

State of California


Division of Occupational Safety and Health



Memorandum

Date: December 6, 2007

To: Cal/OSHA Employees

From: 
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Subject: **FFY 2008 ANNUAL Cal/OSHA PERFORMANCE PLAN**

At the beginning of each Federal Fiscal Year (FFY) on 1 October, State-Plan States like California are required by federal law to submit an **Annual Performance Plan** for Federal OSHA's approval. The Annual Performance Plan sets forth performance goals for selected programmatic activities that are designed to move the State closer to achieving its Five-Year Strategic Goals.

In 2004, the Division selected three "strategic" (major planning) goals for its Five-Year Strategic Plan, covering the federal fiscal years (FFY) 2004 through 2008. The FY2004-2008 Strategic Plan for the CAL/OSHA program incorporates the successful performance initiatives included in the previous five-year plan and introduce new performance initiatives that focus on priority safety and health issues in California.

Our Five-Year Strategic Goals are as follows:

- Strategic Goal 1. Improve workplace safety and health** for all workers through direct intervention methods that result in fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.
- Strategic Goal 2. Promote workplace cultures** that increase employer and employee awareness of, commitment to, and involvement in safety and health.
- Strategic Goal 3. Secure public confidence** and maximize Cal/OSHA's capabilities by improving the effectiveness and efficiency of CAL/OSHA's programs and services.

For the FFY 2008 Annual Performance Plan, which covers October 1, 2007 through September 30, 2008, ten (10) performance goals were selected for the Cal/OSHA program and one (1) involving the Division of Labor Standards Enforcement (DLSE). These are:

Strategic Goal 1

“Improve Workplace Safety and Health”

Performance Goal 1.1 Construction Safety and Health Inspection Project

2008 Activity and Outcome Measures:

Enforcement: The Cal/OSHA Enforcement Unit will continue to maintain a sizable presence in the construction industry. Emphasis will continue to focus on residential construction. In addition, DOSH will initiate a program to target small commercial construction projects. The intent is to assign five (5) small commercial Construction sites to each Cal/OSHA Region each quarter resulting in approximately 75-80 inspections of small commercial Construction projects for the year.

The Enforcement Unit will conduct 2000 inspections in all construction. Of these inspections, 25% of inspections in all construction will be programmed inspections.

Construction inspections will focus on preventing injuries and fatalities due to falls. Inspections in Construction and other outdoor employment industries will also focus on heat stress.

The DOSH Compliance Assistance Unit will conduct 10 outreach sessions to the Construction industry with a focus on heat illness prevention in order to minimize risk of heat stress by raising awareness. (Also see goal 2.1 – Heat Illness Prevention Educational Outreach.)

Additionally, the Cal/OSHA Enforcement Unit will collaborate with the Construction Employers Association (CEA) to provide compliance assistance to member contractors.

Consultation Service: The Cal/OSHA Consultation Service will begin shifting its construction activities from residential to commercial construction in FFY 2008 while continuing to maintain its emphasis on multi-employer sites. On-site and/or intervention services will include employer awareness of the need for safe-work practices, tailgate training, appropriate fall protection requirements, safeguards and multi-employer responsibilities. On-site assistance will continue to evaluate and assist in the development and implementation of effective injury and illness prevention programs. To achieve this goal the Consultation Service will:

- (1) Conduct 500 construction on-site assistance visits and or interventions for FY 2008.
- (2) 75% of on-site construction activity will be at multi-employer and/or commercial sites.
- (3) 90% of the construction sites will have contractor injury and illness prevention plans evaluated with any subsequent improvement recommendations discussed in the report.
- (4) 35 on-site visits will involve comprehensive industrial hygiene evaluations including, but not limited to lead, silica, respiratory protection, and heat illness.
- (5) Conduct 50 on-site and/or off-site training on high risk topics such as heat illness, falls, equipment safety and safe work practices.

For outcome measures, the combined efforts of both Enforcement and Consultation CSHIP activities will reduce fatalities and nonfatal injuries. Fatal injuries, as measured by the Census of Fatal Occupational Injuries and Illnesses in Construction in 2006 will be reduced to below the

baseline total of 97 (44.3% were related to falls) in 2001¹. Nonfatal injuries, as measured by the total lost workday incidence rate in the 2006 Survey of Nonfatal Occupational Injuries and Illnesses in Construction, will be further reduced compared to the baseline of 5.3 in 2001².

All Consultation and Enforcement activity will be tracked by the federal IMIS.

Performance Goal 1.2 High Hazard Employer Programs

2008 Activity and Outcome Measures:

Targeted Enforcement: The High Hazard Unit will conduct 400 inspections of high hazard industries. The number of inspections to be conducted was increased from 06/07 because the protocol no longer requires that a 2-person team be sent to each workplace.

The High Hazard Unit will concentrate on the following industries:

<u>NAICS</u>	<u>Industry Activity</u>
3113	Sugar and Confectionery Product Manufacturing
31151	Dairy Product Manufacturing (except frozen)
3118	Bakeries and Tortilla Manufacturing
321	Wood Product Manufacturing
32223	Stationery Product Manufacturing
3312	Steel Product Manufacturing from Purchased Steel
562	Waste Management and Remediation Services

For the industries selected, inspections will focus on the causes for prevalent injuries or illnesses unique to that industry.

DOSH entered into a partnership with the Port of San Diego Ship Repair Association in 2004. As per the terms of the partnership, DOSH Enforcement staff will conduct health and safety audits of the participating shipyards. Shipyards belong to the High Hazard Shipbuilding and Repairing NAICS code 336611.

Consultation Service: The Cal/OSHA Consultation Service will maintain the same public relations and on-site assistance activities at high hazard establishments as the FFY 2007 annual plans. The Consultation Service will promote and target at least 90% of its on-site activities in high hazard establishments (State and Federal SIC/NAICS List and 125%+ ExMod List combined) as follows:

125%+ ExMod Employers -	1100
State and Federal SIC/NAICS -	1088
Total High Hazard Employers -	2188
Non-High Hazard Employers -	232
Total Employer On-sites -	2420

¹ In 2001, the California Census of Fatal Occupational Injuries (Cal/CFOI) indicated 97 deaths in Construction SIC Codes, up from 95 deaths in 2000--a 2% increase. Falls to a lower level increased from 63 in 2000 to 76 in 2001, and falls from roofs also increased from 14 in 2000 to 15 in 2000—a 7% increase.

² In 2000, the total lost workday case incidence rate for Construction was 5.5, up from 5.0 in 1999--a 9% increase. However, the total lost workday incidence rate for 2001 was 5.3 – a 5% decrease from 2000.

These numbers include all special emphasis strategic industry on-sites such as construction, food processing, and ergonomics.

DOSH entered into a partnership with the Port of San Diego Ship Repair Association in 2004. As per the terms of the partnership, DOSH Enforcement staff will conduct health and safety audits of the participating shipyards. Shipyards belong to the High Hazard Shipbuilding and Repairing NAICS code 336611.

For outcome measures, the HHEP (i.e., the combined efforts of Enforcement and Consultation) will reduce fatal injuries, as measured by the 2006 Census of Fatal Occupational Injuries, in high hazard industries compared to the baseline of 455 fatalities in all private industry in 2001³ and will reduce nonfatal injuries, as measured by the total lost workday incidence rate in the 2005 Survey of Nonfatal Occupational Injuries and Illnesses, in high hazard industries compared to the baseline of 3.1 in 2001⁴.

All Consultation activity data will be tracked by the federal IMIS.

DART rates (Days Away, Restricted or Transferred rate) for individual employers will be tracked for the year prior to the enforcement inspection and the year following the enforcement inspection by means of an employer survey in order to measure the effectiveness of enforcement inspections.

Performance Goal 1.3 Food Processing/Food Manufacturing

2008 Activity and Outcome Measures:

Enforcement: Cal/OSHA Enforcement will continue a pilot program to conduct inspections in food manufacturing facilities. Please refer to the list of high hazard industries above (goal 1.2 High Hazard Employer Programs). A minimum of 50 inspections will be conducted.

Consultation 21(d): Specific establishments will be selected by using experience modification factors of 125% or greater, and/or establishments that use work class codes higher premium rates.

- (1) Consultation Services will perform 100 on-site visits, of which 50 will include formal and informal on-site training.
- (2) 100% of the on-site visits will include injury and illness prevention program evaluations with any subsequent improvement recommendations discussed in the report.
- (3) 35 on-site visits will involve comprehensive industrial hygiene evaluations that will include but not be limited to ergonomics and hazard communication.
- (4) Priority will be given to small establishments with the highest rates of injuries and illnesses.

For outcome measures, Consultation Services will increase safety and health awareness to food processing establishments by direct on-site assistance and educational outreach. Program assistance and educational materials will be provided to every employer serviced. Employers will be tracked over a period of three (3) years to determine changes in injury and illness rates.

³ In 2001, the California Census of Fatal Occupational Injuries (Cal/CFOI) indicated there were 455 fatalities in all private industry.

⁴ Division of Labor Statistics and Research. Table 5. Incidence rates of nonfatal occupational injuries and illnesses by industry division and selected case types, 1999-2001. Available at www.dir.ca.gov/DLSR/Injuries/2001/AnSum/Tab5.pdf.

Activities will be tracked and measured using the federal IMIS. Injury and illness prevention program evaluations will be tracked using the Form 33.

Since the Cal/OSHA Enforcement Program's involvement within this industry is a pilot program, Outcome Measures will not be reported. However, a summary of the pilot program's findings will be discussed.

Strategic Goal 2

“Change Workplace Culture”

Performance Goal 2.1 Heat Illness Prevention Educational Outreach

2008 Activity and Outcome Measures:

Enforcement: The Economic and Employment Enforcement Coalition Unit (EEEC) will conduct regular routine programmed inspections directed at industries such as agriculture and construction where heat illness prevention is an important consideration. The Cal/OSHA district offices will enforce the heat illness standard wherever applicable during the course of their inspections, particularly in response to reports of heat-related fatalities, illnesses and complaints.

Every week during the summer season, DOSH will check the National Weather Service website at <http://www.weather.gov/> in search of weather forecasts predicting areas with temperatures exceeding 105°F. Cal/OSHA district offices will partner with the Economic and Employment Enforcement Coalition Unit (EEEC) to conduct enforcement sweeps in these areas with a focus on industries with outdoor employment.

Compliance Assistance: Cal/OSHA district offices will work with labor groups, community based organizations, and local government to distribute information and answer questions regarding heat illness prevention. Cal/OSHA will partner with other organizations to organize community events where heat illness prevention will be emphasized. A minimum of twelve (12) seminars on heat illness will be presented. (See Goal 1.1 CSHIP also).

Radio interviews addressing the new heat illness standard will continue to be conducted. Spanish language stations have been the primary focus but interviews will also be conducted in English, Mixteco and Hmong. Articles regarding heat illness prevention will be distributed to industry publications – including construction, agriculture and recreation. In addition, information will be maintained on the DIR website.

Workshops will be conducted where a substantial portion of the agenda will address the new heat illness standard. Discussions are planned with the California Farm Bureau regarding outreach to their membership of 90,000 and with construction industry organizations such as Golden State Builders Exchanges with 24,000 members employing 250,000 workers.

Outreach materials will be based on a study of best practices for dealing with heat illness prevention which have been used in the industry. A study of past heat illness cases will be used

as a basis for informing employers of appropriate measures that can be used to prevent heat illness. Materials will be focused on the occupational aspects of heat-related illness.

Consultation 21(d): The Consultation Service will strive to increase awareness and improve workplace safety and health through direct on-site educational intervention involving heat illness prevention.

- (1) Consultation will include heat illness prevention education in all construction and agricultural on-site visits.
- (2) Consultation will work collaboratively with construction and agricultural education and workers compensation service providers, associations, and advocacy groups in an effort to improve heat illness prevention awareness. Consultation will be involved in 25 heat illness awareness interventions.
- (3) Due to the largely Spanish-speaking agricultural and construction workforce in California, Consultation will strive to improve training methodologies and tools in an effort to educate all workers, including those with low literacy and/or non-English speaking. Heat Illness Prevention booklets/fact sheets for employers and employees will be translated into Spanish and distributed statewide.

Performance Goal 2.2 Educational Outreach to Hispanic Employee Groups

2008 Activity and Outcome Measures:

Compliance Assistance: Cal/OSHA Enforcement Unit will continue to distribute flyers to employers, supervisors, foremen and workers in English and Spanish that detail the requirements of the Heat Illness Prevention Standard. In addition to heat illness awareness and prevention, Cal/OSHA will provide comprehensive bilingual compliance assistance services upon employer request.

Consultation 21(d):

- (1) 250 of the on-sites and or interventions performed will include outreach to Hispanic workers. Outreach may include a form of interviews, training, providing educational materials in Spanish and or combination of materials and assistance. Targeted industries will include construction, agriculture, food processing, janitorial, housekeeping and employers with experience modifications factors of 125% or greater.
- (2) Spanish publication distribution will exceed 100,000 in hard copy and electronic during FFY2008. Of these, approximately 5,000 will be hard copy and the remainder will be through electronic communication. Consultation Service receives over 300,000 hits to its webpage annually. Distribution to high hazard industries and establishments with high numbers of Hispanic workers will receive priority.

Performance Goal 2.3 Partnership Programs

2008 Activity and Outcome Measures:

Enforcement: The Cal/OSHA Enforcement Unit will collaborate with the following entities to form mutually beneficial relationships/partnerships:

- San Francisco Bay Bridge – DOSH will continue its partnership with the Kiewitt-FCI-Manson (KFM) Joint Venture construction project on the San Francisco Bay Bridge.
- Port of San Diego Ship Repair Association – This is an ongoing partnership since 2004 between DOSH and the Port of San Diego Ship Repair Association (See Goal 1.2).
- Construction Employers Association (CEA) – DOSH has entered into a partnership with the CEA to provide compliance assistance to its members.

Consultation: The Consultation Service will promote workplace culture by providing recognition to employers and their employees who have implemented effective safety and health programs. The 21(d) Onsite Assistance program will increase its partnership programs by 20% over FFY2007 with increases primarily in the Golden Gate recognition program. Consultation will partner with eighty-four (84) new establishments and the 23(g) VPP Unit will add eight (8) new VPP sites in California. Consultation will continue to train and utilize Special Team Members (STM) who are active safety and health professionals from existing Cal/VPP sites to perform preliminary renewal evaluations at Cal/VPP sites. This will free up the Cal/OSHA Cal/VPP team to spend more time on Cal/VPP applicants.

Consultation has given priority to the Golden Gate program because that program best represents the primary mission of helping High Hazard Small Employers with their IIPP program in becoming self-sufficient. The SHARP and VPP employers are already self-sufficient.

21(d) Consultation Activities Involving Partnership Programs:

Golden Gate Recognition Program

60 New establishments into the Division's entry-level recognition program.

SHARP

Fixed-sites: 10 new
 6 renewals

Non-fixed sites: 10 new
 2 renewals

Golden State (Cal/VPP for Construction)

- 4 New establishments into the Division's leadership level partnership program for non-fixed VPP worksites.
- 2 Renewals.

TOTAL for 21(d) = 94 sites

23(g) Consultation Activities Involving Partnership Programs:

Cal/VPP

- 8 New establishments into the Division's leadership level for fixed site establishments.
- 6 Renewals

TOTAL for 23(g) = 14 sites

Strategic Goal 3

“Secure Public Confidence”

Performance Goal 3.1a Citation Lapse Time

2008 Activity and Outcome Measures:

Enforcement: Cal/OSHA Enforcement will continue its efforts to reduce citation lapse time in FFY 2008 to a statewide average of 65 days for both safety and health cases, as measured by the State Activity Mandated Measures (SAMMs).

Performance Goal 3.1b Verification of Abatement

2008 Activity and Outcome Measures:

Enforcement: Cal/OSHA Enforcement will verify abatement of all serious, willful, and repeat violations within the required time-frame (abatement due date plus 30 days), as measured by the State Activity Mandated Measures (SAMMs). Therefore, goal for FFY 2008, is 100% abatement verification within the specified time-frame.

Performance Goal 3.2 Quality Assurance

2008 Activity and Outcome Measures:

Consultation 21(d): Consultation will emphasize consultant training in the areas of heat illness prevention, avian flu, respiratory protection, and general industrial hygiene evaluation of work places.

Consultation 21(d): Consultation Service will emphasize consultants' trainings in the areas of heat illness prevention, avian flu, respiratory protection, and general industrial hygiene evaluation of work places. This will result in delivering current and effective safety and health worksite information to assist the employer in maintaining an effective occupational health and safety program. The report to the employers will specify recommendations that are easy for the employer to understand and implement in their workplace.

Prioritization of services, this will be based on small high hazard employers, employers identified in strategic plans, and high risk occupations and establishments.

Provide assistance that focuses on improving workplace safety and health through employee involvement/participation and an effective management system (IIPP).

Promote a culture in which knowledgeable employees and management work together to systematically identify and control workplace hazards.

For outcome measures, Consultation expects to see increased number of program assistance, formal and informal training, Golden Gate participants and health related on-site recommendations over those performed in FFY 2006-2007.

Performance Goal 3.3 Retaliation Complaint Investigations Related to Workplace Health or Safety Issues

2008 Activity and Outcome Measures:

Division of Labor Standards Enforcement (DLSE): The Division of Labor Standards Enforcement will complete a Retaliation Complaint Manual for the enforcement of statutes that prohibit retaliation against employees who file complaints concerning unsafe or unhealthful working conditions, reasonably refuse to work in unsafe conditions, or otherwise exercise their rights under Cal/OSHA. Completion of the manual will assure consistency in how complaints are investigated and will provide guidance on procedures.

DLSE has implemented a goal of responding on a timelier basis to OSHA discrimination cases by assigning another full-time RCI investigator to Cal/OSHA cases. Having five (5) full-time investigators should decrease the time it takes to complete investigations.

DLSE has assigned two (2) staff people to IMIS data entry. It is anticipated that the backlog of IMIS cases will be eliminated and that the database will be maintained on a current basis.

For outcome measures, the Retaliation Complaint Investigation (RCI) Unit expects to see a more timely response to Cal/OSHA discrimination complaints and expects that current IMIS data will be available for evaluation and tracking.

The RCI manual should be issued during FY 2007-2008.

Performance Goal 3.4 Cal/OSHA Appeals Board Resolution of Cases

2008 Activity and Outcome Measures:

Cal/OSHA Appeals Board will:

(1) Reduce the length of time to resolve Administrative Law Judge (ALJ) level cases.

Docketing and Appeal Initiation

- a.) Develop and implement criteria for complex and non-complex cases for case management.
- b.) Reduce the time between appeal docketing and pre-hearing by 25%.

Pre-Hearing

- a.) Reduce the number of pre-hearings by 25%.
- b.) Develop pre-hearing agenda questionnaire.

Hearing

- a.) Increase settlement conferences 25%.
- b.) Resolve incoming non-complex cases in 10 months.

(2) Reduce the length of time to resolve Board level cases.

- a.) Resolve all cases older than 4 years.

Outcome Measures

- (1) Reduce the number of ALJ level cases older than 24 months by 24%.
- (2) Resolve all Board level cases older than 4 years.

TABLE

FFY 2008 ANNUAL Cal/OSHA PERFORMANCE GOALS

STRATEGIC GOAL 1:	IMPROVE WORKPLACE SAFETY AND HEALTH
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Performance Goal 1.2	High Hazard Employer Programs
Performance Goal 1.3	Food Processing/Food Manufacturing
STRATEGIC GOAL 2:	CHANGE WORKPLACE CULTURE
Performance Goal 2.1	Heat Illness Prevention Educational Outreach
Performance Goal 2.2	Educational Outreach To Hispanic Employee Groups
Performance Goal 2.3	Partnership Programs
STRATEGIC GOAL 3:	SECURE PUBLIC CONFIDENCE
Performance Goal 3.1a	Citation Lapse Time
Performance Goal 3.1b	Verification of Abatement
Performance Goal 3.2	Quality Assurance
Performance Goal 3.3	Retaliation Complaint Investigations Related to Workplace Health or Safety Issues (DLSE)
Performance Goal 3.4	Cal/OSHA Appeals Board Resolution of Cases