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DEPARTMENT OF LABOR

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# Virgin Islands Division of Occupational Safety and Health (VIDOSH) Formal Response to FY 2024 FAME Follow Up Report

July 14, 2025

Richard Mendelson Regional Administrator

U.S. Dept. of Labor/OSHA New York Regional Office 201 Varick Street Room 670 New York, NY 10014

Re: Submission of Formal Response for FY 2024 Follow-up FAME Report for the Virgin Islands Division of Occupational Safety and Health (VIDOSH)

Dear Mr. Mendelson:

Thank you for providing the FY 2024 Follow-up Federal Annual Monitoring and Evaluation (FAME) Report for the Virgin Islands Division of Occupational Safety and Health (VIDOSH) program. We appreciate OSHA’s continued guidance and support in strengthening our program through the FAME process. We acknowledge receipt of the final report, including the status of the previous findings from the FY 2023 Comprehensive FAME and the continued findings identified during the FY 2024 Follow-up FAME.

First and foremost, I would like to extend my sincere gratitude to you and your staff for the continued support and guidance provided to VIDOSH over the past several years. Your assistance has been instrumental as we work to address the significant concerns identified in annual FAME reports, as well as our designation as a high-risk grantee since March 2, 2020.

The staff from the New York Regional Office’s State Plan Monitoring and Whistleblower Programs have demonstrated a high level of professionalism and thoroughness in fulfilling their monitoring responsibilities. Beyond their official duties, they have generously shared their time and expertise with our team (most of whom have three years of experience or less with the program) contributing meaningfully to our development and progress.

As reflected in the 2023 FAME report, VIDOSH’s efforts to resolve longstanding programmatic issues have been further challenged by ongoing staff turnover and the enduring impact of the severe hurricane damage

  

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sustained in 2017, when Hurricanes Irma and Maria devastated the territory within a two-week span. The resulting destruction to public infrastructure continues to affect our operational capacity today. Many employers are still struggling to meet abatement requirements, primarily due to delays in the issuance of federal recovery funds, ongoing supply chain disruptions, and limited access to qualified contractors and materials needed for repairs or remediation. These challenges have not only impeded timely employer compliance and abatement but have also placed additional burdens on VIDOSH’s enforcement and follow-up processes.

With a small team of just five staff members, including management, the limited capacity significantly exacerbates existing challenges. Staff must dedicate substantial time to managing prolonged abatement timelines, coordinating with multiple agencies, and tracking complex recovery-related barriers. This strain on a small workforce hampers our ability to operate efficiently and consistently achieve timely abatement goals across the territory.

Additionally, in 2023, VIDOSH experienced the complete loss of all previous program management, along with the departure of staff who held long-standing institutional knowledge. This unprecedented loss within a one- year span significantly disrupted operations and compounded the program’s existing challenges. However, since the appointment of the new Director in January 2024 and the new Assistant Director in September 2024, the program has experienced marked improvement. Under this new leadership, VIDOSH has made major programmatic strides, strengthened internal processes, and begun rebuilding the capacity needed to meet OSHA’s expectations and better serve the public sector local government workforce of the Virgin Islands.

In addition to the hiring of a Director and Assistant Director, an Administrative Assistant was hired during the FY 2024 evaluation period. The Consultant position was also posted during FY 2024 and filled in the first quarter of FY 2025, bringing the VIDOSH program to full staffing. By the end of FY 2024, VIDOSH had either filled or posted all vacant positions to be filled. This is a significant milestone, as it allowed VIDOSH to enhance both its enforcement and consultation efforts, while enabling management to devote more attention to programmatic priorities and long-term planning.

While the FY 2023 FAME report included thirteen (13) findings and four (4) observations, significant progress has already been made under the leadership of the new Director and her team. In FY 2024, VIDOSH received a reduced total of eleven (11) findings, an improvement from the previous year, and ten (10) observations. The increase in the number of observations to ten (10) was due to newly identified issues that serve as guidance for VIDOSH under its new leadership. Some of these items existed in prior years under previous management and continued to persist but had not been previously identified in past FAME reviews. These observations highlight areas needing attention or a change in approach, but do not rise to the level of formal findings.

This represents a meaningful improvement, particularly considering that the current team is entirely new, with all members having three years or less of experience. The reduction in findings, despite the steep learning curve, reflects the team's commitment to strengthening the program and addressing prior deficiencies.

In FY 2024, VIDOSH significantly improved communication and accountability with the New York Regional Office. Beyond submitting timely, required monthly reports, the VIDOSH Director began providing weekly status updates to State Plan monitoring staff starting in February 2024. This consistent and proactive engagement has played a key role in rebuilding trust and strengthening the working relationship with the Region, demonstrating VIDOSH’s commitment to transparency, responsiveness, and ongoing program improvement.

VIDOSH has made significant improvements in several key operational areas, including meeting and exceeding

consultation and inspection goals, respectively. In FY 2024, VIDOSH exceeded its mandated enforcement inspection goal under the high-risk designation by 22% and met the required number of consultation visits, achievements not seen since the program was designated high-risk in 2020.

Additionally, by April of 2024, VIDOSH reduced citation lapse times by successfully eliminating its inherited backlog of inspections with citations pending for over 180 days. Each case in the backlog was thoroughly reviewed, and appropriate actions were taken to close them, including issuing notifications to employers and employees. In instances where no current OSHA standard applied, Hazard Alert Letters (HALs) were issued to ensure potential hazards were still addressed.

Significant improvements made by VIDOSH in FY 2024 also included the elimination of the backlog of whistleblower cases. By the end of the fiscal year, all pending VIDOSH whistleblower cases had been screened and either administratively closed or transitioned to active investigation status. As a result, only two whistleblower cases remained under active investigation at the close of FY 2024, with all others successfully closed.

In February 2024, recognizing that the entire VIDOSH staff was relatively new to OSHA, NY Region arranged for a volunteer State Plan Monitoring Mentor from the Virginia Occupational Safety and Health State Plan to support VIDOSH in addressing FAME findings and observations, as well as longstanding programmatic challenges stemming from its high-risk designation. The mentor, Jay Withrow, a Senior Fellow with the Virginia Department of Labor and Industry (DOLI), has played an instrumental role by providing hands-on guidance and expertise in critical areas, including CSHO training and support, program administration for the new Director, state plan monitoring procedures, and the resolution of backlogs related to whistleblower cases, open inspections, and enforcement actions. His ongoing support has been crucial in helping VIDOSH strengthen its operational capacity, improve compliance efforts, and accelerate progress toward program goals.

As part of the mentorship provided by Jay Withrow and the Virginia State Plan, VIDOSH Compliance Safety and Health Officers (CSHOs) participated in an intensive field training experience in June 2024. Over the course of a week, VIDOSH CSHOs shadowed Virginia Occupational Safety and Health (VOSH) compliance staff during a wide range of inspections, including:

* Water Treatment Facility
* Steam Processing Facility
* Construction Site (Luxury Senior Living Facility)
* Forklift Repair and Rental Business
* Construction Site (Hospital)
* State Fleet Inspection
* Tree Trimming Operation
* Construction Site – Portable Restrooms/Heat Emphasis

As the Commissioner of the U.S. Virgin Islands Department of Labor, I took the opportunity to also visit the VOSH Norfolk Office during the same period. I personally accompanied both VIDOSH and VOSH CSHOs on several inspections and held productive meetings with Virginia’s Commissioner of Labor and Industry and the Assistant Commissioner for Regulatory Programs. These discussions focused on state program administration and strategies for strengthening VIDOSH's operational capacity.

In addition to fieldwork, VIDOSH CSHOs attended Virginia’s 2024 Annual Safety and Health Conference, where they received valuable training on safety and health best practices through sessions covering topics such as:

* Reasonable Suspicion: What Employers Should Know
* Machine Guarding and the MOC Process
* Recordkeeping
* Using Behavioral Insights to Shift the Culture of Safety
* Setting Expectations and Managing Stress as a Safety Leader
* General Problem Solving
* Leaving a Safety Legacy
* Ergonomics Made Easy
* Emotional Management for Safety Success
* Active Threat Response Training

In July 2024, the VIDOSH Director also visited the VOSH office to participate in peer-to-peer learning and mentorship. During the visit, the Director shadowed VOSH Regional Safety and Health Directors to gain a deeper understanding of field operations from a management perspective, including complaint processing, abatement verification, case file documentation, and accident investigation.

The Director also met with Thomas Dash, the Senior Whistleblower Investigator for the Virginia Department of Labor and Industry (DOLI), during the visit to the Norfolk office. Mr. Dash shared valuable insights and resources related to whistleblower investigations, which helped support VIDOSH in strengthening its own Whistleblower Program.

In addition to the VOSH shadowing opportunities and mentorship program, VIDOSH staff also completed several OTI and OSHA eLearning courses. The comprehensive training completed by VIDOSH in FY 2024 has played a crucial role in strengthening the skills and knowledge of both current and newly hired staff, laying a solid foundation for enhanced program performance moving forward. The following courses were completed by VIDOSH staff during FY 2024:

# Director

1908 – OSHA Recordkeeping for Compliance Officers 3280 – Industrial Hygiene Chemistry

1611 – Interviewing Techniques for Whistleblower Investigators 0208 – Employee Representation During OSHA Inspections 1421 – Whistleblower Investigation Fundamentals

0211 – The Food Safety Modernization Act: Lessons Learned from Thirteen Years of Investigations 1241 – Introduction to Health Standards

1230 – Accident/Incident Investigation

1310 – Investigative Interviewing Techniques

# Assistant Director

1008 – Intro to OSHA for New Hires

0091 – Enforcement Procedures for New Reporting Requirements 0016 – OSHA’s Field Operations Manual Overview

0208 – Employee Representation During OSHA Inspections 1908 – OSHA Recordkeeping for Compliance Officers

# Industrial Hygienist

1908 – OSHA Recordkeeping for Compliance Officers 3110 – Fall Protection

3280 – Industrial Hygiene Chemistry

1421 – Whistleblower Investigation Fundamentals 2348 – Fundamentals of Occupational Biohazards 2341 – Biohazards

# Compliance Safety Officer

3110 – Fall Protection

1611 – Interviewing Techniques for Whistleblower Investigators 1050 – Introduction to Safety Standards for Safety Officers 2341 – Biohazards

1230 – Accident/Incident Investigation

**Administrative Assistant/Training Coordinator** New Hire Enrollment Process – Training Coordinator 1421 – Whistleblower Investigation Fundamentals

# Administrative Assistant

1008 – Intro to OSHA for New Hires

0038 – OSHA’s Top Ten Violations, Including Key National Emphasis Programs

In total, VIDOSH staff completed 29 training courses during FY 2024, demonstrating a strong commitment to enhancing safety and health skills and advancing professional development across all six team members.

As part of the ongoing mentorship and continued efforts to strengthen the VIDOSH program in FY 2025, Jay Withrow has taken the lead in developing a dedicated Field Operations Manual (FOM) for VIDOSH.

This initiative represents a critical step toward strengthening VIDOSH’s operational framework and ensuring alignment with federal standards. The FOM is expected to be completed by FY 2025 and will enable VIDOSH to conduct field inspections and investigations in a manner that is at least as effective as OSHA’s. It will also support compliance with state plan requirements by providing staff with clear, consistent guidance and enhancing overall accountability in enforcement activities.

During multiple discussions with the NY Region staff, it has been acknowledged that the challenges leading to OSHA’s and VIDOL’s serious concerns about the VIDOSH program developed over time and cannot be resolved quickly. However, I am confident that the current management team is well-equipped and dedicated not only to meeting the mandated activity measures for state plans but also to fostering a culture of continuous improvement. OSHA’s New York Region has recognized and acknowledged the significant progress and improvements VIDOSH has made within just one fiscal year.

This progress is critical because consistent achievement of performance goals, strengthened program operations, and enhanced accountability are key factors OSHA considers when evaluating a state plan’s eligibility for full grantee status. By demonstrating sustained improvement in inspections, enforcement, consultation, and program management, VIDOSH is building the foundation necessary to meet and maintain the standards required. With continued focus and support, VIDOSH is well-positioned to restore its full grantee status in the future, ensuring the territory receives the maximum benefits and resources available through the federal-state partnership.

Furthermore, we hope that the momentum generated by the significant efforts made in FY 2024 will continue to propel the program forward over the coming years, ultimately enabling VIDOSH to submit a developmental plan aimed at regaining concurrent enforcement jurisdiction over private sector employers in the Virgin Islands. While this objective remains challenging at present, particularly considering the difficulties VIDOSH

has faced over the past decade, it continues to be a long-term goal of the Virgin Islands Department of Labor and a shared desire supported at the highest levels of our government.

Regaining concurrent enforcement jurisdiction would significantly strengthen the Virgin Islands government’s capacity to safeguard worker safety and health, support economic stability, and hold employers accountable for maintaining safe workplaces. This advancement would ultimately benefit employees across both the public and private sectors. Pursuing this goal is vital to ensuring the long-term health and safety of the dedicated workforce and responsible employers throughout the Virgin Islands. I do believe that with all the strong, significant efforts made by VIDOSH in FY 2024, along with the continued progress in FY 2025, the program is on the right track to removing its high-risk grantee status in the near future and, in the long run, to reintegrating private sector enforcement back into the program.

In closing, thank you once again for the opportunity to provide our response to the FY 2024 FAME report. We deeply value your assistance, support, and partnership, and we look forward to continuing a cooperative and mutually supportive relationship with the New York Region. Please accept our sincere gratitude for the invaluable services you have provided to the employees and employers of the Virgin Islands Division of Occupational Safety and Health.

Sincerely,

Gary A. Molloy, Ph.D.

Commissioner, Virgin Islands Department of Labor

cc: Holly Canally, Assistant Regional Administrator – Cooperative and State Programs (CSP) Jean Forde, Assistant Commissioner

Nesha Christian-Hendrickson, Assistant Commissioner/Legal Counsel Gregoreese Willocks, Director VIDOSH

Kenneth Milligan, Director Business Administration Attachments

**Virgin Islands Division of Occupational Safety and Health Formal Response to FY 2024 Follow-up FAME Report**

# Finding #: FY 2024-01 Addressing Complaint Items

In six of 18 (33%) of the inspections with related unprogrammed activities reviewed, the files lacked evidence either as discussed in the narrative or with the issuance of citations that the complaint items were evaluated. Many of the complainants that file complaints with VIDOSH are requesting that the results letters not be forwarded.

# State Plan Response:

VIDOSH will ensure that all complaint items and any additional hazards identified during inspections are thoroughly evaluated and documented, either in the inspection narrative or through the issuance of citations. Compliance Safety and Health Officers (CSHOs) will use the Inspection Worksheet Form to ensure that all issues, including complaint items, are properly addressed during inspections. Descriptions of the evaluation of each complaint item will be added to the narrative. Supervisors will review each case to confirm that complaint items have been appropriately evaluated and that proper abatement documentation has been provided.

When appropriate, VIDOSH will conduct air sampling to accurately assess reported airborne hazards. To ensure thorough evaluations, VIDOSH will enroll staff in the OTI 1260 – Health Inspection Fundamentals course, which covers sampling techniques necessary to determine overexposure. Additionally, staff will complete the OTI 2340 or 2341 Biohazards course, as complaints related to mold and indoor air quality have become increasingly common due to weather conditions and the limitations of older buildings.

Letters of inspection results will be sent out to complainants who request results.

# Finding #: FY 2024-02

**Lack of Case File Documentation**

In 10 of the 32 (31%) of the files reviewed did not contain field notes and/or narrative. Seven of the 32 (22%) files were missing evidence that the OSHA 300 logs for the last three years and current year were reviewed or a statement that logs were not required.

# State Plan Response:

VIDOSH is committed to enhancing the quality and completeness of case file documentation for all inspections. Compliance Safety and Health Officers are receiving in-house training focused on the essential components of proper case file documentation. To support this effort, VIDOSH managerial staff will utilize a Case File Review (CFR) form—modeled after the Virginia State Plan CFR form—to verify the presence and adequacy of documentation, including field notes and narratives. VIDOSH has adapted the VOSH Case File Review (CFR) form into its own internal

checklist to ensure that all case files comply with documentation requirements outlined in the Field Operations Manual (FOM).

Additionally, VIDOSH will ensure that OSHA 300 logs are included in the case file when they are provided. If the logs are not provided, this will be noted in the narrative, and the appropriate OSHA 300 citation will be issued. If OSHA 300 logs are not required, VIDOSH will ensure that this is clearly noted in the inspection narrative.

In FY 2026, VIDOSH’s Director and Assistant Director will attend OTI Course 1410 – Inspection Techniques and Legal Aspects, as well as OTI Course 9450 – Advanced Legal Aspects for OSHA Managers, to strengthen their understanding of case file documentation and ensure legal sufficiency. Two CSHOs previously completed OTI Course 1410 in FY 2023.

# Finding #: FY 2024-03

**Adequate Evidence to Support Violations**

In 12 of 23 (52%) of files reviewed, the files lacked adequate employer knowledge documentation on the worksheets. In nine of 23 (39%) of the files reviewed, files were missing adequate employee exposure documentation to support the citation.

# State Plan Response:

VIDOSH acknowledges the importance of thorough and complete documentation in support of citations, specifically regarding employer knowledge and employee exposure in order to have the four (4) elements of a violation for legal sufficiency.

To address and correct this finding, VIDOSH will implement the following corrective actions:

# Enhanced Training for CSHOs:

All Compliance Safety and Health Officers (CSHOs) will receive targeted training focused on improving the documentation of employer knowledge and employee exposure. The training will emphasize how to gather and record evidence that supports employer knowledge, such as supervisory presence, prior incidents, and training records, as well as proper techniques for documenting that knowledge in case files. In addition, the training will cover appropriate methods for documenting employee exposure, including the use of air monitoring data, employee interview statements, observed work practices, and physical site observations.

# Case File Review Process:

VIDOSH has implemented a revised Case File Review (CFR) Form, modeled after the VOSH version, to promote consistent and thorough evaluation of all case files.

Supervisors will use this updated form to verify that each file includes adequate documentation of employer knowledge and employee exposure. Additionally, the CFR form will help ensure that narrative reports and supporting documentation clearly substantiate all elements required for each citation.

# Managerial Oversight and Quality Control:

The VIDOSH Director and Assistant Director will conduct enhanced reviews of case files prior to citation issuance utilizing the audit review checklist used for the 2024 FAME Follow Up Review to ensure that there is evidence and proper documentation of employer knowledge and employee exposure for each citation.

**Finding #: FY 2024-04**

# Adequate Verification or Evidence of Abatement

In five of 13 (38%) of follow-up inspections, the follow-up either did not document how the hazards were abated or accepted abatement that was inadequate. In one instance, future abatement of adding a second egress was proposed but assurance of completion was not in the file prior to accepting the abatement. In another instance, abatement for not developing and implementing a hazard communication standard was accepted without documentation of a written program and training conducted. The follow-up inspection included a picture of a book of Safety Data Sheets as abatement.

# State Plan Response:

VIDOSH will reinforce procedures for verifying abatement by requiring that all follow-up inspections and abatement documentation include clear and specific evidence that hazards have been corrected. This includes:

* Photographic evidence showing completed physical changes and abatement.
* Copies of written programs, where applicable.
* Proof of employee training (e.g., training rosters, materials used).
* Signed employer statements of abatement certification accompanied by supporting documentation.

VIDOSH will train, clarify and/or explain to CSHO’s that proposed or planned future abatement may not be accepted as evidence of hazard correction unless accompanied by verifiable documentation (e.g., contracts, work orders with completion dates, or post-completion photos) and that follow-up documentation of completion must be obtained before the case is closed.

This training will include case examples to help CSHOs distinguish between complete, incomplete, and inappropriate abatement evidence, particularly for programmatic violations such as Hazard Communication.

Supervisors will be required to confirm that all accepted abatements are adequately supported by documentation prior to closing a case.

# Finding #: FY 2024-05 Overdue Abatement

The OIS Open Inspection Report, run on February 18, 2025, showed that there were 30 inspection files with overdue abatements ranging from 19-1299 days past the abatement date specified in the citations or an approved petition for modification of the abatement date.

# State Plan Response:

VIDOSH Compliance Safety and Health Officers (CSHOs) will prioritize follow-up inspections for cases with overdue abatements, giving special attention to those significantly past due or involving high-severity hazards. In accordance with the Field Operations Manual (FOM), Failure to Abate (FTA) citations will be issued as appropriate to enforce compliance and discourage delays in hazard correction.

VIDOSH is actively conducting these follow-up inspections and issuing FTA citations when warranted. Additionally, provisions under 29 CFR 1903.19 are being applied as needed to ensure timely and effective abatement of cited hazards.

Throughout the third and fourth quarters of FY 2024, VIDOSH has focused efforts on inspecting cases with outstanding abatements. This effort will continue into FY 2025 until all such cases have been thoroughly reviewed and resolved. To support these efforts, VIDOSH will reinforce the requirements for abatement certification, documentation, and verification outlined in 29 CFR 1903.19. This includes ensuring that employers submit the required abatement certification forms along with supporting evidence. CSHOs will follow up promptly when such documentation is not received.

Additionally, VIDOSH will actively encourage employers who cannot meet their abatement deadlines to request Petitions for Modifications of Abatements (PMA) to obtain approved extensions, helping maintain clear communication and compliance timelines.

# Finding #: FY 2024-06

**Petition for Modification of Abatement (PMA)**

During this FY 2024 file review, two files with PMAs were reviewed. The PMA requesting form that was sent to the employer for inspection #1731076 did not include a section to document the required interim steps; therefore, the interim steps were not identified to protect employees against this hazard while abatement was occurring. The PMA was approved with a letter that was issued less than 15 working days following the posting of a PMA as required by 1903.14(a). The approval letter in the file was for approval of two citations, but a request for only citation 2-1 was found in the OIS documents tab. For the second PMA file reviewed, the request was received on January 26, 2024, and approved on February 2, 2024, prior to the required posting period.

# State Plan Response:

VIDOSH will take the following corrective actions to address this finding:

1. Revision of PMA Request Forms:

VIDOSH will update the PMA request forms to include a required section for documenting interim protective measures. This will ensure that all PMAs explicitly outline the steps employers must take to protect employees while abatement is underway.

1. Training and Guidance:

VIDOSH will conduct targeted refresher training for all Compliance Safety and Health Officers (CSHOs) and relevant staff on proper PMA procedures. The training will focus on:

* + The necessity of documenting interim protective steps.
	+ Compliance with the 15-working-day posting requirement under 29 CFR 1903.14(a).
	+ Maintaining accurate and consistent recordkeeping in OIS to ensure PMA requests and approvals are properly aligned.
1. Enhanced Monitoring and Quality Control:

VIDOSH supervisors will strengthen the review process for PMA documentation to ensure all procedural requirements—such as posting periods and documentation accuracy—are met before PMA approval letters are issued. They will also verify that all PMA requests involving multiple citations in OIS accurately correspond with approval letters and case files.

# Finding #: FY 2024-07

**Worker Involvement – Inspection Process**

In 10 of the 32 (32%) of the files reviewed from FY 2024, there was no documentation to show that workers were interviewed. SAMM #13 (percent of initial inspections with worker walk around representation or worker interview) was reported at 92.86% for FY 2024. The FRL is 100%. The case files reviewed identified that either a union representative was asked to participate in the inspection process or participated.

# State Plan Response:

VIDOSH fully acknowledges the importance of worker involvement in the inspection process and the requirement to meet the Federal Reference Level of 100% for SAMM #13. Worker interviews and participation are essential to ensuring a comprehensive and balanced assessment of workplace conditions.

To address this finding and ensure full compliance moving forward, VIDOSH will implement the following corrective actions:

1. VIDOSH will reinforce the requirement that CSHOs conduct and document interviews with employees, even when a union representative is present. VIDOSH will ensure employee representatives and workers are involved in the inspection process.
2. Supervisors will verify during case file reviews that worker involvement is properly documented. This check will be integrated into the updated Case File Review (CFR) Form to ensure consistency and compliance across all inspections.
3. VIDOSH will monitor performance on SAMM #13 monthly and conduct periodic internal audits of case files to ensure that worker involvement is properly recorded and aligned with federal expectations.

# Finding #: FY 2024-08

**Worker Notification of Inspection Results**

In 12 of 19 (63%) of inspections identified with a union and citations issued from the FY 2024 files reviewed, there was no evidence in the case contact sheets or the documents uploaded that the union representative received a copy of the citations issued. In the files that contained evidence that the union representative received a copy of the citations there was a notation in the case contact sheet identifying the person that the tracked package was being forwarded to. VIDOSH does not forward copy letters with the citations to the union representatives. This finding will be continued.

# State Plan Response:

VIDOSH will ensure that a copy of the citation is sent to the union representative, as required by the VIDOSH Field Operations Manual (FOM). When citation packages are sent via certified mail to the employer, identical copies are also sent via certified mail to the appropriate union representative(s). A cover letter will accompany each citation package, with the union representative listed in the cc section to formally document notification.

To maintain thorough and accurate records, a copy of the transmittal letter will be uploaded to the OIS case file and included in the hard copy case file. Additionally, tracking numbers, mailing dates, and delivery confirmation details for both the employer and union citation packages will be entered into the OIS case file diary. This ensures proper documentation of the receipt of citations by all parties, including union representatives, and supports compliance verification.

**Finding #: FY 2024-09**

# Standards and Federal Program Changes (FPCs)

For the FPC log, the Virgin Islands State Plan needs to input all required information into the SPA to specify their intention to adopt the directive on the Process Safety Management of Highly Hazardous Chemicals. Adoption dates need to be entered into the SPA for the National Emphasis Falls Program, National Emphasis Program on Warehousing and Distribution Center

Operations and the Consultation Policies and Procedures Manual. The Virgin Islands State Plan has indicated that they will be adopting these federal program changes identically.

# State Plan Response:

VIDOSH will respond to all federal standards and Federal Program Changes (FPCs) submitted through the State Plan Application (SPA) system within the required timeframes. To support timely updates, VIDOSH will maintain its SPA account through the OSHA IT Support System and ensure regular monitoring for new entries or required actions.

VIDOSH will enter the required information into the SPA system to formally document its intent to adopt the Process Safety Management of Highly Hazardous Chemicals directive. Additionally, the State Plan will input the adoption dates for the NEP on Falls, the NEP on Warehousing and Distribution Center Operations, and the Consultation Policies and Procedures Manual.

Since VIDOSH has indicated that these FPCs will be adopted identically, entries in the SPA will clearly reflect this status to ensure proper tracking and compliance with federal expectations.

The VIDOSH Director, who received SPA procedural training from the Virginia State Plan Regulatory Coordinator on July 12, 2024, will ensure ongoing oversight of the SPA account. VIDOSH will establish a regular review schedule to monitor pending SPA actions and ensure future entries are completed accurately and within required timeframes.

# Finding #: FY 2024-10

**Whistleblower Complaints**

As of February 21, 2025, VIDOSH has two pending whistleblower complaints that were received in FY 2022 that are still under investigation.

# State Plan Response:

VIDOSH is actively reviewing the open whistleblower complaints and continuing investigative efforts to reach resolution. To ensure proper case handling, VIDOSH is consulting with OSHA Regional staff and receiving technical guidance from its mentor State Plan, the Virginia Occupational Safety and Health (VOSH) Program.

To strengthen their WB investigation and resolution skills, VIDOSH staff completed relevant whistleblower training programs.

Training Completed in FY 2024 to Support Whistleblower Case Management:

* OTI Course 1421 – Whistleblower Investigation Fundamentals (May 2024): Three VIDOSH staff members, including the Director, successfully completed this foundational training.
* OTI Course 1611 – Interviewing Techniques for Whistleblower Investigators (April 2024):

Two staff members completed this course to improve interview and evidence-gathering skills specific to whistleblower investigations.

Investigators assigned to the open whistleblower cases are receiving targeted guidance and mentorship from experienced personnel within the Virginia Occupational Safety and Health (VOSH) Program. This support focuses on investigative procedures, documentation standards, and effective strategies for case resolution.

As part of this mentorship, the VIDOSH Director participated in in-service training during the week of July 22, 2024, at the VOSH Tidewater Regional Office. The training was led by VOSH’s Senior Whistleblower Investigator and included a comprehensive review of investigative processes, documentation templates, and the proper organization of exhibits and case file materials.

Currently, VIDOSH has two staff members responsible for handling whistleblower complaints. Both began their formal whistleblower training in FY 2024. As of March 15, 2025, the VIDOSH Director has completed all required OSHA Training Institute (OTI) whistleblower courses and is now fully trained to independently investigate and resolve whistleblower complaints, including achieving settlement agreements where appropriate. The Assistant Director is in the process of completing the remaining required courses to become fully trained in whistleblower complaint investigation and resolution.

With one fully trained investigator in place, VIDOSH is committed to resolving the two pending whistleblower complaints promptly. Investigative efforts will continue to ensure each case is thoroughly reviewed and brought to a fair and timely resolution in coordination with both the complainant and the respondent.

# Finding #: FY 2024-11

**Correction of Serious Hazards**

The OIS Hazard Detail report run on February 26, 2025, showed 33 serious hazards that were past due for correction in consultation visit reports that were issued from October 1, 2023, through September 30, 2024.

# State Plan Response:

VIDOSH will ensure that consultation staff follow all procedures outlined in CSP 02-00-005, Consultation Policies and Procedures Manual, and that consultation case files are completed in full compliance with these requirements. To address and correct hazards that remain overdue, VIDOSH will implement a systematic approach that includes:

* Conducting follow-up inquiries and follow-up consultation visits for all employers with overdue hazard corrections.
* Sending dunning letters to remind employers of outstanding corrective actions.
* Informing and encouraging employers to request a Petition for Modification of Abatement (PMA) when additional time is needed to complete hazard abatement; and
* Referring non-responsive employers to VIDOSH enforcement for potential inspection, as appropriate.

VIDOSH will begin conducting follow-up consultation visits and will also initiate follow-up efforts via phone and email to employers with overdue hazard abatement items. If an employer fails to respond or take corrective action, the case will be referred to the enforcement unit for further action. These measures will continue until all overdue hazards have been addressed and documented.