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

Wyoming Occupational Safety and Health Administration

(Wyoming OSHA)



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

**Initial Approval Date:** May 3, 1973

**Program Certification Date:** December 18, 1980

**Final Approval Date:** June 27, 1985

**Prepared by:**

**U. S. Department of Labor**

**Occupational Safety and Health Administration**

**Denver Region**

**Denver, CO**



**Table of Contents**

[I.Executive Summary 3](#_Toc119418663)

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

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

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

[B. Findings and Observations 5](#_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 Wyoming State Plan’s (Wyoming OSHA’s) progress in Fiscal Year (FY) 2024 in resolving outstanding findings and observations from the previous FY 2023 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report.

The State Plan made progress toward corrective actions on the two findings and five observations from the FY 2023 Comprehensive FAME Report. Wyoming OSHA developed policies and procedures where absent, provided training to staff and supervisors, and ensured that policies were implemented appropriately.

The State Plan attempted to address concerns, including responsiveness to complaints, by hiring an additional administrative person to ensure that complaints were processed quickly and accurately to enable shorter response times. This was implemented late in FY 2024, so there was not sufficient time during the fiscal year to determine if the process improvement resulted in the desired outcome.

The State Plan recognized the need for additional outreach in western Wyoming to raise awareness of construction hazards and methods of compliance. This was in response to a series of construction-related fatalities that occurred in western Wyoming. The staff held a two-day “OSHA Roadshow” in May 2024 to provide comprehensive training to employers and workers in this hard-to-reach region.

Wyoming OSHA was able to significantly reduce its safety inspection in-compliance percentage during FY 2024, which resulted in the completion of a finding from the FY 2023 Comprehensive FAME Report. However, the health inspection in-compliance percentage continued to climb and remained an issue for Wyoming OSHA, so this finding is continued. The five observations from last year’s FAME Report are continued until OSHA conducts a case file review during the FY 2025 comprehensive FAME. One additional observation related to the significantly low number of actual versus planned safety inspections conducted during FY 2024 was noted.

## State Plan Background

Wyoming OSHA is housed within the Wyoming Department of Workforce Services. The State Plan designee also serves as the Workforce Standards Administrator of the Office of Standards and Compliance. Karen J. Bebensee became the Workforce Standards Administrator in August 2024 following the departure of Jason Wolfe. The position of Deputy Administrator of Wyoming OSHA, previously held by Karen J. Bebensee, became vacant and was not filled by the end of the fiscal year. The position was filled in early FY 2025 by Christian Graham. The main office is in Cheyenne, with field offices in Casper, Gillette, Sheridan, and Rock Springs.

The program, funded through the 23(g) grant, consists of the enforcement, whistleblower, and cooperative programs (including the Voluntary Protection Program), as well as state and local government consultation. A separate 21(d) cooperative agreement funds private sector consultation. The State Plan closely mirrors the federal program with some differences that allow for the accommodation of unique state demands and issues. The enforcement program maintains jurisdiction over safety and health issues for workers in the private sector, as well as for those in state and local government workplaces. Wyoming OSHA enforces unique regulatory standards for oil and gas well drilling and servicing, including anchor testing, drill-stem testing, wireline operations, hydraulic fracturing, and mobile pumping.

At the end of FY 2024, Wyoming OSHA employed 14 people. The State Plan was benchmarked for six safety compliance officers and two health compliance officers. One of the safety compliance officer positions was filled by the whistleblower investigator. In addition to the six compliance safety and health officer (CSHO) positions, management and staff consisted of the compliance program supervisor, program operations manager, two compliance assistance specialists, one compliance assurance person, one whistleblower investigator, one administrative person, and an accountant. The compliance assurance position was added to support the program in FY 2024. At the end of FY 2024, one health compliance officer position, one administrative position, and the deputy administrator position were vacant.

Wyoming OSHA’s initial federal base funding was reduced by $28,000 in late FY 2024. The federal final base funding award in FY 2024 was $750,800, which the State Plan matched and additionally contributed $724,700. One-time only funding of $12,928 was provided by OSHA and matched by the State Plan in late FY 2024, which brought the total funding amount to $2,252,156. Wyoming OSHA’s total contribution of 66.09% was more than that of FY 2023, when the State Plan’s contribution was 62.95%.

Wyoming OSHA achieved 51.06% of its inspection goal of 188 inspections. The program conducted 96 inspections, consisting of 79 safety inspections and 17 health inspections. The State Plan exceeded its goal of 15 health inspections although there was only one health compliance officer position filled. However, diminished availability of compliance personnel impacted the State Plan’s ability to reach its safety inspection goal of 173 inspections. In addition, Wyoming OSHA did not reach its goal of 45 state and local government consultation visits, conducting visits at 13 state and local government worksites. In total, 158 compliance interventions, including 96 inspections, 13 state and local government consultation visits, and 49 compliance assistance activities, took place during FY 2024. These interventions identified and abated 154 hazards.

Wyoming OSHA historically has excelled with penalty retention. For FY 2024, the State Plan retained 90.15% of the penalties assessed in citations issued.

Wyoming OSHA had two safety-related local emphasis programs which addressed construction hazards and oil and gas drilling and servicing hazards. Programmed safety inspections accounted for 15.19% of safety inspection activity during FY 2024. Programmed health inspections accounted for three of the seventeen (17.65%) health inspections in FY 2024. The three programmed health inspections resulted from the State Plan’s emphasis program on respirable crystalline silica.

Wyoming OSHA obtained abatement in a timely manner, which led to prompt closure of health inspections. At the end of the fiscal year, there were no health inspections with pending abatement for violations within 90 days of issuance of a citation. Abatement was obtained promptly for most safety violations by the end of the fiscal year, with only five inspections awaiting abatement for violations issued in FY 2024. Wyoming OSHA had nine complaint investigations that had been open for more than 30 days at the end of FY 2024.

**New Issues**

None.

## 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
* Mandated Activities Report for Consultation
* State OSHA Annual Report
* State Plan Annual Performance Plan
* State Plan Grant Application
* Quarterly monitoring meetings between OSHA and the State Plan
* OSHA Information System (OIS)

### Findings and Observations

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

The State Plan made progress addressing the previous two findings and five observations from the FY 2023 Comprehensive FAME Report. One finding was completed. Five observations were continued, and one new observation was added. Appendix A describes new and continued findings and recommendations. Appendix B describes observations subject to continued monitoring and the related federal monitoring plans. Appendix C describes the status of each FY 2023 finding and recommendation in detail.

**Completed Finding**

**Finding FY 2023-01:** In FY 2023, Wyoming OSHA’s safety inspection in-compliance percentage of 69.09% significantly exceeded the further review level (FRL) range of 25.38% to 38.08%.

**Status:** During FY 2024, Wyoming OSHA analyzed its safety inspection data and found that a significant number of in-compliance inspections occurred from multi-employer worksite inspections. Previously, a common practice by CSHOs was to open inspections with multiple employers present at multi-employer worksites regardless of whether a complaint or referral allegation involved each employer or whether hazards were observed involving each employer. During FY 2024, Wyoming OSHA retrained CSHOs on effective hazard recognition during programmed and unprogrammed inspections. The State Plan assigned management to review case files to ensure that hazard recognition during multi-employer worksite inspections remained effective. Wyoming OSHA’s safety inspection in-compliance percentage for FY 2024 was 39.39%, so the State Plan met the FRL range of 26.27% to 39.40%. Additionally, the State Plan’s in-compliance percentage for FY 2024 was approximately thirty percent lower than the percentage for FY 2023. This item is completed.

**Continued Finding**

**Finding FY 2024-01 (previously FY 2023-02):** In FY 2024, Wyoming OSHA’s health inspection in-compliance percentage of 81.25% significantly exceeded the FRL range of 35.34% to 53.01%.

**Status:** During FY 2024,Wyoming OSHA analyzed its health inspection data and could not identify a root cause for the high in-compliance percentage. The State Plan assigned management to review case files to identify trends for in-compliance health cases and provided additional training to CSHOs to ensure hazards were recognized and appropriately addressed during inspections.However,the State Plan’s health inspection in-compliance percentage for FY 2024 was 81.25%, much higher than the FRL range of 35.34% to 53.01%. The State Plan’s in-compliance percentage for FY 2024 was approximately eight percent higher than the percentage for FY 2023. This finding will be continued.

**New FY 2024 Findings**

There are no new findings in the FY 2024 Follow-up FAME Report.

#### Observations

**Closed FY 2023 Observations**

There are no closed observations in the FY 2024 Follow-up FAME Report.

**Continued FY 2023 Observations**

**Observation FY 2024-OB-01 (previously FY 2023-OB-01):** In FY 2023, three of nine (33.33%) case files reviewed did not contain documentation that all complaint or referral allegations were addressed. Wyoming OSHA did not follow the guidance in its modified Chapter 9, Section I.H.5 of the Field Operations Manual (FOM).

**Status:** During FY 2024, Wyoming OSHA developed a written procedure to ensure that all complainant allegations were included in the processed complaint and addressed during the inspection. The procedure included a review of the case file by the compliance program supervisor to ensure that all complaint allegations were addressed. Next, a compliance assurance position was created to assist with the review of case files. Training was also provided to staff regarding complaint allegations and inspections. A case file review is necessary to evaluate performance in relation to this observation. This observation will be a focus of next year’s case file review during the FY 2025 comprehensive FAME.This observation will be continued.

**Observation FY 2024-OB-02 (previously FY 2023-OB-02):** In FY 2023, six of 18 (33.33%) complaint investigations reviewed were closed prior to completion of abatement. Wyoming OSHA did not follow the guidance in its modified Chapter 9, Section I.I.9 of the FOM.

**Status:** During FY 2024, Wyoming OSHA provided training to staff regarding abatement review and closure of complaint investigations. A compliance assurance position was created to assist with the processing of complaints and closure of complaint investigations. The compliance program supervisor reviewed case files to ensure that all complaint allegations were addressed. Upon verification that abatement was complete, operations staff were to close the complaint investigation. A case file review is necessary to evaluate performance in relation to this observation. This observation will be a focus of next year’s case file review during the FY 2025 comprehensive FAME.This observation will be continued.

**Observation FY 2024-OB-03 (previously FY 2023-OB-03):** In FY 2023, of the six case files reviewed that resulted in violations, two (33.33%) did not contain documentation of worker interviews or statements regarding facts pertinent to a violation. Wyoming OSHA did not follow the guidance in Chapter 5, Section VII.A; Chapter 3, Section VII.C; and Chapter 3, Section VII.I.5.b of the FOM.

**Status:** For FY 2024, Wyoming OSHA’s procedure for case file review included a checklist to ensure that the case file was complete. The case file review was conducted by the compliance program supervisor. The review included verifying that documentation of worker interviews was in the case file, as well as ensuring that worker interviews were entered on an interview form. A case file review is necessary to evaluate performance in relation to this observation. This observation will be a focus of next year’s case file review during the FY 2025 comprehensive FAME.This observation will be continued.

**Observation FY 2024-OB-04 (previously FY 2023-OB-04):** In FY 2023, two of nine (22.22%) administratively closed whistleblower cases contained sufficient information of prima facie cases, and Wyoming OSHA did not docket and investigate the cases.

**Status:** The process for screening whistleblower complaints did not change. Complaints continued to be screened by the whistleblower investigator. Following screening, the whistleblower investigator was to send the deputy administrator an email outlining the complaint and the recommendation to either docket or administratively close the case. Written approval from the deputy administrator was required for docketing or closure. A case file review is necessary to evaluate performance in relation to this observation. This observation will be a focus of next year’s case file review during the FY 2025 comprehensive FAME.This observation will be continued.

**Observation FY 2024-OB-05 (previously FY 2023-OB-05):** In FY 2023, abatement of hazards was closed in five of twenty (25%) state and local government consultation visit files when abatement was not completed. Wyoming OSHA did not follow the guidance in Chapter 4, Section IV.A.2.b and Chapter 4, Section IV.A.2.b.ii of the Consultation Policies and Procedures Manual (CPPM).

**Status:** Wyoming OSHA addressed verification of abatement for state and local government consultation during FY 2024 by requiring the consultants to verify that each hazard noted in the consultation visit file had complete abatement prior to submitting the file to the deputy administrator for review. The deputy administrator approved the closure of each consultation visit after verifying completed abatement. A consultation visit file review is necessary to evaluate performance in relation to this observation. This observation will be a focus of next year’s visit file review during the FY 2025 comprehensive FAME.This observation will be continued.

**New FY 2024 Observation**

**Observation FY 2024-OB-06:** In FY 2024, the State Plan’s number of safety inspections conducted was significantly below the FRL of 164 to 182 safety inspections. Wyoming OSHA conducted 79 (45.66%) of the 173 planned safety inspections.

**Federal Monitoring Plan:** The OSHA Regional Office will monitor Wyoming OSHA’s performance in this area during quarterly meetings throughout FY 2025.

**Discussion:** The FRL for SAMM 7a, planned versus actual inspections (safety), was +/- 5% of 173, the number negotiated by OSHA and the State Plan through the FY 2024 grant application. Therefore, the FRL range was 164 to 182. Conducting 79 safety inspections, Wyoming OSHA was significantly below the FRL. The State Plan did not meet the FRL in the previous two fiscal years either. While Wyoming OSHA had one compliance officer vacancy during FY 2024, this was also the situation during FY 2023. For FY 2023, the State Plan conducted 135 safety inspections, which were 40 fewer inspections than planned. During FY 2022, with full compliance officer staffing, the State Plan conducted 10 fewer safety inspections than planned.

Both health compliance officers and safety compliance officers performed safety inspections. The downturn in inspection numbers during FY 2023 was partially attributed to the loss of an experienced health compliance officer. However, during FY 2024 a greater reduction in safety inspections occurred. In addition to the vacant health compliance officer position, resource availability impacted State Plan operations during FY 2024. The end of FY 2024 also saw a change in the management of Wyoming OSHA.

In addition, the State Plan did far fewer programmed safety inspections during FY 2024. Programmed work accounted for 15.19% of activity during FY 2024, whereas during FY 2023, FY 2022, and FY 2021, the averages were 55.56%, 58.28%, and 60.90%, respectively. The dramatic decline in the number of safety inspections is a concern and is addressed as a new 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 SAMM Report and includes the FRL for each measure.

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

#### SAMM 1 - Average Number of Workdays to Initiate Complaint Inspections

Discussion of State Plan Data and FRL: The negotiated FRL for the average number of workdays to initiate complaint inspections was 16 workdays. Wyoming OSHA’s average number of workdays to initiate complaint inspections was 16.96 days, which was above the FRL.

Explanation: Wyoming OSHA exceeded the FRL by nearly one workday. The State Plan exceeded the FRL in FY 2023, also, but met the FRL for the three fiscal years prior to FY 2023. The average in FY 2024 was primarily driven by quarters three and four. During quarters one and two, the result for SAMM 1 was 8.75 workdays and 8.55 workdays, respectively. During quarter three, the result for SAMM 1 was 62 workdays, and during quarter four, the result for SAMM 1 was 22.56 workdays. Wyoming OSHA believes that the significant delays in initiating inspections during quarters three and four were attributable to a personnel issue which they addressed in late FY 2024. The unavailability of compliance officers to perform inspections impacted the State Plan’s operations. Wyoming OSHA created a compliance assurance position to ensure quicker initiation of complaint inspections. The period during which compliance officers obtained information from complainants to enable processing complaints as valid delayed initiation of inspections. By the end of FY 2024, it was taking an average of 8.53 workdays to validate complaints and assign complaints for inspection. The State Plan intends for the compliance assurance person to work with compliance officers to shorten this period, allowing for quicker response times. However, from the time when the complaint became valid and assigned to when the complaint inspection was initiated was on average an additional 8.43 workdays in FY 2024. This was the second consecutive year that Wyoming OSHA exceeded this SAMM. This remains a concern for OSHA and will be closely monitored during FY 2025.

**SAMM 5b - Average Number of Violations per Inspection with Violations (Other)**

Discussion of State Plan Data and FRL: The FRL for the average number of violations per inspection with violations (other) was a range of 0.75 to 1.12. The State Plan’s average number of violations per inspection with violations (other) was 0.33, which was below the FRL.

Explanation: Wyoming OSHA’s average number of other-than-serious (OTS) violations per inspection was 0.10 less than the average number for FY 2023. The State Plan has continued for several fiscal years to be below the FRL for SAMM 5b. However, Wyoming OSHA has consistently met the FRL for the average number of serious violations per inspection since FY 2020. While an observation is not justified at this time, OSHA will continue to monitor this SAMM with the State Plan throughout FY 2025.

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

Discussion of State Plan Data and FRL: The FRL for the percent of total inspections in state and local government workplaces was a range of 2.02% to 2.23%. The State Plan’s result of 13.54% was above the FRL.

Explanation: In FY 2021, Wyoming OSHA and the OSHA Regional Office renegotiated the SAMM 6 FRL, going from 20.24% to 2.13%. The State Plan has exceeded the FRL for SAMM 6 ever since the renegotiation.

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

Discussion of State Plan Data and FRL: The FRL for planned versus actual safety inspections was a range of 164 to 182. Wyoming OSHA’s actual number of safety inspections was 79, which was significantly below the FRL.

Explanation: This was previously discussed in Observation FY 2024-OB-06.

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

Discussion of State Plan Data and FRL: The FRL for planned versus actual health inspections was a range of 14 to 16. The State Plan’s actual number of health inspections was 17, which was above the FRL.

Explanation: Wyoming OSHA achieved 113.33% (17 of 15) of its health inspection goal. Historically, the State Plan’s health inspection activity has relied heavily on unprogrammed activity, such as complaints. During FY 2024, Wyoming OSHA’s unprogrammed health inspection activity included 13 complaints and one fatality. The State Plan supplemented its unprogrammed health inspection numbers with three programmed inspections within its respirable crystalline silica emphasis program. These programmed inspections helped the State Plan to exceed its health inspection goal. It should be noted that Wyoming OSHA was able to achieve these results with one of the two health compliance officer positions remaining vacant during FY 2024.

**SAMM 9b - Percent in Compliance**

Discussion of State Plan Data and FRL: The FRL for the percent in compliance for health inspections was a range of 35.34% to 53.01%. Wyoming OSHA’s health inspection in-compliance percentage was significantly above the FRL at 81.25%.

Explanation: This was previously discussed in Finding FY 2024-01.

**SAMM 10 – Percent of Work-Related Fatalities Responded to in One Workday**

Discussion of State Plan Data and FRL: The FRL for the percent of work-related fatalities responded to in one workday was 100%. The State Plan’s percent of work-related fatalities responded to in one workday was 75%, which was below the FRL.

Explanation: Wyoming OSHA responded to six of eight (75%) work-related fatalities within one workday during FY 2024. The remaining two work-related fatalities were responded to in seven and eight workdays, respectively. In the first fatality case, the worker was injured four months prior to his death. Resource availability delayed the response following the coroner’s notification of the worker’s death. For the second fatality, Wyoming OSHA contacted the employer one day following notification of the fatality. Although the State Plan obtained information and arranged to meet the employer and his legal representative at the remote worksite, the employer and his legal representative were not immediately available, which caused the delay.

Wyoming OSHA has not met the FRL for the percent of work-related fatalities responded to in one workday since FY 2020. The State Plan adopted the OSHA FOM, except for guidance for informal conferences, requests for public records, and minor administrative differences for handling complaints and referrals. The FOM Chapter 2, Section IV.B, Table 2-1 notes that fatalities are prioritized over all other inspection activities other than imminent danger. Wyoming OSHA noted that a lack of resource availability included instances where compliance officers were involved with other inspection activities, such as complaint inspections. This is contrary to the inspection priority set forth in the FOM. This concern has been discussed with the State Plan and will be monitored during FY 2025.

**SAMM 11a – Average lapse time (safety)**

Discussion of State Plan Data and FRL: The FRL for the average lapse time for safety inspections was a range of 44.82 to 67.23 days. The State Plan’s average lapse time for safety inspections was 76.68 days, which was above the FRL.

Explanation: For the State Plan, both health compliance officers and safety compliance officers performed safety inspections. During FY 2024, one health compliance officer position was vacant. The State Plan was also challenged by additional personnel resource limitations periodically during the fiscal year. These two factors affected the lapse time during quarters one through three, which drove the average for safety inspections. The average lapse times during quarters one, two, and three were 94.27 days, 76.31 days, and 83.40 days, respectively. However, during quarter four, the average lapse time was within the FRL at 50.18 days. Additionally, Wyoming OSHA met the FRL for the average lapse time for safety inspections during the previous three fiscal years. Still, the average lapse time for FY 2024 is a concern and will be monitored during FY 2025.

**SAMM 12 – Percent Penalty Retained**

Discussion of State Plan Data and FRL: The FRL for the percent penalty retained was a range of 60.19% to 81.44%. The State Plan’s percent penalty retained was 90.15%, which was above the FRL.

Explanation: Wyoming OSHA’s high penalty retention rate has consistently exceeded the FRL since FY 2020. In FY 2024, this was due to the State Plan’s effective informal conference process, where only 0.93% of violations were vacated pre-contest and only 12.15% of violations were reclassified pre-contest. While one of 108 violations was vacated and 13 of 107 were reclassified, settlements resulted in only a 9.85% reduction of the penalties assessed. Wyoming OSHA’s effective settlement process resulted in the State Plan’s very high retention of penalties, which is considered a positive outcome.

**SAMM 17 – Percent of enforcement presence**

Discussion of State Plan Data and FRL: The FRL for the percent of enforcement presence was a range of 0.75% to 1.25%. The State Plan’s percent of enforcement presence was 0.46%, which was below the FRL.

Explanation: Wyoming OSHA’s percent of enforcement presence was low for FY 2024. SAMM 17 measured enforcement presence by calculating the number of private sector inspections during the fiscal year in contrast to the number of private sector establishments in the state. The State Plan’s result for SAMM 17 in FY 2024 was driven by the reduced number of safety inspections performed in the private sector during the fiscal year. Only 70 safety inspections were conducted at private employer worksites, significantly fewer than in FY 2023, which had 132. The reduction in enforcement presence in private industry is a concern but is not addressed as an observation at this time.

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

FY 2024 Wyoming OSHA Follow-up FAME Report

|  |  |  |  |
| --- | --- | --- | --- |
| **FY 2024-#** | **Finding** | **Recommendation** | **FY 2023-# or** **FY 2023-OB-#** |
| FY 2024-01 | In FY 2024, Wyoming OSHA’s health inspection in-compliance percentage of 81.25% significantly exceeded the FRL range of 35.34% to 53.01%. | Wyoming OSHA should determine the cause and take action to decrease its high in-compliance percentage for health inspections. |  FY 2023-02 |

### Appendix B – Observations Subject to Continued Monitoring

FY 2024 Wyoming OSHA 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 | In FY 2023, three of nine (33.33%) case files reviewed did not contain documentation that all complaint or referral allegations were addressed. Wyoming OSHA did not follow the guidance in its modified Chapter 9, Section I.H.5 of the FOM. | The OSHA Regional Office will monitor Wyoming OSHA’s performance in this area during quarterly meetings throughout FY 2025. | Continued |
| FY 2024-OB-02 | FY 2023-OB-02 | In FY 2023, six of 18 (33.33%) complaint investigations reviewed were closed prior to completion of abatement. Wyoming OSHA did not follow the guidance in its modified Chapter 9, Section I.I.9 of the FOM. | The OSHA Regional Office will monitor Wyoming OSHA’s performance in this area during quarterly meetings throughout FY 2025. | Continued |
| FY 2024-OB-03 | FY 2023-OB-03 | In FY 2023, of the six case files reviewed that resulted in violations, two (33.33%) did not contain documentation of worker interviews or statements regarding facts pertinent to a violation. Wyoming OSHA did not follow the guidance in Chapter 5, Section VII.A; Chapter 3, Section VII.C; and Chapter 3, Section VII.I.5.b of the FOM. | The OSHA Regional Office will monitor Wyoming OSHA’s performance in this area during quarterly meetings throughout FY 2025. | Continued |
| FY 2024-OB-04 | FY 2023-OB-04 | In FY 2023, two of nine (22.22%) administratively closed whistleblower cases contained sufficient information of prima facie cases, and Wyoming OSHA did not docket and investigate the cases. | The OSHA Regional Office will monitor Wyoming OSHA’s performance in this area during quarterly meetings throughout FY 2025. | Continued |
| FY 2024-OB-05 | FY 2023-OB-05 | In FY 2023, abatement of hazards was closed in five of twenty (25%) state and local government consultation visit files when abatement was not completed. Wyoming OSHA did not follow the guidance in Chapter 4, Section IV.A.2.b and Chapter 4, Section IV.A.2.b.ii of the CPPM. | The OSHA Regional Office will monitor Wyoming OSHA’s performance in this area during quarterly meetings throughout FY 2025. | Continued |
| FY 2024-OB-06 |  | In FY 2024, the State Plan’s number of safety inspections conducted was significantly below the FRL of 164 to 182 safety inspections. Wyoming OSHA conducted 79 (45.66%) of the 173 planned safety inspections. | The OSHA Regional Office will monitor Wyoming OSHA’s performance in this area during quarterly meetings throughout FY 2025. | New |

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

FY 2024 Wyoming OSHA Follow-up FAME Report

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| **FY 2023-#** | **Finding** | **Recommendation** | **State Plan Corrective Action** | **Completion Date** | **Current Status** **and Date** |
| FY 2023-01 | In FY 2023, Wyoming OSHA’s safety inspection in-compliance percentage of 69.09% significantly exceeded the FRL range of 25.38% to 38.08%.  | Wyoming OSHA should determine the cause and take action to decrease its high in-compliance percentage for safety inspections. | Wyoming OSHA analyzed the safety inspection data and found that a driver for the high in-compliance percentage was multi-employer worksite inspections. The State Plan retrained CSHOs on effective hazard recognition during programmed and unprogrammed inspections. Case file review by management ensures that hazard recognition during multi-employer worksite inspections remains effective. | July 30, 2024  | Completed |
| FY 2023-02 | In FY 2023, Wyoming OSHA’s health inspection in-compliance percentage of 72.73% significantly exceeded the FRL range of 35.06% to 52.58%. | Wyoming OSHA should determine the cause and take action to decrease its high in-compliance percentage for health inspections. | Wyoming OSHA analyzed the health inspection data and could not identify a single driver for the high in-compliance percentage. The State Plan retrained for hazard recognition to identify when and if an inspection should be expanded to address additional hazards observed. The State Plan also reviews case files to identify trends in in-compliance health cases on a continuous basis. Still, the in-compliance percentage for FY 2024 was approximately eight percent higher than the percentage for FY 2023. | Not Applicable | Open, March 2025  |

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

FY 2024 Wyoming OSHA 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) | 16.96 | 16 | The further review level is negotiated by OSHA and the State Plan. |
| 1b | Average number of work days to initiate complaint inspections (federal formula) | 8.53 | 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) | 4.95 | 5 | The further review level is negotiated by OSHA and the State Plan. |
| 2b | Average number of work days to initiate complaint investigations (federal formula) | 2.42 | 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) | 1.59 | +/- 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) | 0.33 | +/- 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 | 13.54% | +/- 5% ofGrant 2.13% | 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 2.02% to 2.23%. |
| 7a | Planned v. actual inspections (safety) | 79 | +/- 5% of173 | 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 164 to 182 for safety. |
| 7b | Planned v. actual inspections (health) | 17 | +/- 5% of15 | 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 14 to 16 for health. |
| 8 | Average current serious penalty in private sector - total (1 to greater than 250 workers) | $5,594.12 | +/- 25% of$3,793.81 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $2,845.36 to $4,742.27. |
| 8a | Average current serious penalty in private sector (1-25 workers) | $3,526.00 | +/- 25% of$2,498.51 | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $1,873.88 to $3,123.14. |
| 8b | Average current serious penalty in private sector (26-100 workers**)** | $6,900.92 | +/- 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) | $10,294.50 | +/- 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) | $8,662.64 | +/- 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) | 39.39% | +/- 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) | 81.25% | +/- 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 | 75.00% | 100% | The further review level is fixed for all State Plans. |
| 11a | Average lapse time (safety) | 76.68 | +/- 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) | 69.00 | +/- 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 | 90.15% | +/- 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 | 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 | 0.46% | +/- 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.