

State Occupational Annual Report

*for activities occurring during
Federal Fiscal Year 2013*

December 4, 2013

Michael R. Pence, Governor
Rick J. Ruble, Commissioner of Labor



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Executive Summary

The Indiana Department of Labor's Occupational Health and Safety (OSHA) organization is continuing down the road of improvement with a new management team and several new but qualified compliance officers. Indiana OSHA has 39 compliance officers, 6 supervisors, 2 directors, 4 administrative staff, and the Deputy Commissioner for a total of 52 personnel. This new team performed 1513 inspections for FY 2013 an increase of 32% over FY 2012.

The OSHA management team has been focused on improved efficiency of operations and innovative ways to train new staff. For example, a pilot program has resulted in "signed complaint to opening an inspection" within 7.5 days. Indiana OSHA is working with other government agencies and construction building and trades partnerships to provide local safety training to new compliance officers on a variety of safety topics.

In August 2013, the Indiana Department of Labor released its annual preliminary occupational fatality report for calendar year 2012. In 2012, the Indiana Department of Labor reported 113 worker deaths; the lowest experienced since the Bureau of Labor Statistics' Census of Fatal Occupational Injuries report was introduced in 1992.

The Indiana Department of Labor also released a record low non-fatal occupational injury and illness rate for calendar year 2012 in November 2013. The overall injury and illness rate for the state of Indiana for 2012 was 4.0. This represented a one-year decline of seven percent.

While this historically low number of workplace injuries, illnesses and fatalities in Indiana is indeed an accomplishment, we still have work to do and will continue to focus on reducing the number of workplace injuries in Indiana. The Indiana Department of Labor will actively work with employers through our many safety programs to continue to improve Hoosier worker safety and health.

The continuing commitment to workplace safety demonstrated by Indiana OSHA and its partners reaffirms that Indiana has a high quality, metrics driven safety and health enforcement program. It is effective, lean, and represents a good investment of federal and state dollars. FFY 2013 was a successful year from the perspective of Indiana OSHA.

The Indiana Department of Labor is pleased to tender this annual report for the review of Federal OSHA.

INDIANA DEPARTMENT OF LABOR ANNUAL PERFORMANCE PLAN

Federal Fiscal Year 2013

The Indiana Department of Labor's overriding strategic goal is to reduce occupational injuries, illnesses and fatalities in Indiana, particularly in the high hazard industries that have the greatest number of working Hoosiers.

Strategic Goal #1: Focus resources of INSafe, the Indiana Occupational Safety and Health Administration (IOSHA) and Quality, Metrics and Statistics (QMS) in the underserved Hoosier healthcare industry, which currently has one of the highest single injury and illness rates (5.9* per 100 workers) of all major industries in Indiana. This includes creation of an outreach and education campaign, based upon data, research and stakeholder input and undertaking a focused enforcement effort in the healthcare industry by developing a Local Emphasis Program (LEP), and participating in appropriate National Emphasis Programs (NEPs).

**Source: Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses 2010.*

Performance Goal 1.1	Reduce the non-fatal occupational injury and illness rate in the healthcare industry by 15% by end of FFY 2017.
Annual Performance Goal 1.1	Reduce injuries and illnesses in the healthcare industry by 3%.
Indicators/Metrics	Bureau of Labor Statistics Survey of Occupational Injuries and Illnesses rate for the healthcare and social assistance industry.
Data Sources	Bureau of Labor Statistics publications and tables.
Baseline	2010 Bureau of Labor Statistics' Survey of Occupational Injuries and Illness rate of 5.9 per 100 Indiana workers.
Comments	The 2011 BLS SOII rates were unavailable at the time the agency submitted its Five-Year Strategic Plan for review and approval; therefore the 2010 rate was used as the baseline. The FFY results will be for each year will be calculated from the baseline for calendar year 2010.
FFY 2013 Results	The goal of reducing non-fatal occupational injuries and illnesses in the healthcare industry by 3 percent was exceeded for this one-year period. The 2012 Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses rate for healthcare was 5.3 per 100 workers. This represents a one-year decline of more than 10 percent from the 2010 rate of 5.9 per 100 workers.

The Indiana Department of Labor’s overriding strategic goal is to reduce occupational injuries, illnesses and fatalities in Indiana, particularly in the high hazard industries that have the greatest number of working Hoosiers. This is the first year of five year performance plan.

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FFY 2013 Results	The goal of reducing non-fatal occupational injuries and illnesses in the healthcare industry by 3 percent was exceeded for this one-year period. The 2012 Bureau of Labor Statistics’ Survey of Occupational Injuries and Illnesses rate for healthcare was 5.3 per 100 workers. This represents a one-year decline of more than 10 percent from the 2010 rate of 5.9 per 100 workers.
Performance Goal 1.2	Conduct 50 on-site consultations and 10 speeches directed towards the healthcare industry by end of FFY 2017.
Annual Performance Goal 1.2	Conduct 10 consultations and 2 speeches directed towards the healthcare industry.
Indicators/Metrics	
Data Sources	IMIS/NCR/OIS
Baseline	Zero

Comments	
FFY 2013 Results	<p>The goal of conducting 2 speeches directed towards the healthcare industry was <u>exceeded</u> this year.</p> <p>In FFY 2013, INSafe staff presented/spoke to the following organizations about healthcare worker safety and health:</p> <ul style="list-style-type: none"> • Indiana Department of Labor’s Healthcare Worker Safety and Health Initiative Launch (February 5, 2013). Indiana Department of Labor Commissioner formally launched the agency’s healthcare industry emphasis at Terre Haute, Indiana’s Union Hospital, Inc. • Indiana Family and Social Services Administration (February 15, 2013). Assistant Commissioner Michelle Ellison spoke to state operated hospital facilities’ human resource managers about healthcare worker safety and health. • Indiana Pediatrics (May 2013). INSafe Health Consultant spoke at the Indiana Pediatrics meeting in Indianapolis, Indiana. • Indiana State Department of Health’s Healthcare Leadership Conference (September 19, 2013). Assistant Commissioner Michelle Ellison spoke to 850 nursing home administrators, facility managers, etc. about the agency’s healthcare worker safety and health education and outreach initiative. <p>The goal of providing 10 consultations in the healthcare industry was <u>exceeded</u> during FFY 2013. INSafe Safety and Health Consultants conducted 13 on-site consultations in healthcare establishments (NAICS 621000 – 623990).</p>
Performance Goal 1.3	Conduct 20 inspections in the healthcare industry by end of FFY 2017.
Annual Performance Goal 1.3	Conduct 4 inspections in the healthcare industry.
Indicators/Metrics	
Data Sources	IMIS/NCR/OIS
Comments	
FFY 2013 Results	<p>The goal of completing 4 healthcare industry inspections was <u>exceeded</u>.</p> <p>The Indiana Occupational Safety and Health Administration (IOSHA) conducted 10 inspections in the healthcare industry during FFY 2013.</p>
<i>Strategic Goal #2: Effect improved occupational injury and illness rates in the Hoosier manufacturing industry.</i>	

Performance Goal 2	Reduce the non-fatal occupational injury and illness rate in the manufacturing industry by 15% by end of FFY 2017.
Annual Performance Goal 2	Reduce injuries and illnesses in the manufacturing industry by 3%.
Indicators/Metrics	Bureau of Labor Statistics Survey of Occupational Injuries and Illnesses rate for the manufacturing industry.
Data Sources	Bureau of Labor Statistics publications and tables.
Baseline	2010 Bureau of Labor Statistics' Survey of Occupational Injuries and Illness rate for the manufacturing industry of 5.2 per 100 Indiana workers.
Comments	The 2011 BLS SOII rates were unavailable at the time the agency submitted its Five-Year Strategic Plan for review and approval; therefore the 2010 rate was used as the baseline. The FFY results will be for each year will be calculated from the baseline for calendar year 2010.
FFY 2013 Results	The goal of reducing non-fatal occupational injuries and illnesses in the manufacturing industry was not met for the one-year period. The 2012 Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses rate for manufacturing was 5.3. This represents a one-year increase of approximately 2 percent from the 2010 rate of 5.2 per 100 workers.
<i>Strategic Goal #3: Effect improved occupational injury and illness rates in the Hoosier construction industry.</i>	
Performance Goal 3	Reduce the non-fatal occupational injury and illness rate in the construction industry by 15% by end of FFY 2017.
Annual Performance Goal 3	Reduce injuries and illnesses rate in the construction industry by 3%.
Indicators/Metrics	Bureau of Labor Statistics Survey of Occupational Injuries and Illnesses rate for the construction industry.
Data Sources	Bureau of Labor Statistics publications and tables.
Baseline	2010 Bureau of Labor Statistics' Survey of Occupational Injuries and Illness rate for the construction industry of 3.8 per 100 Indiana workers.
Comments	The 2011 BLS SOII rates were unavailable at the time the agency submitted its Five-Year Strategic Plan for review and approval; therefore the 2010 rate was used as the baseline. The FFY results will be for each year will be calculated from the baseline for calendar year 2010.
FFY 2013 Results	The goal of reducing non-fatal occupational injuries and illnesses in the construction industry by 3 percent was exceeded for this one-year period.

	The 2012 Bureau of Labor Statistics' Survey of Occupational Injuries and Illnesses rate for construction was 3.1 per 100 workers. This represents a one-year decline of nearly 19 percent from the 2010 rate of 3.8 per 100 workers.
<i>Strategic Goal #4: Increase the number of stakeholder contacts by all Indiana Department of Labor divisions to reach at least 500,000 unique individuals of Indiana's 2.8 million workers. This will include enforcement inspections and consultations, as well as speeches, printed materials, resource tools distributed, web tools, seminars and conferences.</i>	
Performance Goal 4.1	Reach 450,000 individuals by end of FFY 2017 through inspections and consultations.
Annual Performance Goal 4.1	Reach 90,000 individuals.
Indicators/Metrics	Number of employees at the location of on-site consultations and inspections.
Data Sources	IMIS/NCR/OIS
Baseline	Zero
Comments	FFY 2011 NCR data of IOSHA inspections with 105,487 individuals impacted, and 36,811 individuals impacted through INSafe consultations.
FFY 2013 Results	The goal of reaching 90,000 individuals through inspections and consultation activities was exceeded for FFY 2013. In FFY 2013, INSafe affected 31,786 individuals through consultation efforts. In FFY 2013, IOSHA impacted 181,727 individuals through inspection-related activities. Total individuals impacted by IOSHA and INSafe were 213,513 individuals.
Performance Goal 4.2	Reach 50,000 individuals by end of FFY 2017 through speeches, trainings, events and other outreach.
Annual Performance Goal 4.2	Reach out to/connect with a minimum of 10,000 individuals during combined outreach efforts of speeches, interventions, presentations, electronic media, trainings, events (i.e. conferences, seminars, etc.).
Indicators/Metrics	Number of attendees/participants at speeches, presentations, trainings, events, etc.
Data Sources	IMIS/NCR/OIS and IDOL internal tracking data bases
Baseline	Zero

Comments	FFY 2011 CAPR/SOAR Report: 8,821 individuals attended speeches and trainings.
FFY 2013 Results	The goal of reaching out to/connecting with a minimum of 10,000 individuals during combined outreach efforts of speeches, interventions, presentations, electronic media, trainings, events was exceeded for this one-year period. In FFY 2013, INSafe affected 170,489 individuals through speeches, presentations, trainings and other events (through Interventions).
Performance Goal 4.3	Develop 10 electronic outreach products or resources by end of FFY 2017.
Annual Performance Goal	Provide a minimum of 2 electronic outreach products and resources aimed at Indiana high hazard industries, high risk workers, etc.
Indicators/Metrics	
Data Sources	IDOL internal tracking databases
Baseline	Zero
Comments	<p>These products may consist of brochures, checklists for compliance, presentations, webinars etc.</p> <p>Increased or regular visits to the Indiana Department of Labor website, specifically those links, tools and resources developed to provide compliance assistance will help indicate effectiveness.</p> <p>IDOL intends to use the State of Indiana WebTrend report; Data base tracking of materials.</p> <p>January 1 – December 31, 2011: 229,113 visits.</p>
FFY 2013 Results	<p>This goal was exceeded in FFY 2013.</p> <ul style="list-style-type: none"> • IN Review – 2013, annual occupational safety and health publication. • Work Zone Safety webpage (including drop-in articles for audience segments—motorists and construction and trucking companies). • Teen Worker Safety webpage (including distracted driving PSA). • Healthcare Worker Safety and Health webpage (including sample signage—needlestick safety, workstation ergonomic safety, lifting safety, etc.).
<i>Strategic Goal #5: Strengthen the cooperative programs of VPP, INSHARP, Partnerships and Alliances to provide support, mentoring, industry best practices, and acknowledgment of top performers without incentivizing mediocre review or diminished credibility of the program in an effort to encourage duplication of exemplary programs throughout Indiana industries. Actively promote employer and employee awareness of the VPP and INSHARP cooperative programs.</i>	

Performance Goal 5.1	Perform 150 combined preliminary site visits and new or recertification visits for employer participation in VPP or INSHARP by end of FFY 2017.
Annual Performance Goal 5.1	Conduct at least 30 combined preliminary site visits and new or recertification visits for employer participation in VPP or INSHARP.
Indicators/Metrics	<ul style="list-style-type: none"> • Monthly visit counts submitted by VPP and INSHARP staff • Number of VPP and INSHARP inquiries handled each month • Number of new/recertification site visits conducted by staff
Data Sources	IMIS/NCR/OIS and IDOL internal tracking data bases.
Baseline	Zero
Comments	<p>This will include VPP and INSHARP preliminary visits/consultations to determine a site's readiness for participation in either program.</p> <p>FFY 2011 Internal Reports:</p> <p><u>VPP</u></p> <ul style="list-style-type: none"> • Conducted 7 preliminary visits • Conducted 9 recertification visits • Conducted 1 SGE training session and industrial hygiene class • Conducted 1 VPP/INSHARP Annual Meeting <p><u>INSHARP</u></p> <ul style="list-style-type: none"> • Conducted 8 new site/company evaluations (only 6 sites were certified) • Conducted 19 recertification visits (only 18 sites were recertified) • Conducted 6 follow-up/monitoring INSHARP visits • Conducted 1 VPP/INSHARP Annual Meeting
FFY 2013 Results	<p>The goal of conducting at least 30 combined preliminary site visits and new or recertification visits for employer participation in VPP or INSHARP has been <u>exceeded</u> in FFY 2013.</p> <ul style="list-style-type: none"> • Conducted 2 new site/company evaluations (both visits are still in progress) • Conducted 15 recertification visits (on 11 sites were recertified) <p><i>INSHARP activities = 17</i></p> <ul style="list-style-type: none"> • Conducted 5 Star recertification evaluations • Conducted 4 Merit to STAR VPP evaluations • Conducted 5 new STAR site evaluations • Conducted 1 new Merit site evaluation • Conducted 1 One-Year STAR Conditional to VPP STAR

	<p>evaluation</p> <p><i>VPP activities = 16</i></p> <p>Combined INSHARP/VPP activities were 33.</p>
Performance Goal 5.2	Develop 10 partnerships or alliances by end of FFY 2017.
Annual Performance Goal 5.2	Sign at least 2 strategic occupational safety and health partnerships and/or alliances.
Indicators/Metrics	
Data Sources	IDOL Internal tracking by spreadsheet/database.
Baseline	Zero
Comments	<p>It is assumed that natural attrition of alliance and partnerships participants will occur during the five-year strategic plan. The completion of site-specific construction and completion of alliance-based strategic agreements that are not renewed is expected, and does not affect the goal of two new ones annually. This goal does not contemplate a net increase year to year.</p> <p><u>Alliances</u> Each of the following alliance agreements have a 2 year term, with the option to renew.</p> <ul style="list-style-type: none"> • Indiana Petroleum Marketers & Convenience Store Association (IPCA) – Signed March 28, 2012 • Mid-America OSHA Education Center – Signed January 31, 2012 • Indiana Builders Association (IBA) – Signed December 21, 2011 <p><u>Site-Specific Partnerships</u> The following site-specific partnership agreements are in place through the duration of the project.</p> <ul style="list-style-type: none"> • Fred Weber, Inc. (Interstate 69, Newberry, Indiana) – Signed June 29, 2011 <p><u>Association-Based Partnerships</u></p> <ul style="list-style-type: none"> • Associated Builders and Contractors (ABC) • Indiana Construction Association (ICA) • Metro Indianapolis Coalition for Construction Safety (MICCS) <p><u>Partnership Injury and Illness Rates</u></p> <ul style="list-style-type: none"> • MICCS’ TRC = 1.39 (September 2009 – May 2012) • ICAs’ TRC = 1.36 (January 2012 – May 2012) • ABCs’ TRC = 1.35 (January 2012 – May 2012)

FFY 2013 Results	<p>This goal was met during FFY 2013.</p> <p>During FFY 2013, the Indiana Department of Labor amended and renewed its partnership with the Indiana Construction Association (ICA). Along with federal OSHA Region V, the Indiana Department of Labor also entered into an alliance with the Consulate of Mexico in Indianapolis as well.</p>
<i>Strategic Goal #6: Foster a culture of professional growth and development among IOSHA Compliance Safety and Health Officers and INSafe Safety and Health Consultants. Improve the division processes and skills of staff so as to employ the best trained, most technically proficient compliance officers, consultants and supervisory staff throughout state plan programs working at top efficiency.</i>	
Performance Goal 6.1	Provide 10 non-OTI training opportunities by the end of FFY 2017.
Annual Performance Goal 6.1	Provide 2 non-OTI training opportunities.
Indicators/Metrics	
Data Sources	IDOL Internal tracking by spreadsheet/database.
Baseline	Zero
Comments	
FFY 2013 Results	<p>The Indiana Department of Labor exceeded the goal of providing 2 non-OTI training opportunities per year during FFY 2013. Four additional training opportunities were provided.</p> <p>Select IOSHA CSHOs, supervisors and managers and INSafe Safety and Health Consultants participated in non-OTI provided training opportunities during FFY 2013. This training included the following:</p> <ul style="list-style-type: none"> • 2-day Indiana Department of Transportation Work Zone Safety Training. The 2-day training incorporated classroom-style instruction as well as a field exercise to review project work zones. • 3.5 day Whistleblower Protection (provided by Region V). • 1 day Crane Training (provided by Messer Construction) • 2 day Accident Investigation (provided by Mid-America OSHA Education Center)
Performance Goal 6.2	Have five staff attain a professional certification or advanced degree by end of FFY 2017.
Annual Performance Goal 6.2	Have one staff member attain a professional certification or advanced degree.

Indicators/Metrics	
Data Sources	IDOL Internal tracking by spreadsheet/database.
Baseline	Zero
Comments	<p>Professional certifications include Certified Safety Professional (CSP), Certified Industrial Hygienist (CIH), Certified Hazardous Material Manager (CHMM), Occupational Health and Safety Technologist (OHST) and Construction Health and Safety Technician (CHST). Eight different IDOL compliance or consultation staff have obtained one or more of these certifications since 2008.</p> <p>Advanced degrees include a Masters Degree from an accredited institution, earned before date of hire or during employment with IDOL.</p> <p>As prescribed in the Indiana Department of Labor’s professional development/certification policy, the agency will provide the following for IOSHA compliance and INSafe consultative staff:</p> <ul style="list-style-type: none"> ▪ Pay registration fees for an appropriate Review Course not to exceed three days of instruction one time per certification pursued. The Review Course may be taken before the ASP portion or the CSP portion of the CSP designation. If additional course instruction is sought (for example, math review), and the employee seeks state reimbursement, written justification along with permission of IOSHA Deputy Commissioner or INSafe Assistant Commissioner should be submitted. ▪ Pay lodging, per diem and other allowed state travel costs (including travel days) for a permitted review course. The use of a state car may be allowed based on availability. Mileage reimbursement (or rental) will be allowed if no state car is available. ▪ Pay exam registration fees one-time per designation pursued. The use of a state car may be allowed based on availability. Mileage reimbursement (or rental) will be allowed if no state car is available. ▪ Pay registration fees, lodging, per diem and transportation for an employee who has earned a qualified certification to attend one professional designation conference per year. The IOSHA Deputy Commissioner and INSafe Assistant Commissioner have the discretion to select appropriate conferences. <p>The following are current professional certifications (as listed above).</p> <p><u>IOSHA Compliance Safety and Health Officers</u></p> <ul style="list-style-type: none"> • 2 CSPs

	<ul style="list-style-type: none"> • 1 CIH • 1 CHMM <p><u>INSafe Safety and Health Consultants</u></p> <ul style="list-style-type: none"> • 1 CSP • 1 CIH
<p>FFY 2013 Results</p>	<p>This annual performance goal of having one staff member attain a professional certification or advanced degree was <u>met</u> for FFY 2013.</p> <p>An IOSHA CSHO achieved the Certified Hazardous Materials (CHMM) Manager certification.</p>

C.) IOSHA Program Narrative

General Information

Federal Fiscal Year 2013 (FFY 2013) was a year of interesting changes for the Indiana Occupational Health and Safety Administration (IOSHA). During FFY 2013, 8 new employees have been added to the roster including the hiring of a new Director of General Industry. The new Director of General Industry previously served as legal counsel to IOSHA. The legal experience and additional education in the sciences provide a strong background for leadership in the general industry area of the group. In addition, IOSHA (DOL) hired an in house counsel that replaced the MOA from the Attorney General's office. Finally, the supervisor of Construction position was filled with an experienced, knowledgeable candidate. At the present time all IOSHA positions are filled.

IOSHA has been working with all the new personnel that have been added in the recent past in an effort to produce professional, knowledgeable and independent Compliance Health and Safety Officers. In addition to the training through OTI, an important part of developing a highly capable compliance officer is the "hands on" field training that can only be offered through our more experienced CSHOs. IOSHA focuses training efforts in areas of concern to the agency. For example, transportation is the leading industry for occupational fatalities in Indiana. In 2012, eight employees from the Indiana Department of labor were killed in work zone accidents. IOSHA partnered with the Indiana Department of Transportation on June 19th and 20th of 2013, providing a work zone safety training for the IOSHA Construction compliance officers.

Despite adding several new employees in FY 2013, IOSHA completed 1513 inspections. This represented an increase of 32 percent over 1143 inspection performed in FY 2012 . IOSHA is working with the Director of Quality, Metrics and Statistics to look at the entire IOSHA process from intake to fine collection. The focus involves eliminating any unnecessary or ineffective practices that might be considered "wasted time" that extends the total time to process a case. IOSHA is very much focused on strengthening it's compliance presence.

The IOSHA staff engages in more than the traditional enforcement duties. Staff serve as safety officers for the Incident Management Team of the Department of Homeland Security (DHS) and on DHS emergency and disaster response committees. IOSHA assisted in protecting worker safety, during the recovery efforts for Hurricane Sandy. Previous to hurricane Sandy, one of the supervisors from general industry was deployed to Henryville, Indiana where a tornado created extensive damage to the surrounding area. Our personnel are typically away for two weeks during their deployment. They play an extremely important function in the safety of our workers during emergencies at the local level and nationwide. One of the IOSHA general industry supervisors served in 2012/2013 as a designee of the Commissioner of Labor and served on a legislative committee along with legislators and DHS staff to develop and implement safe erection of outdoor stages. This was in response to the tragedy that occurred in 2011 at the Indiana State Fair, where a 60 foot stage collapsed during a storm killing a number of people and injuring several.

IOSHA is working to improve the number of cases with verified abatement for violations. We have found that our small employers are struggling with abating violations and often require assistance from INSafe or private resources. In FFY 2013, State Activity Mandated Measures Report (SAMM) item #6 showed that for the private sector 862 of 1061 (81%) cases with serious, willful or repeat violations were verified as abated, and 25 of 29 (86%) cases were verified for the public sector, which is short of the goal of 100% in both cases.

IOSHA has a goal to perform 2000 inspections per federal fiscal year. While we fell short of this goal, there was a 32% improvement from 1143 inspections in FFY 2012 to 1513 inspections in FFY 2013. This improvement was made despite adding several new personnel, and our priority to conduct training for our staff. IOSHA has a goal to perform 2000 inspections per federal fiscal year. As newer inexperienced CSHOs complete training and gain field experience to be able to operate independently, we will be better positioned to meet our internal target of 2,000 inspections per year. This significant increase was accomplished by clear individual goals and productivity projects.

One example of a succesfull productivity project involved a team within IOSHA that piloted a program to change the way complaints are processed. The pilot yielded a result of (SAMM #1) 7.5 days to initiate a complaint inspection. We plan to move this pilot into full implementation for all IOSHA effective immediately. The SAMM#1 metric for IOSHA in FFY 2013 by quarter was as follows: Q1 = 51 days, Q2=41 days, Q3=36 days, Q4=22 days.

Whistleblower Program

The Whistleblower section conducted forty-eight (48) investigations in FFY 2013. Twenty-nine (29) percent of the complaints investigated were found to be meritorious. Six (6) cases were settled and the section collected \$10,158.61 in back pay and front pay for six (6) whistleblowers in Indiana during the FFY 2013. Zero (0) of the Whistleblowers were reinstated to their original positions. The average number of days to investigate was eighty-nine (89) days. Due to a Federal OSHA investigation conducted earlier in 2013 and concerns internally from IOSHA management, the IOSHA Whistleblower unit was totally reorganized. Two existing Whistleblower personnel elected retirement. They both were replaced with existing staff, and a full time supervisor was added to oversee the Whistleblower unit and general intake. The management team reset the whistleblower effort by a total retraining of all whistleblower staff. During the week of August 19, 2013, IOSHA whistleblower staff including the directors of general industry, construction, INsafe and the Deputy Commissioner of Labor, attended a week long training session conducted by OSHA Region 5 experts. The goal was to return to the basics and develop a plan for correcting the existing Whistleblower deficiencies.

Voluntary Protection Program

The agency performs other important functions in addition to compliance inspections. A key standout is the Indiana Voluntary Protection Program (VPP). The program is growing, as Indiana has now added 63 worksites certified in VPP. The program is estimated to deliver 100 total certified sites within the next three years. The program is operated almost exclusively with Special Government Employees (SGE). IOSHA personnel consist of a VPP manager and one VPP team leader which guide, train and coordinate 63 special government employees. Seven **new** sites were added in the FFY 2013 year. Working together, the VPP manager and team leader have coordinated day-long training sessions for the 63 Indiana SGEs. Three sessions for SGEs in the northern, southern and central regions of the state were held during calendar 2013. These education sessions seek to provide an accurate and consistent approach to performing VPP evaluations. To ensure VPP sites are fatality free, the VPP manager emphasizes a focus during the evaluations on areas such as fall protection, confined space and control of hazardous energy. The VPP staff also spends time visiting different areas of the state to discuss and promote the program, safety management systems practices and safety excellence for the Hoosier workforce. VPP continues to provide an effective platform for safety outreach in Indiana.

During FFY 2013, the Indiana VPP team conducted 17 evaluations. Six of the 16 were new VPP sites, while 11 were re-certifications of existing sites. The VPP team also conducted 1 SGE class, 1 Industrial Hygiene class, 3 SGE educational sessions and 3 SGE best practices meetings in FFY 2013.

IOSHA continues to reap the benefits of Special Governmental Employees (SGEs) for use during VPP evaluations. Using SGEs has reduced the burden on enforcement resources as more and more companies become committed to exemplary health and safety management systems through VPP. The agency estimates that each SGE used for a VPP evaluation yields a cost savings of \$2,500, which can then be reinvested in a robust enforcement program. Along with the assistance of Indiana VPP site, NUCOR, as well as Federal OSHA, the IDOL hosted an SGE training session in July 30, 2013 in Crawfordsville, Indiana. Fifteen additional SGEs were added to Indiana's resource pool as a result of that training. Industrial hygiene training was provided by VPP and INSafe personnel during that same week. SGE training has been held at Indiana locations in conjunction with OSHA Region V each year for the last four years.

Fatalities

Indiana suffered 113 work related fatalities in calendar year 2012. This is a historic low for Indiana. The top three industries leading in fatalities were transportation, construction and agriculture industries. What this data suggests is that the traditional workplace (shop floor, construction site) is getting safer. Yet, transportation and agriculture incidents pose the greatest threat to Hoosier workers. Indiana passed legislation effective July 1, 2012 that prohibits texting while driving. Distracted driving and safety in construction zones must be a top priority. IOSHA's initiative on distracted driving is well illustrated on the IDOL website. IOSHA seeks partnerships with agencies such as Indiana Department of Transportation and partnerships and alliances such as the Indiana Construction Association to promote transportation safety. Indiana adopted the CPL 02-01-054, Inspection and Citation Guidance for Roadway and Highway Constructions Zones Directive.

The 2012 Indiana non-fatal occupational injury and illness rate of 4.0 (per 100 full-time workers) is the lowest on record since the survey began in 1992. The 2012 rate also represents a one-year, 7% decrease from 2011. This rate is at a historic low for Indiana. Indiana seeks to move this number downward, and reports this as a Key Performance Indicator to the state's governor.

IDOL has placed special emphasis on workplace safety in the agriculture, healthcare, and transportation industries. These industries all saw an improvement in workplace safety in 2012:

- a. Agriculture improved by 24.2% to a rate of 7.2.
- b. Healthcare improved by 15.9% to a rate of 5.3.
- c. Transportation improved by 2.2% to a rate of 4.5.

Significant Cases

Pilkington - On January 3, 2013 citations were issued to Pilkington for \$231,000. The employer received three (3) knowing violations and (3) serious violations for robotic and lockout/tagout violations. The inspection resulted from a seriously injured worker being trapped when a piece of robotic equipment was unexpectedly energized. Currently, this case is in contest and settlement negotiations are ongoing.

Indianapolis Power and Light/ SSI - On January 29, 2013, two companies were issued citations in regards to a fatality that occurred when a boiler/pulverizer explosion occurred on August 6, 2012 at Indianapolis Power and Light (IPL). IPL was issued citations for \$214,200 which included 4 Serious and three (3) knowing violations. The nature of the violations cited for IPL included combustible dust, PPE, and lockout/tagout. SSI was a contractor with employees cleaning out the pulverizer at the time the boiler tripped and resulted in an explosion. An SSI employee was killed as a result of the explosion caused by a number of factors including the failure to lockout/tagout dampers. SSI was issued a citation for \$70,700 which consisted of three (3) serious violations and one (1) knowing violation. Citations issued to SSI included alleged violations of electrical, combustible dust, and PPE (fire retardant clothing). Both citations have been contested and litigation continues with settlement negotiations ongoing.

Masterguard - Citations were issued to Masterguard on June 7, 2013 for \$64,000. Twenty-one serious violations were issued for combustible dust issues, lockout/tagout, confined space, electrical and hearing conservation issues. This inspection was prompted by complaints from employees interested in organizing a union within the company. The company contested the violations and settlement is near completion.

Department of Public Works - DPW was issued safety orders on September 5, 2013. An employee was riding on the back of a trash truck and was smashed between the truck and a tree while the truck was moving between pickup sites. Citations were issued for \$80,000 for one knowing violation with 3 subgroups, two Serious violations and one non-serious violation. The local government agency was issued a knowing violation for being aware of safety warnings about riding on the step of the truck at speeds higher than 10 miles per hour, in reverse and longer distances. DPW settled the violations by abating all citations which reduced the citation amount to Zero because DPW is a local government agency.

Mac Corporation - MAC corporation was issued safety orders on April 29, 2013 for \$56,000. This was an inspection prompted by a fatality of an employee who was smashed inside a trash compactor. One knowing violation and one serious violation was issued for permit confined space and lockout/tagout violations. A settlement agreement was entered into which resulted in all citations being upheld and the knowing violations reduced to serious violations. The penalty was reduced to \$48,000. In addition the employer was required to retrain employees on lockout/tagout and ensuring that employees are clear before restarting the compactors.

Intat - Intat Precision was issued citations on February 20, 2013 for \$56,000 which resulted from an inspection prompted by a fatality. The fatality occurred as a result of a failure to implement safety procedures required by

lockout/tagout and permit required confined space standards. The employee was dismembered in a gigantic blender type machine piece of machinery while conducting maintenance procedures. A settlement agreement was entered into which resulted in all citations being upheld and the penalty reduced by 35%.

Budget

The state of Indiana had no mandatory hiring freezes, furloughs or other budget cutbacks during FFY 2013. Indiana used 100% of its 23(g) grant funds, and for the federal fiscal year, spent \$2,322,301 state dollars, overmatching the federal grant funds by \$134,301.

Emphasis Programs

IOSHA has adopted all of the National Emphasis Programs (NEPs) for this time period with the exception of Commercial Diving. IOSHA also adopted three local emphasis programs (LEPs) covering scaffolds, fall protection and trenches. IOSHA has successfully completed each prior NEP developed by the federal OSHA. IOSHA also has focused emphasis in industry areas that contribute to high numbers of fatalities such as transportation and agriculture. Also, IOSHA has placed an emphasis on health care due to the high injury rates in that industry.

Directives/Regulations

Indiana adopted CPL-03-06-017, "NEP Occupational Exposure to Isocyanates" with an adoption date of November 20, 2013. Also, Indiana adopted 1910,1915,1917,1918,1926 National Concesus Standard: Head Protection with an promulgation date of July 16,2013 and effective date of July 16,2013.

New Legislation in Indiana

There were no new legislative changes that effected Indiana OSHA in FY 2013.

Metrics

The SAMM metrics continue to inform and guide IOSHA. While FFY 2013 shows issues with timeliness on initiating complaint investigations (SAMM #1) and inspections (SAMM #2), other metrics show consistently high performance or improvements. As mentioned earlier in this report, the time to open a complaint inspection has been improving every month. In addition, a recent pilot of addressing the initiation of complaint inspections resulted in investigations being initiated in 7.5 days from intake. This is very promising in improving our efficiency and will be implemented fully. Notifying complainants timely (SAMM #3) consistently is at or above 96% with an exception of one quarter during our reorganization of the whistleblower unit. Verifying abatement in SWR cases (SAMM #6) has been steadily improving, with last quarter showing the highest percentage in at least 4 years.

Some significant safety and hygiene cases have slowed the average time of opening to citation (SAMM #7), but they are consistently near the federal average. The percentage of programmed inspections with serious, willful, repeat (SWR) violations in safety (SAMM #8) reflects very modest improvement, but are a subject of continued consternation. The average number of violations categorized as SWR and other violations (SAMM #9) are both very close to federal averages. While the average penalty for a serious (SAMM #10) is slightly lower than the average federal penalty, it reflects an intentional course by IOSHA, and is fairly representative of Midwest averages.

Finally, two metrics have undergone significant improvement. The lapse time for contested safety orders issued for safety and health inspections by the Board of Safety Review (BSR) has been improving for the last 8 years as old cases are finally disposed of. For FFY2013, the lapse time is 142 days, an improvement over those figures 2004–2010, and significant improvements since 2010. This is the best one year time frame posted in the last decade, if not ever.

CAP/FAME

The Corrective Action Plan (CAP) from the FFY 2012 FAME report is almost completed. Out of 8 findings, there are six items that have been corrected and are awaiting verification. One item is scheduled to be completed in March 2014. The last item involves a legislative change and will require assistance from Region 5 Federal OSHA. Indiana OSHA is committed to continually improving operational requirements.

Board of Safety Review

At the beginning of the FFY 2013, there were sixteen (16) cases pending before the Board of Safety Review (BSR). The BSR received twenty-eight (28) new cases during FFY 2013. The BSR ended the FFY 2013 with twenty-eight (28) open cases. FFY 2013 began with one open 2010 case, four open 2011 cases and eleven open 2012 cases. The Board of Safety Review closed the fiscal year with zero open 2010 cases, one open 2011 case and seven open 2012 cases. The docket was significantly reduced by closing sixteen (16) contested cases in the FFY 2013 and ending with no contested case over two years old.

Future Direction

IOSHA executive staff, including the new Deputy Commissioner of Labor has identified key areas of improvement that will help the agency function at a more efficient and effective level as it seeks to carry out the compliance responsibilities and agency mission of advancing the safety, health and prosperity of Hoosiers in the workplace.

Morale is an important element that IOSHA will focus upon to improve. In a 2012, the Quality, Metrics and Statistics division of the Department of Labor conducted an employee survey. Employee morale within IOSHA was indicated as one of the improvement opportunities from the survey. Greater communication at all levels and particularly between CSHOs and executive staff was needed. This will be a top priority in IOSHA.

Intake (receiving calls, complaints, and inquiries) is another area scheduled for improvement. A backlog at the intake desk is not acceptable to the Hoosiers that use our agency to report safety issues. An implementation team is well underway to improve IOSHA intake with the goal of a "live person" that will accept the call. This is anticipated to be reflected in a marked improvement in SAMM metric #1. An encouraging pilot has resulted in intake to investigation (7.5 days) within the 10 day agreed goal. IOSHA is making great improvement in this area.

Excellent training is key to developing skilled, professional and independent compliance officers for IOSHA. Our focus will be to create a well documented and consistent training regiment for all new CSHOs that both uses and supplements the federal compliance training directive. Our goal will be to deliver effective training to CSHOs and place them into service in as minimal time as possible.

IOSHA's total number of inspections has been short of target for at least the last two years. Certainly one significant reason for the short fall is turnover and addition of many new staff. It is our expectation that as many of these new hires get up to speed in their ability to operate independently, inspection counts should be positively impacted. The new management team will continue to look for opportunities to get CSHOs trained as timely as possible to improve our inspection efficiency.

In addition, management will be looking at all individual administrative processes within the agency to improve their effectiveness and ensure present and future staffs have an excellent system to follow.

Performance Plan Notes

IDOL opted to extend its three year strategic plan to a fourth year, through 2012, keeping the earlier goals. The most important outcomes are the number and rates of fatalities and injuries. The 2012 overall state occupational injury rate fell to 4.0 (the lowest in recorded history), and the 2012 occupational fatality number fell to 113 (the lowest recorded in history).

One of the annual plan goals was to conduct 30 VPP and INSHARP events for FFY 2013. IDOL exceeded that goal by 12 holding a total of 42 events. We have emphasized our focus on quality, and we believe that we have increased the

quality of our VPP program and VPP partners. Between increasing our reach through partnerships, alliances, VPP, INSHARP and speeches and marketing/educational materials, we are certain to have reached more people with a message of safety.

D. Other Attachments

- a. IOSHA Recent Hiring Actions
- b. FFY 2012 VPP Activity

**Recent Hiring Actions
Indiana OSHA FFY 2013**

<u>Date</u>	<u>Name</u>	<u>Position</u>
10/29/2012	Alexander, Julie	Director General Industry
10/29/2012	Schuster, Nicole	Embedded Deputy Attorney General
7/15/2013	Arkins, Austin	Industrial Hygienist
8/12/2013	Gillam, Martha Rodriguez	Industrial Hygienist
8/19/2013	Wilson, A'shia	Industrial Hygienist
9/2/2013	Balaba, Paul	Construction Safety Inspector
9/26/2013	Honorio, Paulo	Industrial Safety Inspector
9/30/2013	Cardwell, Diana Hunter	Industrial Hygiene Supervisor
10/28/2013	Best, Jeffrey	Industrial Hygienist



**Indiana Voluntary Protection Programs
FFY2013 Summary**

1. New STAR sites added from 10-1-2012 to 9-30-2013

Indianapolis Drywall In Indianapolis STAR October 10, 2012
Cintas # 338 in Fort Wayne STAR August 30, 2013
Cintas # G64 in Fort Wayne STAR September 13, 2013
Monsanto Company in Evansville STAR September 13, 2013

2. Merit too STAR from 10-1-2012 to 9-30-2013

Jasper Engines and Transmissions in Leavenworth Merit to STAR January 31, 2013
Nucor Building Systems in Waterloo Merit to STAR July 2, 2013

3. One Year STAR Conditional to STAR 10-1-2012 to 9-30-2013

Geocel Corporation in Elkhart One Year STAR Conditional to STAR July 2, 2013

BAE Systems Controls in Fort Wayne One Year STAR Conditional to STAR August 30, 2013

4. STAR Re-approvals 10-1-2012 to 9-30-2013

Kimball Office Cherry Street in Jasper STAR November 28, 2012
Kimball Office 15th Street in Jasper STAR March 6, 2013
Kimball Electronics in Jasper STAR April 3, 2013
3M Company in Hartford City STAR April 25, 2013
C F Industries in Mt. Vernon STAR May 13, 2013
Covanta in Indianapolis STAR May 16, 2013
Hendrickson in Lebanon STAR September 4, 2013

5. New Merit sites from 10-1-2012 to 9-30-2013

Kimball Office in Salem Merit August 19, 2013

MG/TM

Thursday, November 22, 2012