has permanent dedicated state-of-the-art classroom space at the Virginia Public Safety Training Center (VPSTC) in Hanover, Virginia. VOSH presence at VPSTC establishes DOLI as a premier public safety state agency partner and enables VOSH to share resources, ideas, expertise, and best practices in a collaborative way. In addition to this location, VILO also delivers virtual and face-to-face training experiences in a variety of locations throughout the Commonwealth.

The program investigated 31 work-related fatalities in FY 2024. To address the rise in workforce fatalities, VOSH launched a new emphasis initiative aimed at preventing workforce fatalities across Virginia. The initiative is designed to increase awareness and drive more focus on the top contributory hazards that yield workforce fatalities. The table below provides more information about the 31 work-related fatalities in 2024 that VOSH investigated:



VOSH 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. The consultation services unit assists Virginia’s SLG employers and private employers to voluntarily comply with applicable requirements without issuing citations and penalties. The VOSH consultation program provides free on-site surveys and technical assistance to Virginia businesses, especially small businesses in high-hazard industries and to SLG employers. VOSH also provides free educational and training programs for employers and workers to assist them in achieving voluntary compliance.

VOSH’s Cooperative Programs Division continues to offer six voluntary programs to promote and recognize exceptional workplace safety and health efforts. They include:

* Virginia Safety and Health Achievement Recognition Program (SHARP);
* Virginia STAR;
* Virginia Building Excellence in Safety, Health, and Training (BEST);
* Virginia CHALLENGE Program;
* Virginia Department of Corrections (VADOC) CHALLENGE; and
* Virginia Building Safety and Health Excellence in Construction through Mentorship and Training (BUILT).

VOSH’s compliance role is to enforce safety and health laws, standards, and regulations (“standards”) for general industry, construction, agriculture, and SLG maritime employers. All standards adopted by the Safety and Health Codes Board apply to all employers who have workers working within the jurisdiction of the Commonwealth of Virginia. VOSH covers both SLG employers and workers as well as private sector employers and workers in Virginia, except for federal workers, the United States Postal Service, private sector maritime, employment at worksites located within federal military facilities and other federal enclaves where the state has ceded coverage to the federal government, and onboard aircraft in operation.

The VOSH Program mirrors the federal program as closely as possible while recognizing the autonomy and unique characteristics of the Commonwealth. The majority of VOSH standards are identical to federal OSHA standards. However, VOSH has enacted unique regulations covering overhead high voltage line safety; fall protection in steel erection; reverse signal operation of vehicles, machinery, tool and equipment in general industry, construction, maritime (SLG only), and agriculture; tree trimming; and confined space hazards in telecommunication industries. In these instances, either OSHA does not have a comparable standard addressing the specific hazard or condition, or if it does, the federal standard differs substantially.

VOSH’s Administrative Regulations Manual (ARM), 16 VAC 25-60-270, et seq., sets forth rules defining the applicability of occupational safety and health standards in Virginia. VOSH enforces the Virginia Department of Transportation (VDOT) Work Area Protection Manual in lieu of the federal manual on Uniform Traffic Control Devices (MUTCD) referenced in 29 CFR 1926.200 and 1926.202. Virginia has codified in regulation the Multi-Employer Worksite Policy and Multi-Employer Misconduct Defense but provides that the defense does not apply to supervisory personnel having control of the worksite.

VOSH has taken major steps toward recruiting and retaining CSHOs through an agency-initiated classification and compensation study. VOSH actively and effectively recruits safety and health compliance staff to fill vacancies as demonstrated by the increase in staffing. Based on its FY 2025 grant application, VOSH filled 79% of safety compliance officer benchmarks (an increase from 66% in FY 2023), and 83% of its health compliance officer benchmarks (an increase from 72% in FY 2023). VOSH reported 11 first line supervisors, two whistleblower positions, and two compliance assistance specialists on board as of July 1, 2024. Overall, VOSH was staffed with nearly 78 FTE during FY 2024.

VOSH overmatched the $4,911,500 federal award by $1,212,000 contributing to 55% of its funding at a state level in FY 2024.

**New Issues**

None.

1. **Assessment of State Plan Progress and Performance**
2. **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
1. **Findings and Observations**

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

VOSH made progress to address the previous two findings and three observations from the FY 2023 Comprehensive FAME Report. This follow-up FAME report contains two continued findings and three continued observations. VOSH provided a corrective action plan, however the findings were not completed because a case file review is necessary to verify corrective action were taken. Appendix A describes the continued findings and recommendations. Appendix B describes observations subject to continued monitoring and the related federal monitoring plan. Appendix C describes the status of each FY 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).** VOSH did not adopt FPCs within the required timeframes.

**Status:** VOSH has since adopted the required NEPs on Trenching and Excavation, Compliance Directive for the Excavation Standard, Amputations in Manufacturing, and Warehousing and Distribution Center Operations identified as outstanding items in the FY 23 FAME. The following FPCs remain outstanding: Field Operations Manual, OSHA Whistleblower Investigations Manual, and Severe Violator Enforcement Program. This finding remains open.

**Finding FY 2023-02: Employee Representative Documentation**

In three of the three (100%) sites with union representation, the case file did not document if the collective bargaining representative was provided with a copy of the citations.

**Status:** VOSH retrained CSHOs to ensure proper procedures are followed, including asking if employees are represented by a union and updating citation delivery sheets to indicate and track when union letters and citations are sent. A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year’s on-site case file review during the FY 2025 comprehensive FAME and remains open.

**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: UPA Coding**

In four of the 50 (8%) programmed inspections reviewed, it was determined that the inspections were not initiated in response to a complaint or referral and were not coded as UPA.

**Status:** A review of Serious Event Reports and complaints is needed to determine how often complaints and referral related inspections are coded as programmed and if coding inconsistencies have any impact to the VOSH Program. A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of the FY 2025 comprehensive FAME. This observation is continued.

**Observation FY 2023-OB-02: Prima Facie Case File Documentation**

In two of seven (29%) fatality cases with violations, a hazard worksheet identifying the prima facie elements was not completed.

**Status:** A review of fatality cases issued with violations is needed to determine if VOSH is consistently identifying the prima facie elements in the hazard worksheets. A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of the FY 2025 comprehensive FAME. This observation is continued.

**Observation FY 2023-OB-03: Whistleblower Complaint Screening**

VOSH administratively closed nine of 30 (30%) whistleblower cases for lack of cooperation for not completing the required questionnaire and providing evidence within 10 days.

**Status:** OSHA will discuss the importance of conducting verbal screening interviews and continue to evaluate the effect of using only a screening form and continue to evaluate administratively closed files. A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of the FY 2025 comprehensive FAME. This observation is continued.

**New FY 2024 Observations**

There were no new observations identified in FY 2024.

1. **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) were not reported for FY 2024 due to the transition of whistleblower data from the Whistleblower Application in OITSS to the Whistleblower module in OIS.

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

**SAMM 6 – Percent of Total Inspections in Public Sector**

**Discussion of State Plan Data and FRL:** The FRL for percent of total inspections in state and local government workplaces is +/-5% of the negotiated value of 5.52% which provides a range from 5.24% to 5.79% (112 to 124 inspections). VOSH conducted 6.63% (123) of its total inspections in state and local government workplaces in FY 2024 which is above the FRL.

**Explanation:** Although outside the FRL this is not a cause of concern due to VOSH exceeding the goal.

**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 number of 1,532 safety inspections which provides a range of 1,455 to 1,609 safety inspections. While the End of Year SAMM report shows that VOSH performed 1,407 safety inspections, falling below the FRL, VOSH’s SOAR report shows 1,514 safety inspections, falling within the FRL. The difference of 107 inspections was confirmed with a current SAMM report which verified the SOAR reported safety inspections.

**Explanation:** The current SAMM report shows that VOSH’s actual safety inspections were within the FRL, therefore OSHA will not make this a finding, but will continue to discuss with VOSH and monitor during quarterly meetings.

**SAMM 7b – Planned v. Actual Inspections (Health)**

**Discussion of State Plan Data and FRL:** The FRL for planned vs. actual health inspections is +/-5% of the negotiated number of 607 health inspections which provides a range of 577 to 637 health inspections. The End of Year SAMM report shows VOSH performed 447 health inspections, and VOSH’s SOAR report shows 494 inspections. Both reports indicate that VOSH fell below the FRL.

**Explanation:** OSHA recognizes the potential impact caused by reducing the fiscal year 2024 State Plan 23(g) grant funding 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 health inspections. Even though these SAMMs were not in effect for FY 2024, it is notable that VOSH’s 494 health inspections would have been above the FRL of 486 under this new set of measures. For these reasons, OSHA will not make this issue a finding and will continue to monitor during quarterly meetings.

**SAMM 9a – Percent In-compliance (Safety)**

**Discussion of State Plan Data and FRL:** The FRL for percent in-compliance for safety is +/-20% of the three-year national average of 32.83% which provides a range of 26.27% to 39.40% for safety. The End-of-Year SAMM reports show VOSH’s in-compliance rate for safety was 43.13% which is higher than the FRL.

**Explanation**: Historically, VOSH safety percent in-compliance rate has frequently exceeded the FRL. The outliers can be explained by policies and procedures unique to VOSH. For example, it is VOSH’s policy on multi-employer jobsites to open an inspection and assign an inspection number to all employers covered by the scope of the inspection - regardless of whether citations are going to be issued to the employer or not. Adjusting inspection counts to account for this policy would have placed the VOSH safety in-compliance rate of 27/46% within the FRL.

VOSH’s in-compliance rate for safety inspections has been consistent for many years. This indicates that VOSH’s unique policies drive a higher in-compliance rate, but that it is not necessarily a cause for concern.

**SAMM 13 – Percent of Initial Inspections with Worker Walk-Around Representation or Worker Interview**

Discussion of State Plan Data and FRL: The FRL for percent of initial inspections with worker walk-around representation or worker interview if fixed for all State Plans at 100%. While the End of Year SAMM report shows 99/95% participation rate, falling below the FRL, a current SAMM report shows a 100% participation rate, within the FRL.

Explanation: The current SAMM report shows that VOSH’s was within the FRL, therefore OSHA will not make this a finding but will continue to discuss proper coding with VOSH and monitor during quarterly meetings.

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

VOSH FY 2024 Follow-up FAME Report

|  |  |  |  |
| --- | --- | --- | --- |
| **FY 2024-#** | **Finding** | **Recommendation** | **FY 2023-# or** **FY 2023-OB-#** |
| FY 2024-01 | **Federal Program Changes (FPCs)**VOSH did not adopt FPCs within the required timeframes. | VOSH made progress from FY 2023 to FY 2024 to adopt FPCs and should continue to evaluate their strategy to ensure that action is taken on FPCs within the required timeframes.  | FY 2023-01FY 2022-OB-02 |
|  FY 2024-02 | **Employee Representative Documentation** In FY 2023, three of the three (100%) of the sites with union representation, the case file did not document if the collective bargaining representative was provided with a copy of the citation. | VOSH should ensure that a copy of the citations is sent to the employee representative in accordance with its FOM.Corrective action complete, awaiting verification. |  FY 2023-02 |

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

VOSH FY 2024 Follow-up FAME Report

| **Observation #****FY 20XX-OB-#** | **Observation#****FY 2023-OB-# or FY 2023-#** | **Observation** | **Federal Monitoring Plan** | **Current Status** |
| --- | --- | --- | --- | --- |
| FY 2024-OB-01 | FY 2023-OB-01 | **UPA Coding**In four of the 50 (8%) programmed inspections reviewed in FY 2023, it was determined that the inspections were initiated in response to a complaint or referral and were not coded as UPA.  | OSHA will conduct a review of Serious Event Reports and complaints to determine how often complaints and referral related inspections are coded as programmed and if coding inconsistencies have any impact on the VOSH Program.  | Continued |
| FY 2024-OB-02 | FY 2023-OB-02 | **Prima Facie Case File Documentation**In FY 2023, in two of the seven (29%) fatality cases with violations, a hazard worksheet identifying the prima facie elements was not completed. | OSHA will conduct a review of fatality case files issued with violations to determine if VOSH is consistently identifying the prima facie elements in the hazard worksheets.  | Continued |
| FY 2024-OB-03 | FY 2023-OB-03 | **Whistleblower Complaint Screening**In FY 2023, VOSH closed nine of 30 (30%) of administratively closed whistleblower cases for lack of cooperation for not completing the required questionnaire and providing evidence within 10 days. | OSHA will discuss the importance of conducting verbal screening interviews and continue to evaluate the effect of using only a screening form and continue to evaluate administratively closed files in FY 2025. | Continued |

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

VOSH 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)**VOSH did not adopt FPCs within the required timeframes.  | VOSH should develop a strategy that ensures action is taken on FPCs within the required timeframes. | VOSH continues to utilize a log to track FPCs to include a due date to ensure that FPCs are adopted within the required time frame.  | Not Completed |  Open (As of March 15, 2025) |
| FY 2023-02 | **Employee Representative Documentation** In three of the three (100%) of the sites with union representation, the case file did not document if the collective bargaining representative was provided with a copy the citations.  | VOSH should ensure that a copy of the citations is sent to the employee representative in accordance with its FOM.  | VOSH retrained CSHOs to ensure proper procedures are followed, including asking if employees are represented by a union and updating citation delivery sheets to indicate and track when union letters and citations are sent. | July 17, 2024 | Awaiting Verification |

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

VOSH FY 2024 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) | 3.09 | 5 | The further review level is negotiated by OSHA and the State Plan. |
| 1b | Average number of workdays to initiate complaint inspections (federal formula) | 1.74 | 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) | 2.61 | 3 | The further review level is negotiated by OSHA and the State Plan. |
| 2b | Average number of workdays to initiate complaint investigations (federal formula) | 1.43 | 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) | 1.87 | +/- 20% of1.74 | 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) | 0.98 | +/- 20% of0.94 | 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 | 6.63% | +/- 5% ofGrant 5.52% | 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 5.24% to 5.79%. |
| 7a | Planned v. actual inspections (safety) | 1,407 | +/- 5% of Grant 1,532 | 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 1,455 to 1,609 for safety. |
| 7b | Planned v. actual inspections (health) | 447 | +/- 5% of Grant 607 | 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 577 to 637 for health. |
| 8 | Average current serious penalty in private sector - total (1 to greater than 250 workers) | $3,763.43 | +/- 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) | $2,195.00 | +/- 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**)** | $4,332.16 | +/- 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) | $6,848.68 | +/- 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) | $8,054.91 | +/- 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) | 43.13% | +/- 20% of32.83% | 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) | 39.31% | +/- 20% of44.18% | 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) | 52.76 | +/- 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) | 56.43 | +/- 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 | 76.64% | +/- 15% of70.81% | 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 | 99.95% | 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 | 1.10% | +/- 25% of1.00% | 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.