

# **National Occupational Research Agenda Construction Sector Council Meeting**

**November 16-17, 2022**

**American Road and Transportation Builders Association  
Washington, D.C.**

**Chuck Stribling, CSP, ASP**

# Education and Labor Cabinet



# Department of Workplace Standards

Kimberlee C. Perry  
Commissioner

Chuck Stribling, CSP, ASP  
Deputy Commissioner



# Occupational Safety and Health State Plan Association

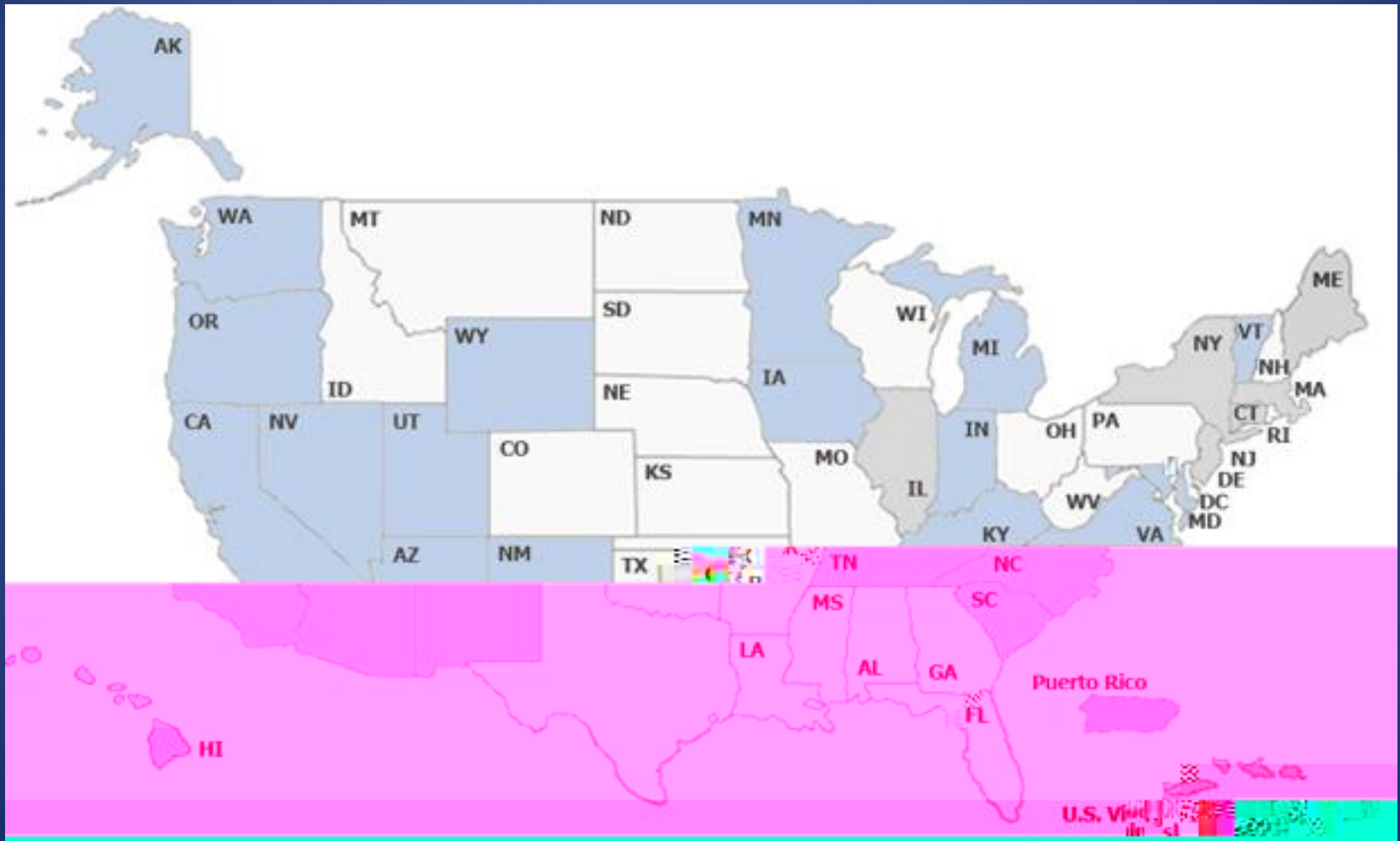
OSHSPA is the Occupational Safety and Health State Plan Association, an organization of twenty-nine (29) states and territories that have OSHA-approved state plans. OSHSPA is the link between state plans, OSHA, and Congress. OSHSPA representatives meet three (3) times a year to exchange information and address shared concerns. OSHSPA representatives also appear before congressional committees and other hearings to report on workplace safety and health matters.

State Plans impact the safety and health of more than sixty-four (64) million workers. In addition to their enforcement role, state plans help employers make safer workplaces by providing free consultative services, educational outreach, and technical assistance.

# State Plans - Federal Jurisdictions

29  
22 / 7

22



# State and Federal Jurisdictions

State Plans

Private and Public Sectors

22

State Plans

Public Sector Only

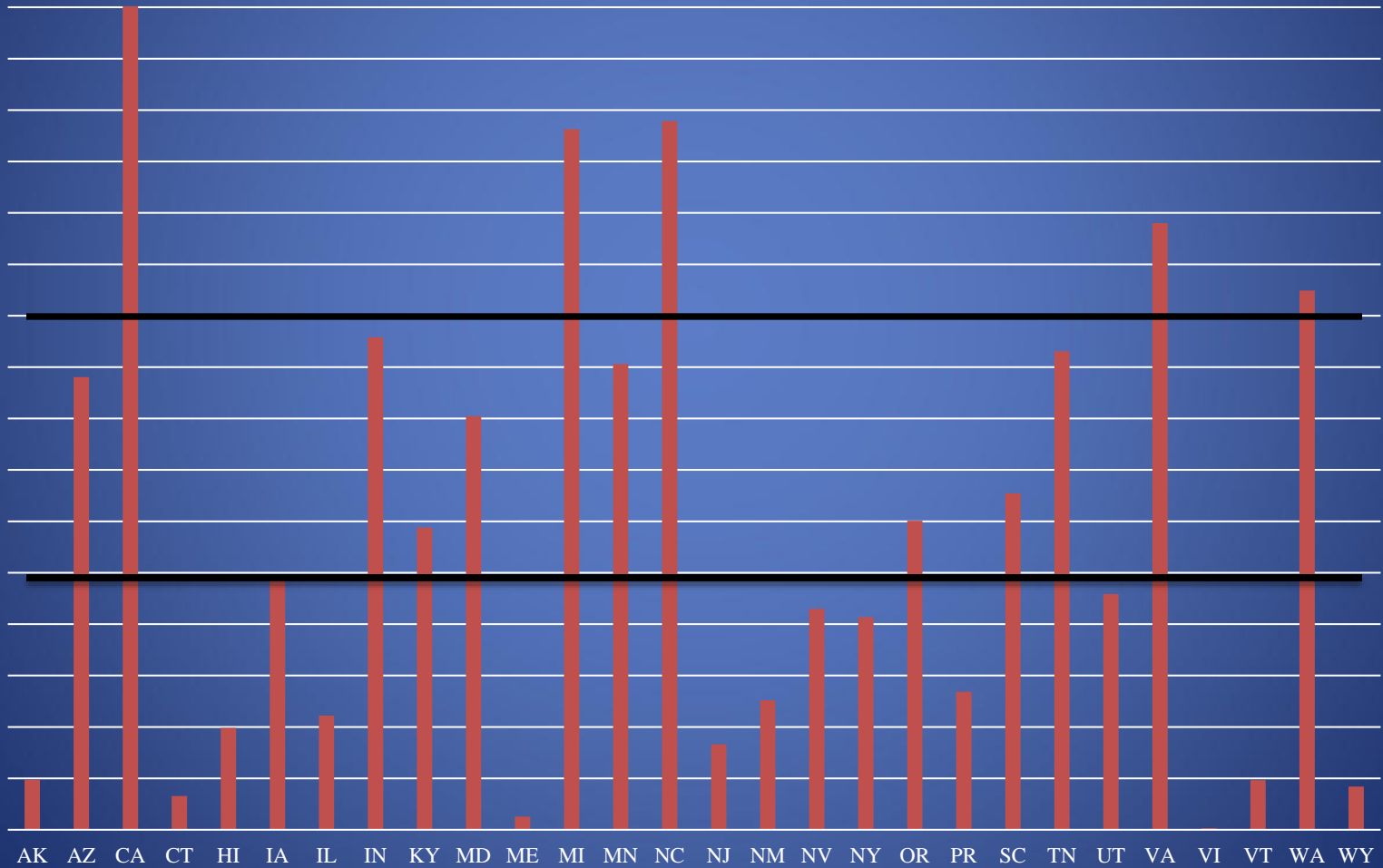
(OSHA Private Sector)

OSHA

Private Sector Only



# Program Size Based on ERs and EEs Covered





OCUIGRA  
ESTADOS UNIDOS

Initial	Final	Operational	21(d)	On-site
Consultation	Agreement	Agreement	Agreement	Agreement
yes				Alaska
yes				Hawaii
yes				Illinois
yes				Indiana
yes				Kentucky
yes				Maine
yes				Minnesota
yes				New Jersey
yes				New Mexico
yes				North Carolina
yes				Ohio
yes				Puerto Rico
yes				South Carolina
yes				Tennessee
yes				Virginia
yes				Washington
yes				Mississippi

4-21(d) consultation agreement





# NUMBERS AT A GLANCE

## STATE PLAN INSPECTION DATA

Safety	22,083
Total	31,063

## INSPECTIONS BY TYPE

Complaint	7,677
Referral	4,488
Fatality/Catastrophe	1,432
Follow-up	648
Other (total inspections minus total inspections in categories above)	5,503
Total	31,063

## VIOLATIONS PER INSPECTION WITH VIOLATIONS CITED

Average S/W/R violations per inspection	1.71
Total number of OTS violations	23,347
Average OTS violations per inspection	0.75
Percentage inspections with OTS violations	24%

## PENALTIES

Average current penalty per serious violation	\$2,749.21
Total number of serious violations	8,500
Total amount of current penalties assessed	\$23,408,288

## ON-SITE VISITS (STATE PLANS ONLY)

## CONSULTATION C

Consultation 23 (g) Initial	1,258
Consultation 23 (g) Retesting	2,084
Consultation 23 (g) training	0
Consultation 23 (g) re-visit	2,084
Consultation 23 (g) re-visit (WFO)	1,042



CONSULTATION ON-SITE DATA	
1. Average number of serious hazards identified	18,998
2. Average number of serious hazards identified per worker	3.8
3. Average number of serious hazards identified per worker	3.8
GENERAL OSHA REPORT	
[REDACTED]	

# Department of Workplace Standards

Occupational Safety and Health Program

Division of OSH Compliance

Division of OSH  
Education and Training  
(KYSAFE)

Federal-State Coordinator  
(vacant)

Standards Specialist  
Robin Maples

Director  
Lynn Whitehouse

Industrial Hygiene PM  
Susan Montgomery

Safety PM  
John Clabaugh

Partnership Branch Manager  
Danny Vernon

Statistical Services Section  
(SOII, CFOI)

# OSH Program

Initial Approval	- July 31, 1973
Development Completed	- February 8, 1980
Final 18(e) Approval	- June 13, 1985

First state to receive final approval under the revised compliance benchmarks (23 CSHO / 14 IH)

American Federation of Labor and Congress of Industrial Organizations, Industrial Union Department, AFL-CIO, et al., v F. Ray Marshall, Secretary of Labor, et al.

US Court of Appeals, DC Circuit, January 20, 1978

- Ensure compliance with OSH standards / enforce discrimination
- Provide cost-free consultative services
- Compile injury and illness data

# Demographics

## Population

- 4.51 million

## Bourbon

- Kentucky is the birthplace of Bourbon
- Kentucky crafts 95% of the world's Bourbon supply
- Only the Bluegrass State has the perfect natural mix of climate, conditions, and pure limestone water necessary for producing the world's greatest Bourbon
- 10,321,793 barrels
- 20,100 jobs
- Annual payroll tops \$1 billion
- \$5+ billion capital investment campaign



# Jurisdiction

Encompasses all areas, issues, and responsibilities that are covered by OSHA except private sector maritime, federal employers and employees, private contractors on properties ceded to the Federal Government, TVA facilities, and military bases.

Jurisdiction includes all state and local public sector employers and employees. KRS Chapter 338 definitions of employer and employee do not exclude public employers and employees. Public employers and employees are subject to the same requirements, sanctions, and benefits as private sector employers and employees. Kentucky statutes, regulations, and policies make no distinction between the public and private sectors.

# SARS-CoV-2

Profound impact

88,714 KYSAFER reports

unique KY OSH approach

Order to Cease Operations

Notice of Deficiency



# Division of OSH Compliance

## FFY 2021

958 citations

Total penalties: \$3,643,885

- 9 willful violations: \$464,000
- 27 repeat violations: \$428,575
- 536 serious violations: \$2,250,210
- 386 other than serious violations: \$501,100

# OSH Discrimination

## FFY 2021

610 telephone inquiries

97 formal complaints

13 of 97 COVID related

## FFY 2022

370 telephone inquiries

100 formal complaints

11 of 100 COVID related

# KYSAFE

FFY 2021

# KYSAFE (cont'd)

## FFY 2021

31 Training Courses

1,385 attendees

## FFY 2022

79 Training Courses

2,110 attendees

# 10 Most Cited Standards FFY 2021

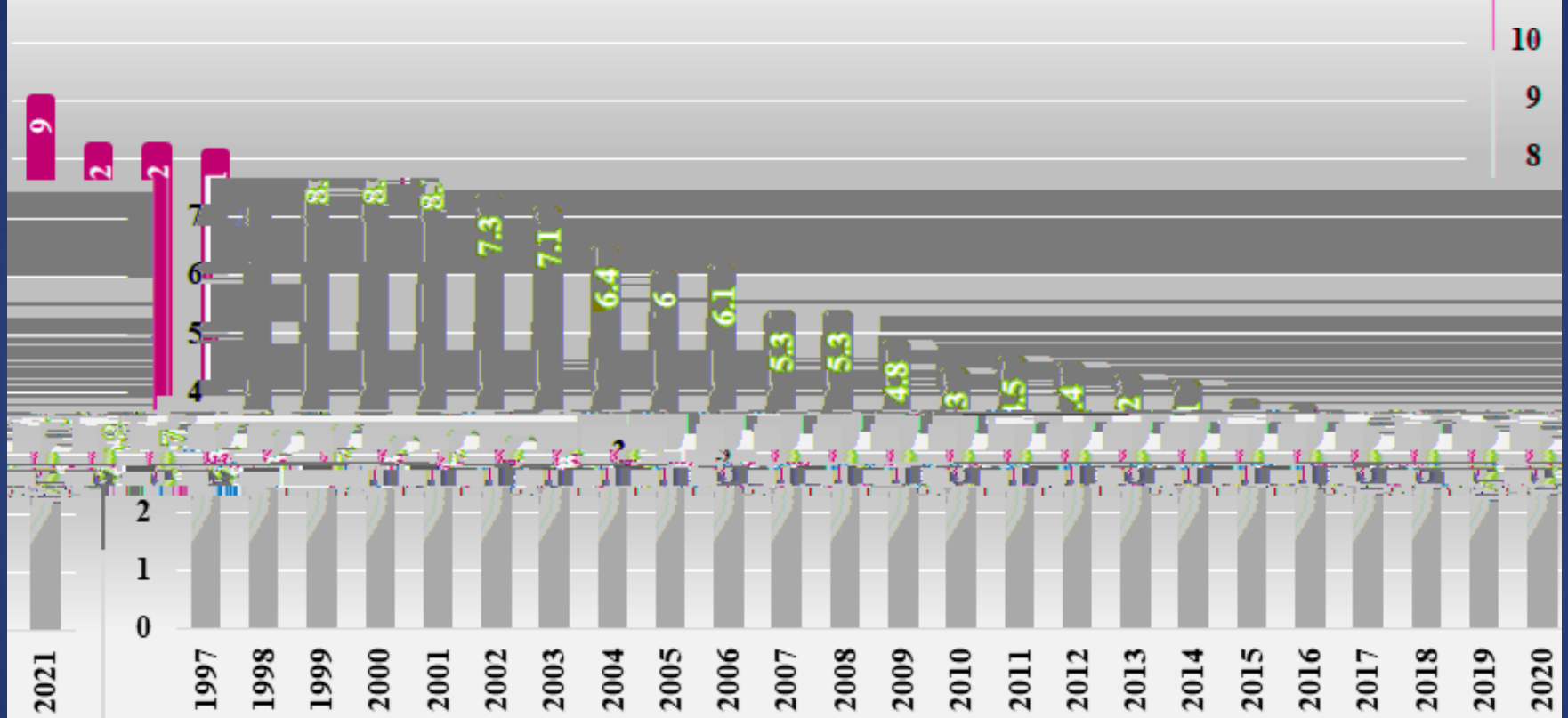
KY	Standard	Title	OSHA
1	803 KAR 2:181	Recordkeeping, Reporting, Statistics	
2	1910.147	Control of Hazardous Energy (Lockout/Tagout)	6
3	1910.103	Bloodborne Pathogens	
4 (t)	1926.501	Duty to Have Fall Protection	1
4 (t)	1910.212	Machinery and Machine Guarding	10
5	1910.178	Powered Industrial Trucks	9
6 (t)	1926.503	Fall Protection Training	7
6 (t)	KRS 338.31	Obligations of Employers and Employees	
7	1904.29	Recordkeeping Forms	
8 (t)	1926.451	Scaffolds, General Requirements	4
8 (t)	1910.132	Personal Protective Equipment General Requirements	
9	803 KAR 2:310	Medical Services and First Aid	
10	1910.134	Respiratory Protection	2
11 (t)	1926.1053	Ladders	3
12	1910.1200	Hazard Communication	5
	1926.102	Eye and Face Protection	8

# Most Cited Standards

## FFY 2022

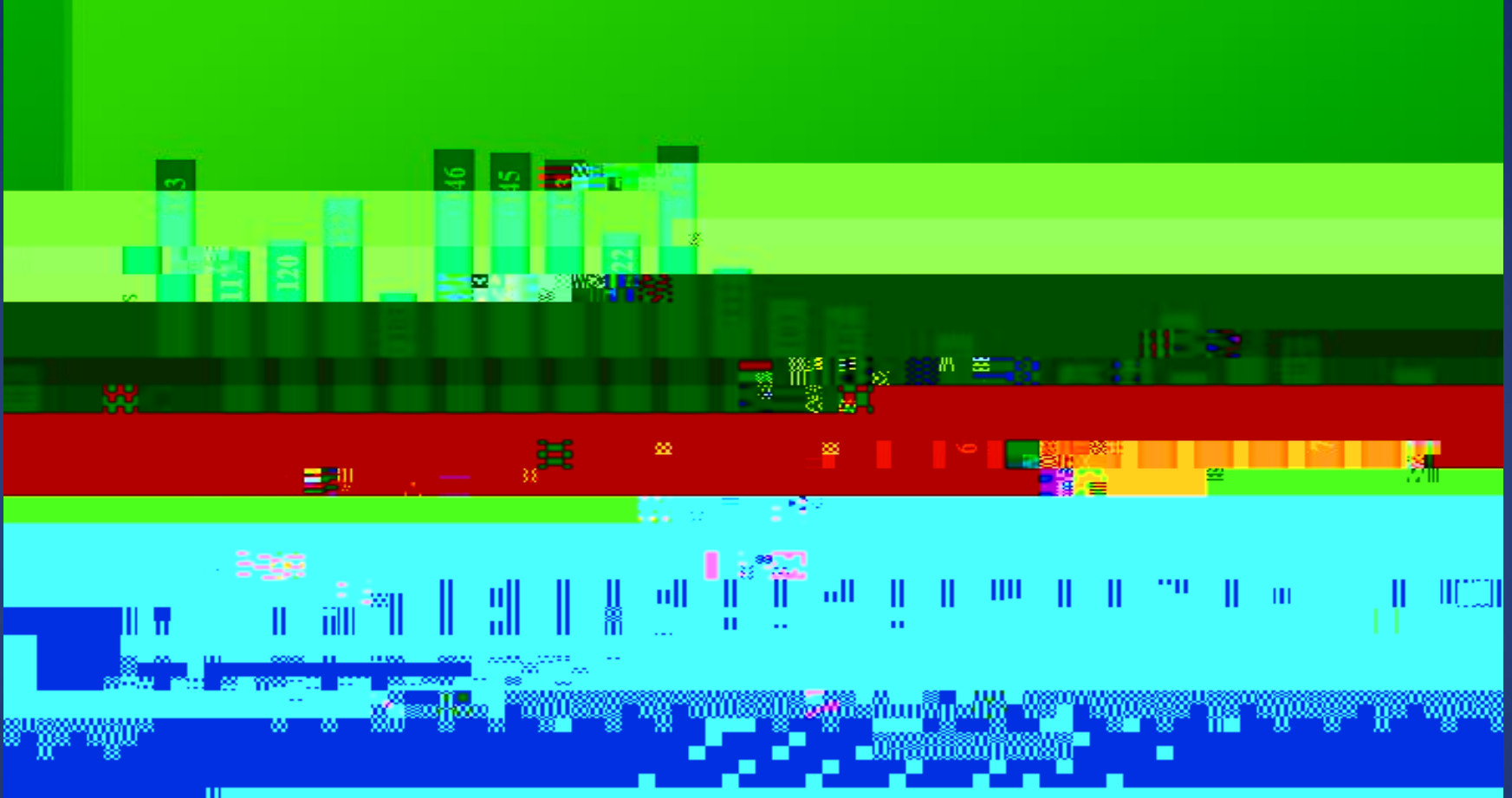
KY	Standard	Title	OSHA
1	1910.1030	Bloodborne Pathogens	
2	1910.212	Machinery and Machine Guarding	10
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3(t)	803 KAR 181	Recordkeeping, Reporting, Statistics	
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6(t)	1910.132	Personal Protective Equipment General Requirements	
7	KRS 338.31	Obligations of Employers and Employees	
8	1926.503	Fall Protection Training	8
9	1910.178	Powered Industrial Trucks	7
10	1910.157	Portable Fire Extinguishers	
11	1926.501	Duty to Have Fall Protection	1
	1926.1053	Ladders	4
	1926.451	Scaffolds, General Requirements	5
	1926.102	Eye and Face Protection	9

# Incident Rate



Source: U.S. Bureau of Labor Statistics, Survey of Occupational Injuries and Illnesses

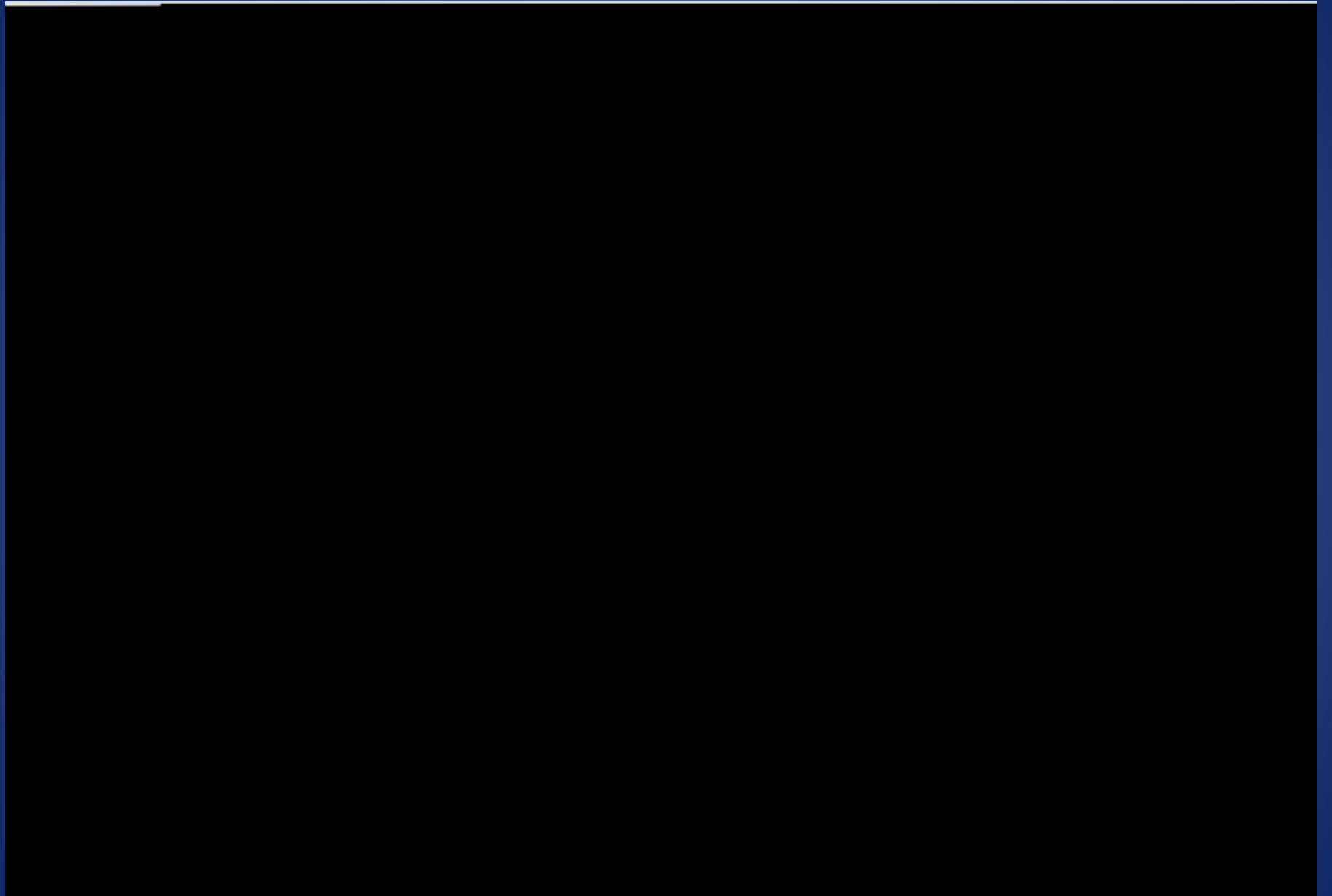
## Work Related Fatalities



Source: U.S. Bureau of Labor Statistics, Census of Fatal Occupational Injuries

so20/e 7n0 include employe20/o/that died of natural caus20/o/in the workplace





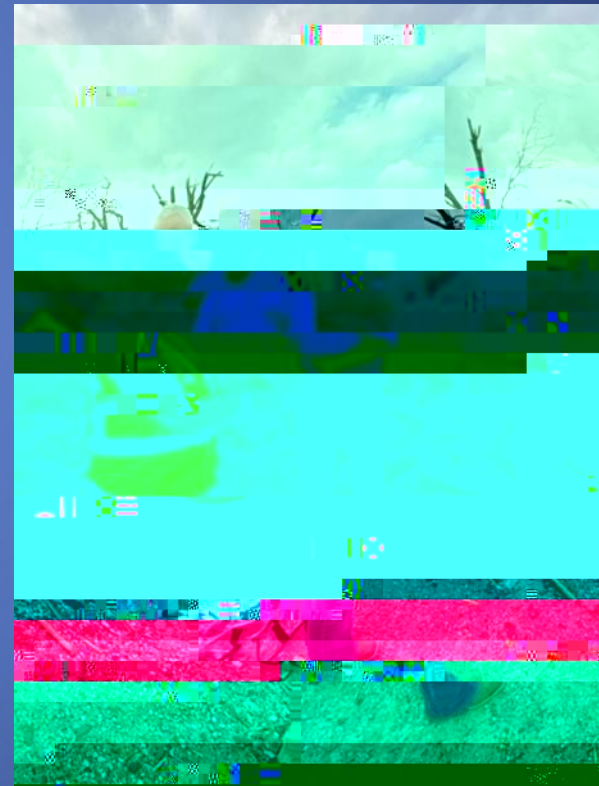




# Disaster Outreach

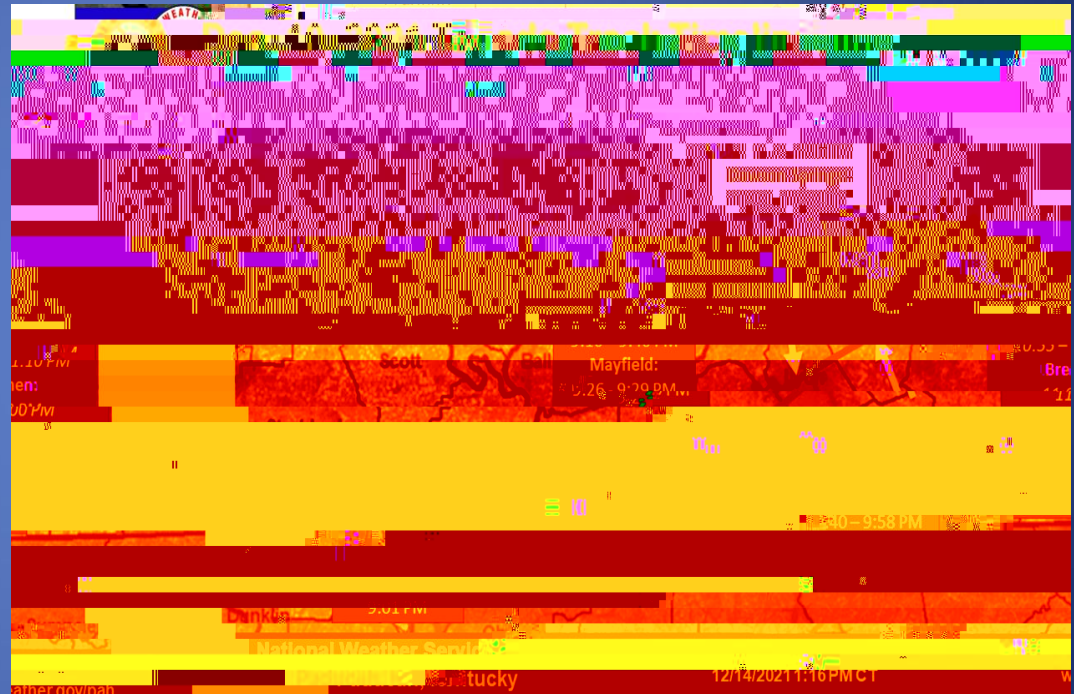
## Western Kentucky Tornado

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# EF-4 Tornado

- Time: 8:49 pm-11:47 pm
- Estimated peak winds: 190 mph
- Path Length: 165.7 miles
- Max width: 1.13 miles
- Injuries: 508-533
- Deaths: 58



# Mayfield Consumer Products (candle factory)

Before

After

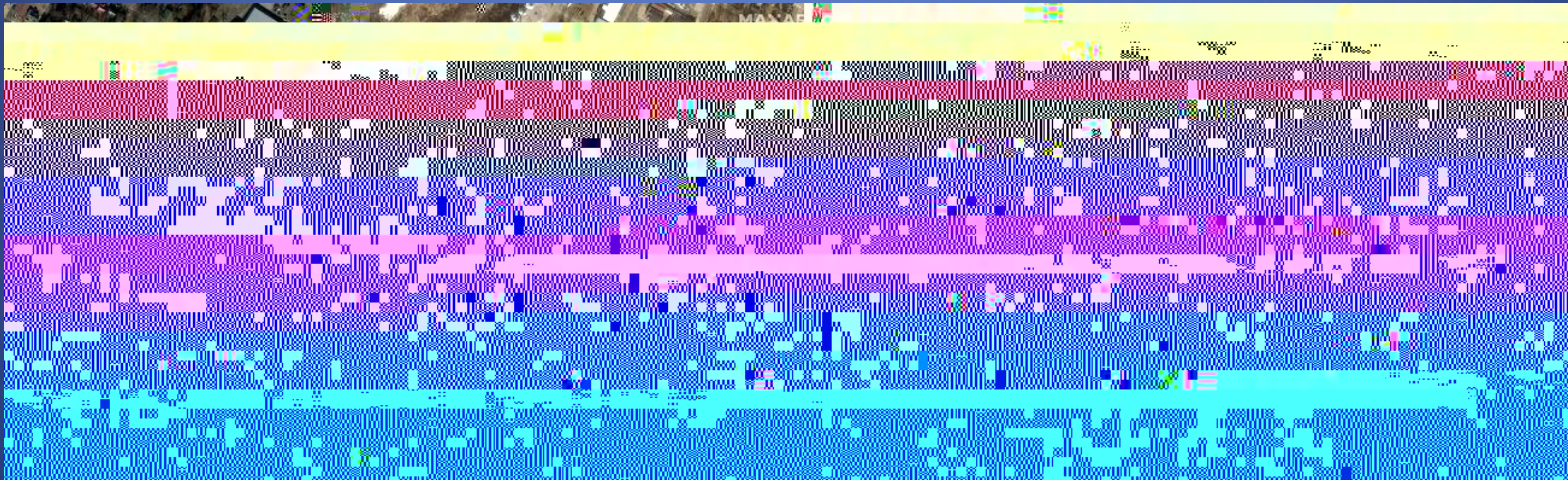


# Downtown Mayfield

Population: 10,017  
Graves County: 36,649

Before

After



# More Disaster Outreach

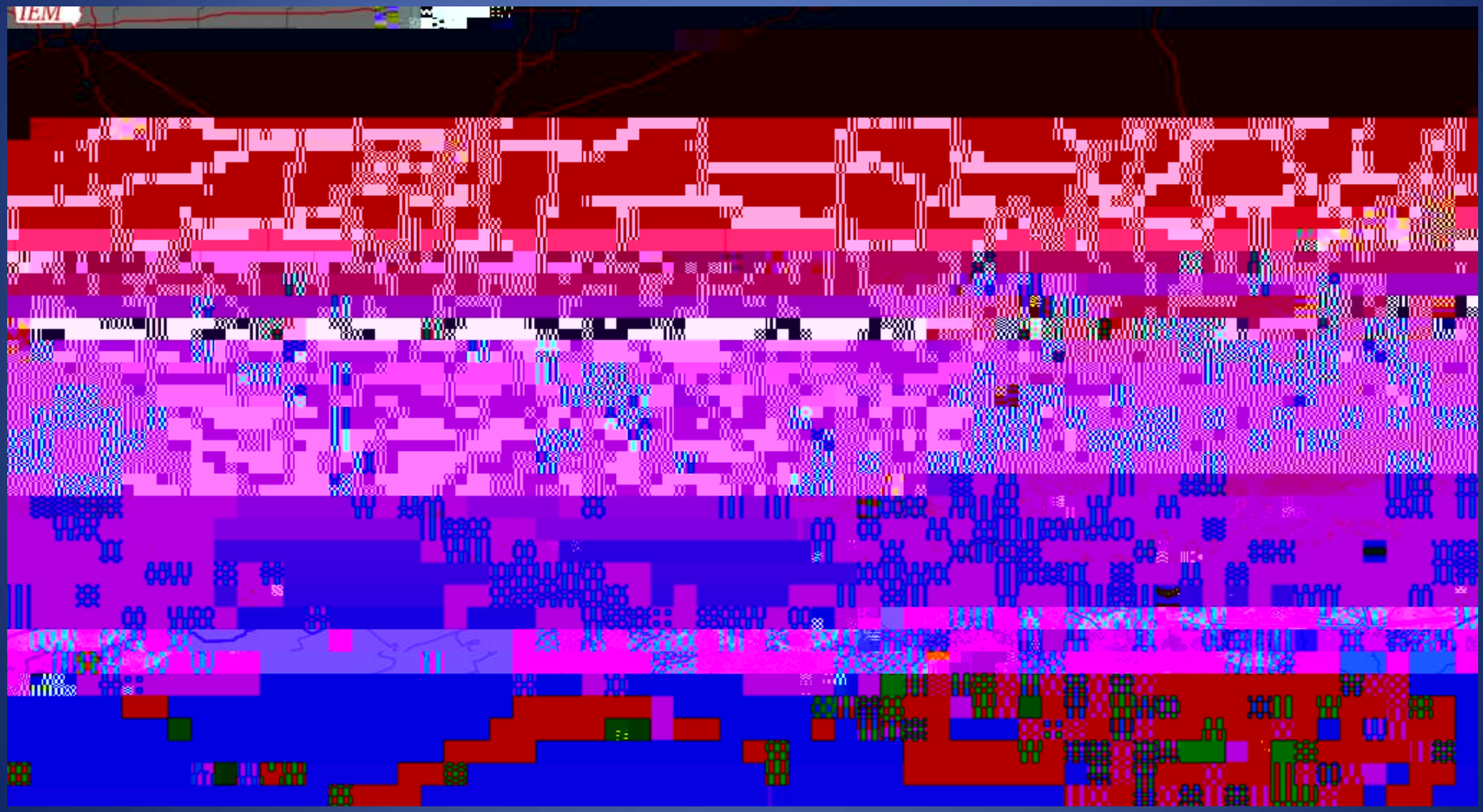
Eastern Kentucky Floods  
Launched August 25, 2022





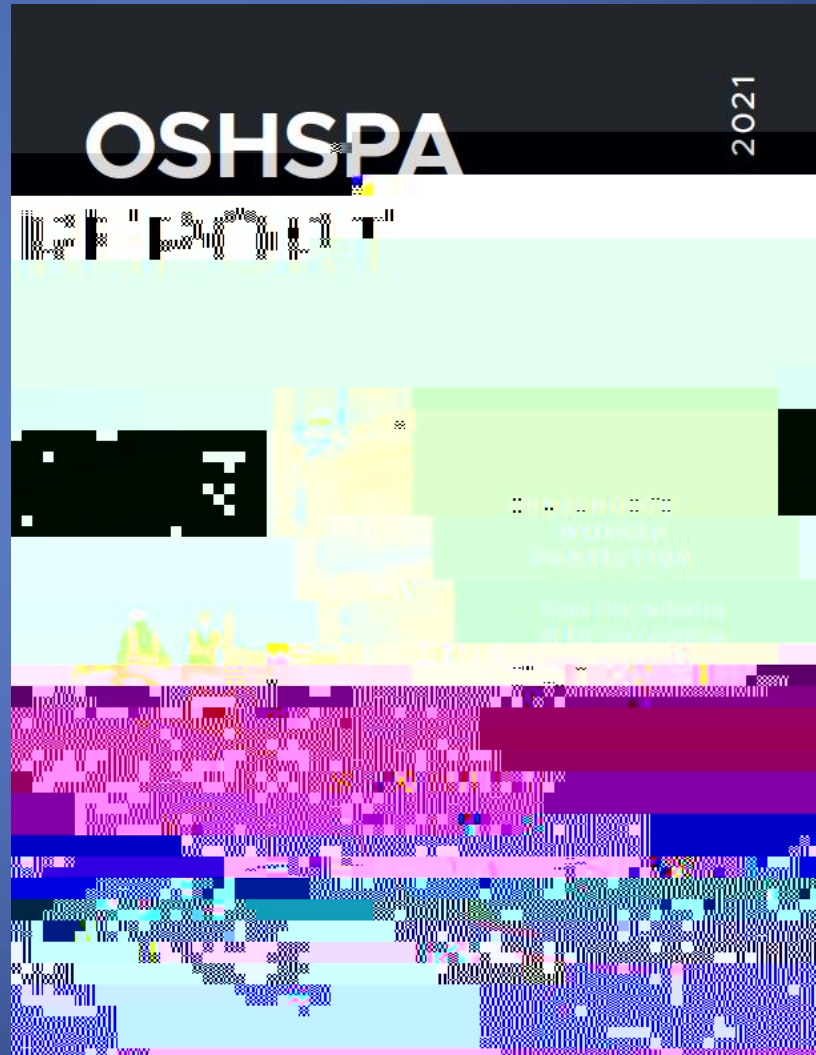
# NEXRAD Base Reflectivity

July 28, 2022, 12:00 am





# Annual *Grassroots* Report



# Special Report





# Penalty Inflationary Adjustment

as of August 2022

Implemented	Not Implemented	Not Required
1. Alaska	<del>Arizona</del>	1. Connecticut
2. Arizona	1. Indiana	2. Illinois
3. California	2. Kentucky	3. Massachusetts
4. Hawaii	3. Maryland	4. New Jersey
5. Iowa	4. Michigan	5. New York
6. Nevada	5. Minnesota	6. Maine
7. New Mexico	<del>North Carolina</del>	7. Virgin Islands
8. North Carolina	6. Puerto Rico	
9. Oregon	7. South Carolina	
10. Utah	8. Tennessee	
11. Vermont	<del>Utah</del>	
12. Virginia		
13. Washington		\$14,502 / \$1,036
14. Wyoming		\$145,027 / \$10,360
		\$ 7,000 / \$500
		\$70,000 / \$5,000

# A Little Analysis

<b>Average Serious Penalty Private Sector</b>				
<b>Number of workers</b>	<b>KY</b>	<b>National</b>	<b>Difference</b>	
<b>1 to 250+</b>	\$3,892.85	\$3,100.37	+\$792.48	
<b>1-25</b>	\$2,672.00	\$2,030.66	+\$641.34	
<b>26-100</b>	\$4,081.09	\$3,632.26	+\$448.83	
<b>101-250</b>	\$4,171.82	\$5,320.16	-\$1,148.34	
<b>251+</b>	\$5,208.39	\$6,575.70	-\$1,367.31	
				90.78%
				69.08%
<b>Average Penalty per Violation</b>	\$4,203.13	\$3,100.35	+\$1,102.76	