

**STATE OF VERMONT**  
**STATE OSHA ANNUAL REPORT**  
**(SOAR)**

October 1, 2014 through September 30, 2015



**Prepared By:**

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

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## Introduction;

The Vermont Occupational Safety and Health State Administration (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 of October 1, 2014 through September 30, 2015.

This SOAR contains the following sections:

- State Results Summary Chart
- Report on Progress toward Achieving Strategic Plan Accomplishment

VOSHA, and Project WorkSAFE, the state's OSHA 21 (d) consultation program, are administered by the Vermont Department of Labor, Division of Workers' Compensation.

In FY 2015 the rebuilding of the VOSHA program has continued. For example, VOSHA has been able to hire the staff needed and make other needed changes to most effectively meet our current goals and position the program to meet future goals as well. The changes to the program and staffing completed in FY 2015 are outlined below.

- VOSHA was able to fill the following positions, left open by the retirements/resignations of 5 staff during the FY2014/2015 year. It should be noted that there were changes to some staff positions to account for changing demands on the VOSHA Program.
- Safety Compliance Officer: VOSHA was able to fill two positions as full time Safety Compliance Officers. One Safety CSHO had retired or resigned in July of 2014 and the other left the program in December of 2014.
- Health Compliance Officer: VOSHA was able to fill one vacant health CSHO position that occurred in December of 2014 with a full time Health Compliance Officer
- Safety/Health Dual Discipline Compliance Officer: Due to the loss of a health compliance officer in FY 2013, VOSHA was able to convert an existing Safety Compliance Officer position into one of dual discipline. This position is equipped and can perform both health and safety inspections. This action was completed when a safety compliance officer resigned in August of 2014.
- 11(c) Whistleblower: Prior to July of 2014 VOSHA's whistleblower investigators were CSHOs who allocated part of their time to whistleblower duties. To account for the increase in 11(c) whistleblower cases, VOSHA was encouraged by OSHA to discontinue using part-time whistleblower investigators and to hire one full time 11(c) whistleblower investigator. VOSHA complied with this advice and converted an existing Safety Compliance officer position to a whistleblower investigator.
- With the above outlined personnel changes/additions, VOSHA considers itself fully staffed for the FY 2016 year, however, it should be understood that training of new CSHOs and investigators will take some time and must be considered in the upcoming FY 2016 year.
- The following is VOSHA's staffing at the beginning of FY 2016:
  - Director of Workers Compensation and Safety; 1
  - VOSHA Program Manager; 1
  - VOSHA Compliance Supervisor; 1
  - VOSHA Administrative Assistant; 1
  - VOSHA Safety Compliance Officers; 4
  - VOSHA Health Compliance Officers; 3
  - VOSHA Health/Safety Compliance Officer; 1
  - VOSHA 11(c) Whistleblower Investigator; 1
  - Total; 13 \*NOTE; Director of Workers Compensation and Safety is not a dedicated VOSHA FTE.

The consultation and enforcement programs continue to operate with no changes. 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 strategies for achieving these goals.

With the filling of crucial staff positions, VOSHA has been very active in getting CSHOs the training they need from the OSHA Training Institute (OTI) as well as other training sources. All of VOSHA CSHOs attended training in FY 2015. The following staff attended OTI and other courses in FY 2015:

- Senior Industrial Hygienist;
  - OSHA 3015 Excavation, Trenching, and Soils mechanics, 10/23/2014
- \* 11(c) Whistleblower Investigator;
  - OSHA 1420 Basic Whistleblower Investigations
  - OSHA 1310 Investigative Interviewing Techniques
- \* Industrial Hygienist:
  - OSHA 1000 Initial Compliance
  - OSHA 1250 Introduction to Health Standards for Industrial Hygienists
- Senior Safety Compliance Officer;
  - NCSH 290 Electrical Standards Awareness
- \* Industrial Hygiene/Safety Compliance Officer;
  - OSHA 1000 Initial Compliance
  - OSHA 1050 Introduction to Safety Standards for Safety Officers
  - OSHA 1250 Introduction to Health Standards for Industrial Hygienists
  - NCSH 290 Electrical Standards Awareness
- Senior Industrial Hygienist;
  - OSHA 3015 Excavation, Trenching, and Soils Mechanics
- \* Safety compliance Officer;
  - OSHA 1000 Initial Compliance
  - OSHA 1050 Introduction to Safety Standards for Safety Officers
  - NCSH 290 Electrical Standards Awareness
- Senior safety compliance Officer;
  - OSHA 3015 Excavation, Trenching, and Soil Mechanics
  - NCSH 290 Electrical Standards Awareness
- \* Safety Compliance officer;
  - OSHA 1000 Initial Compliance
  - NCSH 290 Electrical Awareness
  -

*(\* Denotes staff who were hired in either FY 2014 or FY 2015 and who have not yet completed the basic CSHO training track.)*

In addition, VOSHA has a number of CSHOs enrolled in training courses for FY 2016. We expect all CSHOs will attend training in FY 2016.

The VOSHA website continues to evolve and mature. VOSHA placed a link on the website to allow employers to report incidences under the new, mandatory reporting provisions of 29 CFR 1904. VOSHA is getting increased notifications (i.e. complaints and accident reports) coming from the website. We believe this is indicative of increase in users and easier navigation on the site.

VOSHA continues to conduct compliance assistance activities primarily through the Program Manager. The outreaches are primarily with alliance members; however a number of sessions in FY 2015 were conducted with non-alliance members as the need fit VOSHA's mission. Additionally, a small number of outreaches were conducted by the Compliance Supervisor as needed. Approximately 42 (38 conducted by the VOSHA manager 4 conducted by the Compliance Supervisor) outreaches were conducted in FY 2015. Approximately 1100 employees/stakeholders were reached by the aforementioned outreaches. VOSHA continues to maintain alliances with the following current alliances:

- The Vermont Safety and Health Council
- Vermont Rural Water Association

VOSHA continues its work in the Green Mountain Voluntary Protection Program (GMVPP). In FY 2015, there were no withdrawals from the Green Mountain VPP and, in fact VOSHA added a STAR site to the program. VOSHA also conducted a recertification visit at GE Aviation in Rutland, which was completed in the first week of FY 2015. There are five employers that are now recognized as GMVPP STAR sites

VOSHA plans to conduct two renewal audits and possibly one new site audit in FY 2016. VOSHA continues to operate the Challenge program (VOSHA Challenge). One site is being mentored by an existing GMVPP site.

## 5

The GMVPP is still the only formal partnership program that VOSHA recognizes. As such, VOSHA places a high value on maintaining the integrity of this program. The VOSHA Program Manager, continues to manage this program.

In FY 2014 VOSHA submitted a new, five year strategic plan. FY 2015 reflects the first year of performance in that plan.

In FY 2015 VOSHA submitted a number of rules for adoption with a number of them becoming adopted during that time. The rules adopted reflected not only VOSHA's continuing effort to bring to current a number of rules not adopted properly within the six months adoption process, but staying current with Federal rules adoption in FY 2015. These rules include the following:

- \*Updating consensus standards for Head Protection FR 77: 37587-37600, adopted 11-11-2014
- OSHA Standards in Agriculture: 29 CFR 1928, adopted 08-22-2015
- OSHA Recordkeeping: FR 79: 56130 . 56188,
- Cranes and Derricks in construction operator certification: FR 79: 57785, adopted 05-15-2015
- Electric Power Generation, Transmission, and Distribution; Electrical Protective Equipment FR 79: 20315-20743, adopted 03-04-2015
- Power Generation and Transmission in construction and general industry Amendments: FR 79: 56955-56962, adopted 03-04-2015

Among the standards expected to be completed in FY 2016;

- \*Maritime, standards improvement as well as amendments, projected adoption 05-2016
- Confined Space in Construction, projected adoption 04-2016
- \*Amendments to the Steel Erection Standard, projected adoption 04-2016
- \*Standards Improvement Project Phase III for Construction and General Industry, projected adoption 09-2016

(\* Denotes Standards which are classified as "overdue for adoption" in the 2014 FAME)

As discussed earlier, a total of 5 field staff left the program in FY 2014 and FY 2015; VOSHA began FY 2014 with nine CSHOs (6 safety and 3 health). During FY 2015, all vacant positions were filled, and as of September 30, 2015, VOSHA had 8 CSHOs (3 Health, 4 Safety and 1 Health/Safety) and 1 full time 11(c) Whistleblower investigator on board. In anticipation of this changing of staff and the associated training VOSHA requested a reduced number of inspections for FY 2015. The inspection goal was lowered from 350 to 250 total inspections. In fact, VOSHA was able to conduct a total of 316 inspections for FY 2015. This unexpected number was the result of a high level of experience and skill of the new staff, which allowed some to be assigned inspections at a higher than expected rate.

Of the 316 inspections conducted in FY 2015, 146 inspections in construction were conducted. Of this total, 130 inspections were classified as safety and 16 were classified as health. Of a total of 417 violations issued FY 2014, 299 related to safety and 106 related to health hazards; 306 were classified as serious; 99 were classified as other than serious; 3 were classified as repeat; and 12 were unclassified.

	Projected FY2015			Actual FY2015		
	Safety	Health	Total	Safety	Health	Total
<b>TOTAL INSPECTIONS</b>	173	77	250	238	78	316
Private Sector	160	65	225	218	62	280
Public Sector	13	12	25	20	16	36
<b>TOTAL CONSTRUCTION INSPECTIONS</b>	120	30	150	130	16	146
Residential and Commercial Construction	75	5	80	91	12	103
Highway, Street, Bridge and Work Zones	20		20	16	4	20
Roofing	15		15	28		28
Residential Construction	20		20	23		23
Noise/Silica/Chrome VI/lead		25	25		7	7
<b>TOTAL NON-CONSTRUCTION INSPECTIONS</b>	53	47	100	108	62	170
Food Processing	2	3	5	4	1	5
Lumber and Wood Products	7	3	10	14	3	17
Targeted NAICS/SICs	5	15	20	39	12	51
Amputations	20		20	39		39
Combustible Dust		2	2		2	2
PSM		1	1			
PIT	5		5	33		33
Public Sector	13	12	25	24	10	34
Granite/Concrete	1	9	10		3	3
Nursing Homes		2	2		1	1

In the tables below, VOSHA compares Calendar Year (CY) 2014 Total Case Incident (TCIR) rates to CY 2012 baseline DART rates.

It should be noted that FY 2015 represents the first year performance in VOSHAs new, 5 year strategic Plan. As such, goals and objectives listed below will reflect those stated in the new plan.

<b>STRATEGIC GOAL #1: Insure Workplaces are Safe and Healthy</b>		
<b>GOAL</b>	<b>FY2015 OUTCOME</b>	<b>COMMENT</b>
<b>Compliance Inspection Activities (Construction)</b>		
Performance Goal 1.1· By 2019 reduce the rate of workplace injuries and illnesses in construction by 15%, from 7.9 as recorded in baseline year 2012, to 6.7 by year 2019	<b>Goal still to be decided</b>	
Performance Goal 1.1a· Reduce workplace injuries and illnesses in construction by 3% in construction by (From 7.9 to 7.7 by the close of FY 2015, over 2012 BLS baseline)	<b>Goal was exceeded</b>	The Total Case Incident Rate (TCIR) for all of construction in Vermont for the reporting year, 2014 is 5.9.
Conduct 80 residential and commercial building inspections	<b>Goal was exceeded</b>	In FY 2015, VOSHA conducted 91 safety and 12 health inspections in this area for a total 103.
Conduct 20 highway, street and bridge construction inspections	<b>Goal was met</b>	In FY 2015 VOSHA conducted 16 safety and 4 health inspections in this are for a total of 20.
Conduct 15 roofing inspections	<b>Goal was exceeded</b>	In FY 2015 VOSHA conducted a total of 28 inspections in roofing. All were safety related inspections
Conduct 20 inspections at worksites in Residential Construction	<b>Goal was exceeded</b>	In FY 2015 VOSHA conducted 23 safety related inspections in Residential Construction
Conduct 25 inspections for health related exposures in construction including Noise/Silica/Chromium VI/Lead	<b>Goal was not met</b>	In FY 2015, VOSHA 7 inspections related to noise, silica, chromium VI, or lead



<b>STRATEGIC GOAL #1: Insure Workplaces are Safe and Healthy CONTINUED</b>		
<b>GOAL</b>	<b>FY2015 OUTCOME</b>	<b>COMMENT</b>
<b>Compliance Inspection Activities (General Industry)</b>		
Performance Goal 1.2· By 2019, reduce the rate of workplace injuries and illnesses in general industry by 15%, from 6.4 as recorded in baseline year 2012, to 5.4 by year 2019	<b>Goal still to be decided</b>	
Performance Goal 1.2a· Reduce workplace injuries and illnesses in general industry by 3% (over 2012 BLS baseline of 6.4 to 6.2)	<b>Goal was exceeded</b>	The TCIR for General Industry for General Industry in Vermont for the reporting year of 2014 was 6.0
Conduct 5 food processing inspections	<b>Goal met</b>	In FY 2015, VOSHA conducted 4 safety and 1 health inspections, for a total of 5 inspections related to food processing.
Conduct 10 lumber and wood products manufacturing inspections	<b>Goal was exceeded</b>	In FY 2015, VOSHA conducted 14 safety and 3 health inspections for a total of 17 inspections, related to the lumber and wood products manufacturing.
Conduct 20 inspections where there are amputation hazards	<b>Goal was exceeded</b>	In FY 2015, VOSHA conducted 39 safety inspections, related to amputation hazards.
Conduct 10 inspections in the granite and concrete industry	<b>Goal was not met</b>	In FY 2014, VOSHA conducted 3, health inspections related to concrete and granite
Conduct 20 inspections establishments in targeted	<b>Goal was exceeded</b>	In FY 2015, VOSHA conducted 39 safety and 12 health inspections in Targeted NAICS and SIC codes, for a total of 51 inspections

NAIC☐/ SIC☐		
Conduct 25 Inspections of public sector worksites	<b>Goal was exceeded</b>	In FY 2015 VOSHA conducted 24 safety and 10 health inspections in public sector, for a total of 34 inspections
Conduct 5 workplaces where Powered Industrial Trucks (PIT☐) are in use	<b>Goal was exceeded</b>	In FY 2015 VOSHA conducted 33 inspections in work places where PIT☐ were in use.
Conduct 2 inspections of Nursing Homes	<b>Goal was not met</b>	In FY 2015 VOSHA conducted 1 inspection of a nursing home.
Conduct 1 inspection of a site covered by the PSM standard.	<b>Goal was not met</b>	In FY 2015 VOSHA did not conduct inspections in work areas covered under PSM
Conduct 2 inspections in workplaces with combustible dust hazards.	<b>Goal was met</b>	In FY 2015 VOSHA conducted 2 health-related inspections in work areas covered under the combustible dust standard
<b>Strategic Goal #2: Improve workplace Safety and Health through compliance Assistance, Alliances and Partnerships</b>		
<b>Goal</b>	<b>FY 2015 Outcome</b>	<b>Comment</b>
Performance Goal 2.1- Maintain recognition of excellence in safety and health management through the Green Mountain VPP	<b>Goal was met</b>	In FY 2015 VOSHA continued to be active in supporting the current Green Mountain VPP sites, including conducting quarterly meetings with the sites, review of annual reports as well as conducting one renewal site visit.
Performance Goal 2.2- Maintain relationships with organizations that cover targeted, high hazard areas, through the VOSHA	<b>Goal was not met</b>	In FY 2015 VOSHA had a total of 4 Alliances. However, two of these Alliances were discontinued during the year because they were not active. Therefore, VOSHA ended FY 2015 with 2 Alliances. However, VOSHA continues a vigorous relationship with the entities in the remaining alliances, with training and collaborative meetings on a regular basis.

Alliance Program		
Performance Goal 2.3- Maintain a reduced schedule of service to Participants in VOSHAF outreach and training programs	<b>Goal was met</b>	In FY 2015 VOSHA conducted 42 outreaches affecting 1100 employees/stakeholders. This number represents approximately 40% of the outreach achieved when VOSHA employed a full time Compliance Assistance Specialist (CAS).

### 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/Bennington	STAR	4/18/2012	4/1/2017	8/22/2007
GE Rutland	STAR/Renewal	4/8/2009	10/02/2014	5/16/2006
IBM	STAR	2/28/2012	2/28/2017	7/14/2008
Curtis Lumber/Burlington	Site Visit			
Peckham Industries	Challenge			
Curtis Lumber/Burlington	Star	12/27/2013	12/27/2016	12/27/2013

### Alliances

Company or organization	Status	Date signed
Vermont Rural Water	Active	11/15/2013
VT Buildings and General Services	Inactive	02/13/2013
Vermont Local Roads	Inactive	02/22/2013
Vermont Safety and Health Council	Active	06/29/2015

## PROGRESS TOWARD STRATEGIC PLAN ACCOMPLISHMENT

Vermont BLS TCIR rates for the period 2015 . 2019 have been reduced for all NAICS divisions as follows:

Year	All	Private sector	Manufacturing	Construction	Public sector
2012 (baseline)	5.1	5.0	6.4	7.9	5.6
2015	5.1	5.0	6.0	5.9	5.3
2016					
2017					
2018					
2019					
<b>Percent reduction from baseline year 2012</b>					
	-0%	-0%	-6.6%	-25.32%	-5.36%

FY 2015 was a turning point year for VOSHA. In all, 5 CSHOs resigned or retired and needed to be replaced in FY 2015. But VOSHA looked at that as an opportunity to reflect on how best to approach servicing Vermonters in both the compliance and 11(c) Whistleblower programs. The result was a redesigning of a couple of positions that is further explained below.

In FY 2015 VOSHA achieved what it considers full staffing under the current grant. Significantly VOSHA converted a compliance officer (CSHO) position to a full time 11(c) Whistleblower investigator. In addition VOSHA converted a full time safety CSHO position to one of dual discipline, health and safety CSHO. We believe these two changes will help achieve better and more timely service for working Vermonters.

As would be expected when replacing a large portion of compliance staff in a field that requires such a high level of technical training (most of which can only be done through the OSHA Training Institute) VOSHA has placed significant resources in time and money to insure the newly hired personnel achieve their training objectives. However, VOSHA has not forgotten our responsibility to the senior compliance staff. We have insured that all VOSHA compliance staff have received at least one technical course. This will also be the case in FY 2016.

In addition, to accommodate the needs of new staff, VOSHA has requested a reduced inspection goal of 300 total inspections for FY 2016.

FY 2015 reflected a major upgrade to VOSHA's 11(c), Whistleblower program. The hiring of a full time 11(c) whistleblower resulted in significant reduction in the backlog of older 11(c) Whistleblower cases. In FY 2015 the VOSHA 11(c) Whistleblower program conducted screening for 64 complaints, opened 19 new cases, and closed 36 cases (of those closed 30 cases were dismissed, 5 cases were withdrawn and 1 case was settled). As of this writing, VOSHA currently has 7 open 11(c) Whistleblower cases.

In FY 2015, VOSHA continued to perform the CAS/Green Mountain VPP functions, primarily from the manager and supervisor positions. However, as was the case in FY 2014, the outreaches have been curtailed. VOSHA conducted a total of 42 outreaches in FY 2015 affecting approximately 1,100 employees/stakeholders.

In FY 2015, VOSHA conducted one recertification visit at a Green Mountain VPP site. VOSHA expects to conduct two more such visits in FY 2016.

VOSHA also recorded a number of accomplishments in FY 2015:

- VOSHA outperformed by a significant amount our stated inspection goal (we expected to do 250 inspections and we did over 300).
- VOSHA greatly reduced the backlog of 11(c) whistleblower cases (down from 30 some to 7). In converting the investigation responsibilities from the Compliance officers (part time) to a full time 11(c) Whistleblower Investigator, we have greatly improved the Whistleblower program's investigative performance in consistency and timeliness.
- VOSHA completed rules adoption for a total of 7 outstanding rules (these include old rules as well as keeping up with new rules)
- VOSHA has improved our performance in both debt collection and abatement verification
- VOSHA has nearly completed a major overhaul of our industrial hygiene and safety equipment. VOSHA has invested approximately \$65,000 in the purchase or upgrade of new Industrial Hygiene sampling and Safety equipment in FY 2015.
- VOSHA has focused on increasing health sampling opportunities in FY 2015, The result of which is a dramatic increase in sampling for exposures such as noise, lead, silica, etc.
- We have been very aggressive with training and have been able to offer not only the required courses for new CSHOs but also get training for the experienced staff as well. We are going to continue this strategy for the upcoming year.
- VOSHA hosted a three day, Region One Compliance Summit in March of 2015. This summit provided not only training opportunities for VOSHA staff, but provided the opportunity for newly hired staff to meet and interact with Region One staff.
- VOSHA hosted a three day, Region One 11(c) Whistleblower Summit in August of 2015. As in the compliance summit, training opportunities for VOSHA as well as regional staff were augmented by the opportunity to interact and share strategies between state and regional plans.

#### State Internal Evaluation Plan (SIEP)

VOSHA continues to work on changes to the SIEP with the plan of implementing in FY 2017, as identified in the FY 2014 SOAR.