

Virginia
Department of Labor and Industry

Occupational Safety and Health
Annual Performance Plan FY 2009

July 30, 2008



INTRODUCTION

The Virginia Occupational Safety and Health (VOSH) Program's FY 2009 Performance Plan supports the Mission Statement of the Virginia Department of Labor and Industry:

"It is the mission of the Virginia Department of Labor and Industry to make Virginia a better place in which to work, live and conduct business. We will achieve this goal by promoting safe, healthful workplaces, best employment practices, job training opportunities through registered apprenticeship, the protection of children from hazardous employment, and safe operation of boiler and pressure vessel devices."

This Annual Performance Plan derives from the Department's 2007-2011 Strategic Plan, which is designed to guide the VOSH Program over the stated five year period. The VOSH Strategic Plan has been modified to better shadow OSHA's new DOL Strategic Plan. The VOSH FY 2009 Annual Performance Plan has been derived from this modified strategic plan and will be used to manage the VOSH Program, to allocate program resources and to measure the effectiveness of strategies used to accomplish program goals and objectives. It is expected that over the term of DOLI's Strategic Plan, achievement of the performance goals in the annual performance plans will have the cumulative impact of accomplishing VOSH's strategic goals which contribute to the accomplishment of DOLI's mission.

MISSION

The mission of the VOSH program is to "Improve and protect Virginia's workplaces through education and enforcement, reducing fatalities and injuries at work". This mission is embodied in the statutory mandate for the Virginia Safety and Health Codes Board, Va. Code §40.1-1, which states in part:

"...The Department shall be responsible for administering and enforcing occupational safety and occupational health activities as required by the Federal Occupational Safety and Health Act of 1970 (P.L. 91-596), in accordance with the state plan for enforcement of that act; ..."

To carry out the above mandate, the VOSH program has adopted two interdependent strategic goals in this Annual Performance Plan supportive of those adopted by the federal Occupational Safety and Health Administration (OSHA).

VOSH STRATEGIC GOALS FOR FY 2009:

1. Reduce Occupational Hazards Through Direct Intervention

VOSH will reduce the rate of workplace injuries and illnesses, reduce the rate of workplace fatalities and reduce the rate of workplace injuries and illness in worksites through participation in the VPP Programs.

2. Promote a Safety and Health Workplace Culture

- Enhance worker involvement in all aspects of safety and health.

- Establish voluntary, cooperative relationships to achieve measurable reductions in workplace injuries, illnesses, and fatalities.
- Enhance awareness of safety and health in Virginia’s workplaces by providing consultation, training, and outreach services to employers and workers.
- Enhance worker involvement in all aspects of safety and health in the workplace.

It should be noted that like OSHA, VOSH’s success in meeting its strategic and annual performance goals will be measured by aggregating results from multiple program areas to ensure that different elements within the program work together to achieve the strategic goals, help overcome organizational barriers and involve the whole Department in goal accomplishment.

OVERVIEW OF THE VIRGINIA STATE PLAN

Profile of the Regulatory and Policy Board

VOSH standards and regulations are established by the Virginia Safety and Health Codes Board, a regulatory Board whose members are appointed by the Governor. Staff support for the Board is provided by the Virginia Department of Labor and Industry. The Commissioner of the Department of Labor and Industry is charged by statute with enforcing the regulations and standards of the Board.

Profile of the Department

The VOSH Program operates within the Virginia Department of Labor and Industry, and is under the direction of the VOSH Director and ultimately the Commissioner. The VOSH program includes 112 positions fully or partially included within 21(d)/23(g) grants, comprising 103.42 FTEs. This number is lower than last year’s because we removed two clerical positions due to funding issues. The complete breakout of FTEs is found in Appendix B, Exhibit VI.

VOSH “program staff” includes supervisory and administrative staff in the areas of field enforcement and consultation, and field administrative staff, as well as the VOSH Director/Occupational Safety, the Directors of Occupational Health, Cooperative Programs, Legal Support, VOSH Planning and Evaluation, and their headquarters staff.

The Research and Analysis Program includes 4.0 FTEs which are involved in collection of the Occupational Safety and Health Survey and Census of Fatal Occupational Injuries under grants from the Bureau of Labor Statistics. They also conduct the OSHA Data Initiative survey and provide assistance with data analysis for VOSH initiatives.

Demographic Profile

Under Virginia's State Plan, VOSH has jurisdiction over approximately 3.1 million workers in over 200,000 establishments in covered industries:

Virginia Employment by Major NAICS Division, 4th Quarter 2007			
NAICS Industry Sector	NAICS Codes	Number Employers	Number Covered Employees
Agriculture (11)	111-115	1,614	12,295
Mining	211-213	0	0
Utilities	221	303	11,253
Construction	236-238	26,191	236,999
Manufacturing	311-339	6,062	276,151
Trade-Wholesale	423-425	12,728	121,644
Trade-Retail	441-454	26,638	441,040
Transportation/Warehousing	481-493	5,404	104,320
Information	511-519	3,911	90,517
Finance/Insurance	521-525	11,942	129,556
Real Estate/Rental/Leasing	531-533	9,336	57,980
Prof/Tech Services	541	32,001	363,749
Management of Companies	551	1,775	76,218
Admin/Waste Services	561-562	11,884	215,869
Educational Services	611	2,375	56,467
Health Care	621-624	19,324	341,848
Arts/Entertainment/Recreation	711-713	2,538	41,200
Accommodation/Food Services	721-722	14,682	298,942
Other Services	811-813	22,919	128,283
Public Administration	Own 20+30	3,250	126,055
Total:		214,877	3,130,386

Covered Issues

By agreement under section 18(e) of the OSH Act of 1970, VOSH excludes from its coverage private sector maritime and long shoring establishments, the mining industry, federal government workers in Virginia, federal government enclaves in Virginia and industries regulated by other federal agencies.

Appropriations Riders

VOSH complies with all restrictions on the use of federal funds.

Mandated Activities

Activities mandated under the federal OSH Act (inspections, citations, worker rights, etc. - see list below) are considered core elements of the VOSH program. Their accomplishment is tied to achievement of the State's strategic goals.

The core elements listed in the federal OSH Act and defined at 29 CFR 1902 are as follows:

- Unannounced inspections, including prohibition against advance notice thereof
- First instance sanctions against employers who violate the OSH Act, including citations
- Ensuring abatement of potentially harmful or fatal conditions
- Prompt and effective standard-setting and allocation of sufficient resources
- Counteraction of imminent dangers
- Responses to complaints
- Fatality/catastrophe investigations
- VOSH coverage of public workers
- Recordkeeping and reporting
- Voluntary compliance activities
- Ensuring workers:
 - Protection against, and investigation of, occupational discrimination
 - Access to health and safety information
 - Information on their rights and obligations under the OSH Act
 - Access to information on their exposure to toxic or harmful agents

OVERVIEW OF VOSH STRATEGIC PLAN 2007-2011

The VOSH Strategic Plan was prepared using a planning horizon of 2011. The goals of the VOSH Strategic Plan are supportive of the goals in the new OSHA/DOL Strategic Plan and focus on the core mission of the program, to protect and promote the safety and health of Virginia's workers and their workplaces by reducing injuries and illnesses and fatalities.

Performance Measures and General Information

Under its Strategic Plan, VOSH is employing strategic tools (enforcement, consultation, standard setting, etc.), to make a broad impact. However, VOSH may often use a more limited approach in measuring the outcome or result. For example, for some strategic measures the outcome measure may be determined from data collection from where the Department conducts an intervention, while in other cases surveys may be used.

So far this year we have hired 5 new CSHO positions. However, we have had 6 CSHOs separate, one due to retirement. Retention in the Northern Va. office remains a major concern to us and we constantly address ways and means to improve it.

Fatalities continue to be of great concern to us. The Commissioner has personally updated his gripping and effective presentation on fatalities that he has given in numerous areas throughout the Commonwealth. Our Northern Virginia region continues to have the most fatalities in the State. This is largely due to the vast amount of construction in that area and because it is the highest populated region. "Falls" has regained the lead as the top cause of workplace fatalities. Greater focus through consultation

and education and training continues to be implemented throughout the State that hopefully will have a positive effect on the overall fatality rate. We continue to successfully train hundreds of employees and employers annually.

As mentioned previously, we continue to experience a high turnover rate in the Northern region which does not help our coverage but we have aggressively hired to fill all benchmarks in this region and the other regions in the State as they come open and as funding permits.

Our apprenticeship program we initiated last year has been so successful in the 23g program that we are starting a 21d apprenticeship program this year. To date we have proudly graduated 16 journeymen apprentices.

No changes have been made to the VOSH Program's Internal Quality Assurance Program 21(d).

FY 2009 PERFORMANCE GOALS

VOSH has adopted 6 performance goals for FY 2009, to address our four outcome goals and the issues raised in our updated strategic plan.

STRATEGIC GOAL 1. Reduce Occupational Injuries, Illnesses and Fatalities Through Direct Intervention

Outcome Goal 1.1 Reduce the rate of workplace injuries and illnesses

Performance Goal 1.1.A By 2011, decrease injuries and illnesses per 100 workers in the workplace.

Performance Goal 1.1.B Annually initiate investigations of 100% of worker complaints within one working day or conduct an on-site inspection within five working days.

Outcome Goal 1.2 Reduce the rate of workplace fatalities

Performance Goal 1.2.A By 2011 decrease fatalities in the workplace per 100,000 workers 5%.

Performance Goal 1.2.B Annually initiate inspections of 100% of fatalities and catastrophes within one working day of notification.

Outcome Goal 1.3 Reduce the rate of workplace injuries and illness in worksites

Performance Goal 1.3 Reduce the rate of workplace injuries and illnesses in work sites through participation in the VPP Programs.

STRATEGIC GOAL 2. Promote a Safety and Health Workplace Culture

Outcome Goal 2.1 Enhance worker involvement in all aspects of safety and health.

Performance Goal 2.1 One-hundred percent (100%) of VOSH on site activities (e.g., inspections, consultation visits) will include a worker involvement component annually, such as interviews, informal conferences, and walk-around inspections.

Outcome Goal 2.2 Consultation Activity, Lead, and Lag Times

Performance Goal 2.2 Consultation will utilize a minimum of 65% of the available time in consultation activities, conduct visits within 45 days of the requested visit date, and issue completed reports within 20 days of the closing conference date.

STRATEGIC TOOLS

VOSH will continue to use strategic tools to achieve our mission of protecting and promoting the safety and health of Virginia workers. Strategic problem solving, however, continues to require extensive analysis of data, for which VOSH is not adequately staffed. Analysis is needed to identify the industries, agencies, and hazards most in need of intervention, to target our resources toward action in appropriate worksites, and to measure the effectiveness of each type of intervention. VOSH planning and budgeting activity will focus on improving our data collection and analysis capability, acquiring resources to improve supervision and staff development, and improving our partnership and training resources.

In addition to our traditional tools of standard setting, compliance inspections, complaint investigations, and voluntary consultation, VOSH will continue to establish Voluntary Protection Programs, and investigate safety and health partnership programs and/or alliances. We will share safety and health training and information among groups of large and small employers, provide training, and work to establish mentoring relationships.

A local emphasis program on Worker's Compensation First Reports of Accidents continues to provide investigation of reports of amputations and other serious accidents. Emphasis programs on scaffolding, heavy equipment, overhead high voltage line safety, fall protection and trenching have helped to provide increased awareness of safety in the construction industry.

Finally, VOSH proudly hosted its 13th Annual Virginia Safety and Health Conference in Portsmouth, Virginia in June of this year, where 333 attendees and 45 vendors, including employers, workers, and safety and health professionals, received affordable and extremely beneficial safety and health training opportunities. VOSH intends to continually pursue both traditional and new and innovative methods to reach out to employers and workers so that serious hazards can be eliminated from Virginia's workplaces and the safety and health of all materially improved.