

STATE OF VERMONT
STATE OSHA ANNUAL REPORT
(SOAR)

October 1, 2012 through September 30, 2013



Prepared By:

State of Vermont
Department of Labor
Division of Workers' Compensation and Safety
VOSHA

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The State of Vermont, Department of Labor, Division of Workers Compensation and Safety, Occupational Safety and Health State Plan (VOSHA) submits this State OSHA Annual Report (SOAR) to the Federal Occupational Safety and Health Administration (OSHA) for evaluation of the Vermont State program.

The SOAR covers the time period October 1, 2012 through September 30, 2013. This submission is in accordance with the State Plan Manual dated December 1, 2002.

This SOAR contains the following sections:

- State Results Summary Chart
- Report on Progress toward Achieving Strategic Plan Accomplishment
- A draft State Internal Evaluation Program (SIEP) Report

VOSHA, the state's Occupational Safety and Health Administration (OSHA) 23(g) enforcement program, and Project WorkSAFE, the state's OSHA 21 (d) consultation program, are administered by the Vermont Department of Labor, Division of Workers Compensation. The current Commissioner of Labor is Anne M. Noonan, and J. Stephen Monahan is the director of the Division of Workers Compensation and Safety.

FY 2013 has been difficult for VOSHA. There have been a number of staff changes that have affected VOSHA's performance as outlined below:

- the former Administrative Assistant retired in August of 2012;
- the former Compliance Supervisor resigned in September of 2012;
- the former Manager was placed on medical leave in December of 2012 and was later reassigned;
- an Industrial Hygiene Compliance Safety and Health Officer (CSHO) and Workplace 11(c) investigator resigned in March of 2013;
- VOSHA management determined that one of the safety CSHOs was not performing adequately as a part-time 11 (c) investigator. Therefore, that CSHO was relieved of all his duties related to VOSHA's 11 (c) program. The Compliance Supervisor position was subsequently posted and filled, with the new supervisor starting in July of 2013.
- The VOSHA Manager position was posted with no qualified candidates applying. The position was filled on an interim basis in July of 2013, with the VOSHA Compliance Assistance Specialist (CAS)
- The VOSHA Manager position continues to be filled by the CAS and therefore the CAS position has been vacant since July of 2013.
- VOSHA has not filled the Administrative Assistant Position with a full-time staff member. Instead, a person who works in another VDOL agency has been assigned to work 16-20 hours per week as VOSHA's part-time administrative assistant. VOSHA has not filled the Industrial Hygiene CSHO position and has converted a Safety CSHO to part-time Workplace 11(c) investigator, with the focus on 11(c) investigations.

The consultation and enforcement programs each have separate staffs and are housed in separate locations. Scott Meyer, industrial hygiene engineer, is the project manager for the consultation program and Daniel A. Whipple is the manager of the VOSHA enforcement program. Although the consultation and enforcement programs do not share personnel and maintain their own offices in different locations, the two programs share common goals to

ensure workplace safety and health in the State of Vermont. Therefore, the VOSHA and Project WorkSAFE managers work closely together to develop goals and strategies for achieving these goals.

The VOSHA web site is administered by the Vermont Department of Labor and is a part of the overall Vermont Department of Labor website. In FY 2012, the VT Department of Labor received funding from Federal OSHA to revamp the VOSHA website with the aim of making it easier for the public to navigate and attain critical VOSHA services such as filing complaints and getting information on new regulatory initiatives. The Vermont Department of Labor has completed the re-design and has submitted it for review from Region One OSHA. Having received positive feedback, VT Department of Labor was originally set to initiate the new VOSHA website starting January 1st, 2014. However because of technical difficulties Vermont Department of labor has had to push the start date to mid February 2014. It is hoped that the new website will accomplish the goal of a simpler, more user friendly site, that will better allow VOSHA to achieve the goal of increasing performance of worker safety and health for our working Vermonters.

VOSHA continues to work with organizations throughout the state through CAS activities, with the intent of fostering the visibility and positive relationships that encourage grassroots safety and health culture throughout Vermont. Primarily, VOSHA works through a number of alliances to achieve outreach goals. Present Alliances are as follows;

- The Vermont Safety and Health Council
- Vermont Local Roads
- Vermont Rural Water Association
- Vermont Department of Buildings and general Services

Though CAS activities have been reduced significantly since July, VOSHA conducted 70 outreach sessions and affected approximately 1000 employees across the state.

VOSHA continues its work in the Green Mountain VPP. As in Region One, this economic cycle has resulted in a reduction in numbers of GMVPP STAR sites. The following sites are now recognized as GMVPP STAR sites;

- Ben and Jerry's, Saint Albans
- GE Aviation, Rutland
- Energizer Battery, Bennington
- IBM, Essex Junction

The following sites have withdrawn from the program in FY 2013:

- Utility Partners (February 2013):
 - Reason for withdrawal; Company was sold and senior level management moved to North Carolina. New company did not support the worksites efforts in maintaining status in GMVPP.
- Entergy Nuclear VT Yankee (February 2013):
 - Reason for Withdrawal; Entergy Corporation was not able to reach agreement with OSHA in Washington DC, on incentive programs. Therefore all Nuclear sites of Entergy Corporation withdrew from the VPP program.
- Energizer battery, Saint Albans (September 2013):
 - Reason for withdrawal; Site was closed by Energizer Corporation.

VOSHA conducted one on site evaluation in FY 2013 at a proposed GMVPP site. The site visit was conducted September 30th through October 2nd, 2013. The site was Curtis lumber in Burlington, VT. As of this writing VOSHA is working with the site in its 90 day items and expects that full STAR recognition will be achieved.

VOSHA continues to operate the Challenge program (VOSHA Challenge). As of this writing there are two sites being mentored under the VOSHA Challenge;

- Stratton Mountain Corp.
- Daily Precast

The GMVPP is the only formal partnership that VOSHA recognizes. As such VOSHA places a high value on its continuance and the continuity we need to show to our GMVPP partners. The GMVPP is traditionally managed by the CAS. However, due to the movement of the CAS to the VOSHA Program Manager, the GMVPP will be managed from the VOSHA Program Managers position, until an appropriately trained CAS is hired and can assume those duties.

In light of the above mentioned staff changes, VOSHA operated with the following staff in FY 2013;

- Safety CSHOS, 6 full time
- Industrial Hygiene CSHOS, 3 full time, 1 for six months
- Compliance Supervisor, 1 for three months
- VOSHA Program Manager, 1 for three months

During FY 2013, VOSHA conducted 364 inspections (263 safety and 101 health). The revised number that was agreed to was 350. VOSHA slightly exceeded the minimum number of 350 even with regard to losing an Industrial Hygiene CSHO. Of the inspections conducted in FY 2013, 168 inspections in construction were conducted (158 private sector and 10 public sector construction). Of this total, 136 inspections were classified as safety and 32 were classified as health. A total of 601 violations were issued with 263 related to safety and 101 related to health hazards. Of the violations 481 were classified as serious, 104 were classified as other than serious, 12 were classified as repeat and 4 were classified as wilfull. A total of 313 inspections were conducted in general industry.

VOSHA proposed to extend by one year the 5 year strategic plan which began in FY 2009. Under this proposal, the current strategic plan will run through and conclude at the end of FY 2014. As a result all strategic goals as listed below will remain the same as in the FY 2012 SOAR.

Goal 1.1: By 2013 reduce the rate of workplace injuries and illnesses in construction by 15% and reduce fatalities by 25%

<i>Area of Emphasis</i>
Construction
High incident/High severity industries

A. Residential and Commercial building construction
B. Highway Street and bridge construction
C. Roofing
Safety and Health hazard emphasis
D. Falls from elevation
E. Trenching
F. Struck by
G. Electrical
H. Noise
I. Silica
J. Youth Workers
K. Highway Workzones

Goal 1.2

By 2013 reduce the rate of workplace injuries and illnesses in General Industry by 15% and reduce fatalities by 25%

<i>Area of Emphasis</i>
General Industry
High incident/High severity industries
A. Food processing
B. Lumber and wood products
C. Small business
D. Large Farm Initiative
E. Targeted NAICS SICs
Safety and Health hazard emphasis
F. Amputations
G. Isocyanates, asthma and allergies
H. Electrical
I. Powered industrial trucks
J. Noise
K. Silica
L. Transportation
M. Youth Workers

	Projected FY2013			Actual FY2013		
	Safety	Health	Total	Safety	Health	Total
TOTAL INSPECTIONS	250	100	350	263	101	364
Private Sector	235	90	325	226	87	313
Public Sector	15	10	25	37	14	51
TOTAL CONSTRUCTION INSPECTIONS	150	25	175	136	32	168
Residential and Commercial Construction	125		125	102	27	129
Highway, Street and Bridge	20		20	19	4	23
Roofing	15		15	22	1	23
LEPs & Other Areas of Emphasis						
Falls from Elevation				70	4	74
Trenches and Excavations				24	2	26
Struck-by						
Electrical						
Noise Samples					2	2
Silica Inspections					12	12
TOTAL NON-CONSTRUCTION INSPECTIONS				127	69	196
Work Zones			5			
Food Processing			10	7	4	11
Lumber and Wood Products			15	7	3	10
Targeted NAICS/SICs						
Amputations			20	55	5	60
Isocyanates, Asthma, Allergies						
Electrical						Evaluated on all inspections
PIT						Evaluated on all inspections
Falls				4	2	6
Noise/silica			5		3	3

STRATEGIC GOAL #1: Improve workplace safety and health through compliance assistance and enforcement of occupational safety and health regulations and standards.		
GOAL	FY2013 OUTCOME	COMMENT
Compliance Inspection Activities (Construction)		
Performance Goal 1.1· By 2013, reduce the rate of workplace injuries and illnesses in construction by 15% and reduce fatalities by 25% (over 2007 BLS baseline)	To be determined	This outcome will be evaluated at the end of the five-year strategic plan, which concludes in FY2013. This outcome will now be evaluated at the conclusion of FY 2014.
Performance Goal 1.1a· Reduce workplace injuries and illnesses in construction by 3% and reduce fatalities in construction by 25% (over 2007 BLS baseline)	To be determined	2012 BLS Data shows a construction DART rate of 3.2 which reflects a 10.3% increase from 2011 and represents a 21.9% reduction in the 2007 baseline number of 4.1. In 2013, there was one construction related fatality.
Conduct 125 residential and commercial building inspections	Goal was exceeded	In 2013, VOSHA conducted 129 residential and commercial construction inspections
Conduct 20 highway, street and bridge construction inspections	Goal was exceeded	In 2013 VOSHA conducted 23 total highway, street and bridges construction inspections
Conduct 15 roofing inspections	Goal was exceeded	In 2013 VOSHA conducted 23 roofing inspections as in the past most of these inspections are generated on fall LEP self-referrals.

STRATEGIC GOAL #1: Improve workplace safety and health through compliance assistance and enforcement of occupational safety and health regulations and standards. CONTINUED		
GOAL	FY2012 OUTCOME	COMMENT
Compliance Inspection Activities (Construction)		
Conduct inspections at worksites at risk for hazards related to falls, trenching, struck-by, electrical, noise, silica, youth and work zone safety.	Goal was met VOSHA conducted inspections in all categories.	In 2013, VOSHA focused much of the construction activities in the area mentioned in this goal. VOSHA conducted 26 trenching and excavation LEP inspections 74 fall LEP inspections and 14 silica/noise related inspections. In addition, VOSHA cited violations in electrical hazards as well as PIT. VOSHA has renewed efforts to more effectively address health hazards in construction. VOSHA will focus efforts on the newly adopted isocyanate national emphasis program as well as continue efforts in the areas of silica and noise exposures.
Compliance Inspection Activities (General Industry)		
Performance Goal 1.1- By 2013, reduce the rate of workplace injuries and illnesses in general industry by 15% and reduce fatalities by 25% (over 2007 BLS baseline)	To be determined	The outcome will now be evaluated at the end of the extended strategic plan which concludes at the end of FY 2014. 2012 BLS Data shows a general industry DART rate of 3.3 which reflects a 24% increase from 2011 and represents a 3% reduction in the 2007 baseline number of 3.4. In 2013, there was 3 fatalities and 1 catastrophe. Of those fatalities, 2 general industry were non jurisdictional medical conditions. 1 Construction Fatality is currently being investigated. The catastrophe was a chemical spill related event.
Performance Goal 1.1a- Reduce workplace injuries and illnesses in general industry by 3% and reduce fatalities by 25% (over 2007 BLS baseline)	To be determined	As mentioned above, the BLS data reveals a slight increase in the manufacturing DART rates. 9 non-construction fatalities were documented in the BLS information.

STRATEGIC GOAL #1: Improve workplace safety and health through compliance assistance and enforcement of occupational safety and health regulations and standards. CONTINUED		
GOAL	FY2012 OUTCOME	COMMENT
Compliance Inspection Activities (General Industry)		
Conduct 10 food processing inspections	Goal was exceeded	In 2013, VOSHA conducted 11 inspections related to food processing.
Conduct 15 lumber and wood products manufacturing inspections	Goal was not met	In 2013, VOSHA conducted 10 inspections related to the lumber and wood products manufacturing.
Conduct 20 inspections where there are amputation hazards	Goal was exceeded	In FY 2013, VOSHA conducted 60 inspections related to amputation hazards.
Conduct 20 inspections in the granite and concrete industry	Goal was not met	In FY 2013, VOSHA conducted 13 concrete and granite related inspections.
Inspect 100% of employers on the ODI list that have DART rates above the threshold	Goal was met	In 2013, we achieved this goal. In 2014 VOSHA has adopted CPL 02-13-01 Sight Specific Targeting for General Industry as well as 02-00-155 for construction.

<p>Conduct inspections at worksites at risk for hazards related to small business, isocyanates, falls, electrical, powered industrial trucks, noise, silica, youth and transportation.</p>	<p>Goal was met</p>	<p>VOSHA continues to focus inspection activities in the areas mentioned. However, VOSHA also recognizes that the efforts in these areas are not always captured by proper coding on the NCR. We will be focusing on staff training to improve capturing emphasis programs and strategic plan activities.</p>
<p>Compliance Assistance Activities</p>		
<p>Conduct 10-hour course for vocational education students and instructors to three new schools</p>	<p>Goal was met</p>	<p>VOSHA conducted three, 10-hour classes in career centers that involved youth students. VOSHA also conducted one general safety training for a special needs youth center that provides services to handicapped students. However, all activities were carried out before mid-July when the CAS was re-assigned. No courses were held in the fall.</p>
<p>Provide training in workplace safety and health to 200 vocational-technical students</p>	<p>Goal was not met</p>	<p>Because of the limited time schedule (VOSHA did not conduct youth training in the fall) VOSHA was able to conduct three OSHA 10-hour courses and 1, General Safety Training with youth attendees. A total of 75 students were trained.</p>
<p>Provide training for first year electrical and plumbing apprentices through the Vermont Apprenticeship Program related instruction classes</p>	<p>Goal was not met</p>	<p>Due to the lack of a request from the apprenticeship program manager, VOSHA did not conduct training through the VT Apprenticeship program in 2013.</p>

Conduct outreach to employers through trade shows, labor organizations, trade associations, Alliances, Vermont state agencies, and other groups	Goal was exceeded	Even though the current CAS was re-assigned as interim manager in July of 2013, the CAS/Interim Manager was still able to conduct more than 95 outreaches and affect more than 2,930 employees. However, it should be noted that the bulk of the outreach sessions were conducted before the change of the CAS's position. This performance is not likely to repeat unless/until a permanent CAS is hired.
Provide ongoing safety and health training to participants in state youth programs	Goal was not met	As in last year, no training was conducted for youth in statewide programs.
Cooperative Program Activities		
Maintain Alliances with the Vermont Safety and Health Council; Vermont Rural Water and Vermont Local Roads	Goal was met	VOSHA maintained Alliances with all of these partners, The Alliance with the Vermont Safety and Health Council includes the four regional safety and health roundtables. Both the VSHC and the roundtables host training events that include participation by the VOSHA CAS and Project WorkSAFE. The Vermont Rural Water Alliance continues.
Recruit one new VPP applicant	Goal was met	VOSHA conducted an initial site visit at Curtis Lumber, from September 30 th through October 2 nd . The visit was successful and the site report is in process. VOSHA expects this to be completed by January 1 st 2014.

Promote Project WorkSAFE	Goal was met.	VOSHA promoted Project WorkSAFE through contact with employers and various groups and associations. Project WorkSAFE was promoted in 100% of inspections. The VOSHA closing conference guide has ONE full page dedicated to Project WorkSAFE. The back cover of the printed construction and general industry standards is dedicated to advertising the Project WorkSAFE consultation program. Project WorkSAFE is also promoted at informal conferences.
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Green Mountain Voluntary Protection Program

Company	Status	Last Approval Date	New Renewal Date	Original Approval Date
Ben & Jerry's	STAR	04/28/2011	04/28/2016	10/22/2007
Energizer Battery/St. Albans	Withdrawn	10/20/2012		10/21/2009
Energizer Battery/Bennington	STAR	4/18/2012	4/1/2016	8/22/2007
Entergy (Vermont Yankee)	Withdrawn	7/8/2009		3/30/2005
GE Rutland	STAR	4/8/2009	4/10/2014	5/16/2006
IBM	STAR	2/28/2012	2/28/2017	7/14/2008
United Water, NACO (formerly Earth Tech)	Withdrawn	8/12/2008		6/1/2005
Curtis Lumber/Burlington	Site Visit			
Vtrans/District 7	Withdrawn	4/8/2009		4/9/2009
Peckham Industries	Challenge			
Curtis Lumber/Burlington	Challenge			

Alliances

Company or organization	Status	Date signed
Vermont Rural Water	Active	11/15/2013
VT Buildings and General Services	Active	02/13/2013
Vermont Local Roads	Active	02/22/2013
Vermont Safety and Health Council	Active	02/15/2010

PROGRESS TOWARD STRATEGIC PLAN ACCOMPLISHMENT

Vermont BLS DART rates for the period 2007 . 2012 have been reduced for all NAICS divisions as follows:

Year	All	Private sector	Manufacturing	Construction	Public sector
2007	2.7	2.8	3.4	4.1	2.0
2008	2.4	2.5	3.4	4.0	1.4
2009	2.1	2.2	2.6	3.8	1.3
2010	2.5	2.6	2.6	3.9	1.9
2011	1.9	2.2	2.5	2.9	0.9
2012	2.2	2.3	3.3	3.2	1.5
Percent reduction from reference year 2007					
	-18.5%	-18%	-3%	-22%	-25%

During the FY 2013, VOSHA conducted 364 total inspections, which included 263 safety inspections and 101 health inspections. Even with the loss of an industrial hygiene CSHO, this number was within our goal of 350 inspections. Based on these inspections, a total of 601 violations were issued, including 481 serious, 4 willful, 12 repeat and 104 other than serious. Our overall in compliance rate was 34.1%. However, the loss of VOSHA's industrial hygiene CSHO, who was also a key 11(c) investigator, made it difficult for the VOSHA program to conduct 11 (c) investigations. Since that time a CSHO who formerly was an 11(c) investigator has been re-assigned to the program. His duties include gathering and re-constituting investigatory files (which were not properly maintained by the former 11(c) investigator), follow up on the investigations still open and investigate new cases. To be clear, we have a long way to go in this area. We have three staff members . myself included . scheduled to attend the next available 11(c) Basic Whistleblower course in June of 2014.

In 2013, 12 new 11(c) investigations were opened. VOSHA expects that trend to continue.

In the CAS position, VOSHA is working with the State of Vermont Administration to fund the continuance of this critical position. The CAS was not only responsible for outreach activities in VT, but the position also oversaw VOSHA's Green Mountain VPP (GMVPP) program. Until such time as the CAS position is restored and proper training in the management of the GMVPP program is done, the GMVPP will be managed from the VOSHA Compliance Program Managers office.

VOSHA expects that there will be a significant reduction in CAS activity, including alliance activities in FY 2014 as we go through the process of recruitment of a CAS.

VOSHA must also address the administrative support position in FY 2014. We are now engaging the services of another Department of Labor employee and this arrangement is not efficient in providing the high level of services to working Vermonters that we expect.

The draft VOSHA SIEP was submitted in FY 2013. However, it was not finalized nor were any evaluations called for in the document completed. As a result VOSHA proposes to initiate the internal evaluation plan as part of 2014.

**DRAFT SIEP
FISCAL YEAR 2012**

The VOSHA program is developing an internal evaluation plan. The final development will be finished in FY 2014. Below is an initial draft

**State of Vermont VOSHA
Draft State Internal Evaluation Plan
SIEP**

The State Internal Evaluation Plan (SIEP) is initiated to determine if program operations conform to state policies and procedures established by the state plan. The SIEP identifies areas where additional procedures should be developed in response to the demands of the program.

After reviewing program procedures and the SAMM reports, VOSHA has chosen to evaluate the following vulnerabilities in FY2013

1. Case file documentation
2. Abatement documentation

Questions for Selected areas

Case file documentation

1. Does each case file include a summary sheet which is a chronological record of the significant actions taken with regard to the case?
2. Are all employer contacts documented?
3. Are the OSHA 300 logs reviewed on all inspections?
4. Are safety and health programs reviewed and evaluated?
5. Are all apparent violations fully described including measurements, identification numbers, equipment descriptions and serial numbers, location and injury/ illness classification?
6. Is the employee exposure documented?
8. Is employer knowledge documented?
9. Are all the elements of a General Duty Clause Violation documented?
10. Is the inspection history search included in the file?
11. Are the severity/ probability factors properly addressed?
12. Is there adequate documentation to support the violation and penalty?
13. For Willful violations does the CSHO develop and record all pertinent evidence to show that the employer committed an intentional or knowing violation or showed plain indifference to the regulation?

Abatement documentation

1. Is abated at the time of the inspection documented in the case file?
2. Are mandatory follow-up inspections tracked?
3. Are abatement dates set for the shortest time practical?
5. Are follow-up inspections conducted when there is no abatement documentation?
6. Is adequate evidence of abatement received in accordance with the Field Operations Manual (FOM)?
7. Are open abatement dates tracked?
 - A. Manually
 - B. Local IMIS reports
8. Are late notices sent to employers that do not submit timely documentation?
9. Is there an explanation in the file for abatement dates longer than 30 days?
10. Is the IMIS properly updated?

VOSHA will work with the Vermont Department of Labor to identify auditors to evaluate effectiveness in the above identified areas.

