July 21, 2025

Mr. William J. Donovan

Regional Administrator

Occupational Safety and Health Administration

John C. Kluczynski Federal Building

230 South Dearborn Street, Suite 3244

Chicago, Illinois 60604-1694

Re: Indiana State Plan Formal Response to FY 2024 Follow-up FAME Report

Dear Regional Administrator Donovan:

Thank you for the opportunity to provide a formal reply to the federal fiscal year 2024 Occupational Safety and Health Administration’s Federal Annual Monitoring Evaluation (FAME) of the Indiana Occupational Safety and Health Administration (IOSHA). IOSHA appreciates a robust evaluation of its program and the opportunities to learn best practices to advance the safety, health, and prosperity of Hoosiers in the workplace.

Finding:

*1.IOSHA failed to adopt OSHA’s initial FY 2016 maximum and minimum penalty increase and subsequent annual penalty amount increases.*

***Status:*** *There has been no action and IOSHA does not expect that the Indiana legislature will take up the annual penalty increase matter during the legislative session in 2025. This finding remains open.*

State Plan Response:

IOSHA acknowledges that Indiana has not aligned its penalty structure with the federal OSHA’s maximum and minimum penalties for fiscal year 2016. The increase in civil penalties for violations of the Indiana Occupational Safety and Health Act (IOSH Act) necessitates legislative action by the Indiana General Assembly. While IOSHA has previously proposed relevant language, it is ultimately the responsibility of the General Assembly to take action.

According to the most recent data made available by the federal Bureau of Labor Statistics (BLS), the overall nonfatal occupational injury and illness rate is 2.6 per 100 full-time workers. This rate is one of the lowest on record in Indiana.

***2. Finding FY 2024-02 (Finding FY 2023-02):*** *Appropriate analysis of the elements was incorrect in seven of the 30 (23.3%) whistleblower case files reviewed (WIM, Chapter 5, Section IV.A).*

***Status:*** *A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be the focus of next year’s on-site case file review during the FY 2025 comprehensive FAME and remains open.*

State Plan Response:

IOSHA is confident a case file review performed by OSHA next year will validate the closure of this finding.

***3. Finding FY 2024-03 (Finding FY 2023-03):*** *Six of 30 (20%) whistleblower investigation case files reviewed, and five of the 40 (12.5%) administratively closed files reviewed were either not complete, technically accurate, and/or were not thoroughly and adequately investigated prior to closing (WIM, Chapter 5, Section IV.A).*

***Status******:*** *A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be the focus of next year’s on-site case file review during the FY 2025 comprehensive FAME and remains open.*

State Plan Response:

IOSHA is confident a case file review performed by OSHA next year will validate the closure of this finding.

***4. Finding FY 2024-04 (Finding FY 2023-04):*** *The Respondent’s defense was not adequately tested in six of the 30 (20%) whistleblower investigation files reviewed (WIM, Chapter 2, Section VII).*

***Status:*** *A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be the focus of next year’s on-site case file review during the FY 2025 comprehensive FAME and remains open.*

State Plan Response:

IOSHA is confident a case file review performed by OSHA next year will validate the closure of this finding.

In conclusion, IOSHA appreciates the time the federal OSHA Region V evaluation team spent performing this evaluation and providing both positive and constructive feedback. IOSHA will continue delivering a high-quality occupational safety and health enforcement program to its stakeholders.

Sincerely,

Mike Speedy

Commissioner

