



KENTUCKY  
OCCUPATIONAL SAFETY AND HEALTH PROGRAM

STATE OFFICE ANNUAL REPORT

for

FEDERAL FISCAL YEAR 2016

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## INTRODUCTION

The Kentucky Occupational Safety and Health (OSH) Program was established in 1972 by the Kentucky General Assembly. In July of 1973, the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) approved Kentucky's state plan.

The Kentucky Labor Cabinet has experienced two (2) significant reorganizations. By Executive Order 2004-731, issued by Governor Ernie Fletcher in 2004, the Labor Cabinet was abolished with all duties, responsibilities, employees, and functions transferred to the Environmental and Public Protection Cabinet, Department of Labor. Executive Order 2004-731 was ratified into law during the 2005 General Assembly by Senate Bill 41.

Executive Order 2008-472, issued by Governor Steven L. Beshear and effective June 16, 2008, re-established the Labor Cabinet, headed by a Secretary appointed by the Governor, and assigned to it all organizational entities within, attached to, or associated with the former Department of Labor, including all duties, functions, responsibilities, personnel, records, files, equipment, budgets, appropriations, allotments, and cash balances assigned to those entities. All duties, responsibilities, records, files, equipment, budgets, appropriations, allotments, and cash balances assigned to the Office of Occupational Safety and Health were assigned to the Department of Workplace Standards, headed by a Commissioner appointed by the Governor.

Executive Order 2008-472 was not ratified in the 2009 Regular Session of the General Assembly. Therefore, Executive Order 2009-537 was issued by Governor Beshear on June 12, 2009, to preserve the organizational structure established in Executive Order 2008-472. Executive Order 2009-537 once again established the Labor Cabinet and assigned to it all organizational entities associated with the former Department of Labor as stated in Executive Order 2008-472.

Under the reorganization, the appointed directors of the Division of OSH Compliance and Division of OSH Education and Training report to the Commissioner of Workplace Standards who, in turn, reports to the Secretary of the Labor Cabinet.

On March 25, 2010, Governor Beshear signed into law House Bill 393, an act relating to reorganization. House Bill 393 amended and created various sections of the Kentucky Revised Statutes to abolish the Environmental and Public Protection Cabinet and created (re-established) the Labor Cabinet. Kentucky's OSH Program now consists of the Division of OSH Compliance, headed by a Director; the Division of OSH Education and Training, headed by a Director; and the OSH Federal-State Coordinator. The OSH Federal-State Coordinator and the appointed directors of the Division of OSH Compliance and Division of OSH Education and Training report to the Commissioner of Workplace Standards who, in turn, reports to the Secretary of the Labor Cabinet. Supplementing the functions of these units directly is a standards promulgation unit, the OSH Standards Board, as well as an adjudicatory body, the OSH Review Commission. Administrative staffs support the division directors, the commissioner's office of the Department of Workplace Standards, and the OSH Federal-State Coordinator's office.

The Kentucky OSH Program encompasses all areas, issues, and responsibilities that are covered by the Occupational Safety and Health Administration (OSHA) with the exception of private sector maritime activities, non-OSH related discrimination, temporary labor camps and field sanitation, federal employers and employees, private contractors on properties ceded to the Federal Government (including Job Corps Centers and Federal Correctional Institutions), Tennessee Valley Authority facilities, and federal military bases. Kentucky's jurisdiction also extends to all state and local public employers and employees. The state's effort, with the

exception of state and local government, does not include enforcement in any area over which OSHA does not exercise jurisdiction.

Kentucky's OSH statutes, KRS 338, include definitions of employer and employee that do not exclude public employers and public employees. The exclusions to KRS 338 cover only employees of the United States government and places of employment over which Federal agencies other than OSHA exercise statutory authority. In addition, written opinions of the Kentucky Attorney General's Office have supported the Labor Cabinet's position that public employees are included in the OSH Program jurisdiction, which subjects Kentucky's public employers and employees 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.

The Division of OSH Education and Training and the Division of OSH Compliance have an effective and comprehensive effort to promote the safety, health, and general welfare of the people of the Commonwealth. This effort focuses on preventing hazardous working conditions and practices at places of work. The Divisions of OSH Education and Training and OSH Compliance provide for voluntary compliance services, education and training, enforcement through inspections of workplaces, onsite consultation services, research, statistics, and other functions that meet the mandate of the Title XXVII – Labor and Human Rights, Kentucky Revised Statutes (KRS) Chapter 338, Occupational Safety and Health of Employees.

The Kentucky Labor Cabinet remains fully committed to promoting the safety, health, and general welfare of the Commonwealth of Kentucky by preventing any detriment to the safety and health of all employees, both public and private, arising out of exposure to harmful conditions and practices at places of work. In addition, the Cabinet is fully involved in

preserving our human resources by providing for education and training, inspection of workplaces, consultation services, research, reports, statistics, and other means of advancing progress in occupational safety and health.

Kentucky's Division of OSH Compliance maintains, at a minimum, benchmark staff of twenty-three (23) Compliance Safety and Health Officers (CSHO) and fourteen (14) Industrial Hygienists (IH). One (1) of these positions is devoted to investigating cases of alleged OSH discrimination. The Division of OSH Education and Training maintains three (3) main operational branches, safety, health, and partnerships. Field staff includes eight (8) consultants in the Safety Branch and nine (9) IHs in the Health Branch. The Partnership Branch maintains a staff of five (5) safety consultants and IHs as well as a Voluntary Protection Partnership (VPP) Administrator, a Safety and Health Achievement Recognition Program (SHARP) Administrator, and a Construction Partnership Program (CPP) Administrator.

The Kentucky OSH Program implemented a five (5) year strategic plan for Fiscal Years (FY) 2016-2020 that utilizes a combination of resources to address workplace hazards, including enforcement strategies, consultations, training and education, partnership programs, technical assistance, and standards development. The synergistic effect of these combined resources enables the OSH Program to significantly impact worker safety and health in the Commonwealth of Kentucky.

This report is presented in three (3) sections. Section I addresses Kentucky's success in achieving FY 2016 Performance Plan goals. Section II addresses mandated activities during FY 2016. Section III addresses noteworthy accomplishments achieved by the Kentucky OSH Program during FY 2016.

Information presented in this report reflects accurate data for the period sampled. Some case files have matured since preparation of this report while others are still working through the process. Subsequently, some of the information may vary if resampled. It is important to note that at the time of this report, there were 148 FY 2016 open enforcement inspections. The data has not fully matured.

## **SECTION I SUCCESS ACHIEVING PERFORMANCE GOALS**

The first strategic goal of the 2016-2020 Strategic Plan is to improve workplace safety and health for all workers, particularly in high-risk industries, as evidenced by fewer hazards, reduced exposures, and fewer fatalities, injuries, and illnesses.

Goal 1.1 of the FY 2016 Annual Performance Plan addresses the aforementioned Strategic Plan goal. Goal 1.1 is to reduce the recidivism rate for repeat, serious, and willful violations in residential construction.

FY 2016 is the first year under the new 2016-2020 (five (5) year) strategic plan and is a baseline year. The Division of OSH Compliance conducted twenty-seven (27) residential construction inspections resulting in two (2) repeat serious violations and thirty-five (35) serious violations. Total penalties were \$110,900.

The Division of OSH Education and Training offers training, technical assistance, and consultative services, upon request, to employers engaged in residential construction. The division also published several internet-based training modules applicable to residential construction, such as fall protection. Several offerings are available in Spanish.

Performance Goal 1.2 aims to reduce the hazards associated with hospitalizations, amputations, and illnesses in general industry as well as construction.

FY 2016 is the first year under the new five (5) year strategic plan and is a baseline year. In FY 2016, the Division of OSH Compliance received 101 reported amputations. Eighty-three (83) inspections were conducted with four (4) repeat serious violation, seventy (70) serious violations, and sixteen (16) other than serious violations. Total penalties were \$347,300.

In FY 2016, the Division of OSH Compliance received 304 hospitalization reports. Ninety-nine (99) inspections were conducted resulting in four (4) repeat serious violations, forty-five (45) serious violations, and sixteen (16) other than serious violations. Total penalties were \$297,575.

Performance Goal 1.3 addresses the total number of hazards identified through a multi-pronged strategy that incorporates efforts for both the Division of OSH Compliance and the Division of OSH Education and Training.

The Division of OSH Compliance's portion of this goal consists of the number of inspections in construction and general industry. In FY 2016, the Division of OSH Compliance conducted 992 inspections in general industry and construction.

The Division of OSH Education and Training's portion of this goal consist of surveys and training contact hours conducted in high hazard industries, as well as the total number of training courses, contact hours, surveys, and technical assistance visits conducted in all industries.

During FY 2016, the Division of OSH Education and Training conducted 166 health surveys of which all were considered high hazard. The division's safety branch conducted 198 surveys, of which all were considered high hazard. Five (5) safety and health technical assistance visits and 129 face to face training sessions were conducted that reached over 4,400 attendees. Other efforts conducted by the division in FY 2016 and data related to this goal are addressed throughout this report.

Performance Goal 1.4 strives to ensure that employers are adhering to settlement provisions and verify abatement of fatality and imminent danger investigations.

FY 2016 is the first year under the new five (5) year strategic plan and is a baseline year. The Division of OSH Compliance conducted eleven (11) follow-up inspections in FY 2016.

None of the inspections were conducted to verify adherence to settlement provisions of fatality and imminent danger investigations within ten (10) working days of the signed settlement agreement.

This performance goal, as written, is problematic and will be re-evaluated. Experience establishes that for construction-related issues, the overwhelming majority of imminent danger investigations, as well as the majority of fatality investigations, pertain to conditions or worksites that cannot accommodate a follow-up inspection. In other words, a follow-up inspection is not feasible because the work has been completed or the worksite is no longer active. The Division of OSH Compliance will improve Performance Goal 1.4 to better reflect intent and measurability.

Performance Goal 1.5 aims to reduce the number of injuries caused by falls, struck-by, and crushed-by incidents in construction by two (2) percent through a six (6) part strategy that combines efforts by the Division of OSH Compliance and the Division of OSH Education and Training which are discussed throughout this report. FY 2016 is the first year under the new five (5) year strategic plan and is a baseline year.

Data was collected by the Bureau of Labor Statistics Survey of Occupational Injuries and Illness in cooperation with the Division of OSH Education and Training's Statistical Services Branch. The following Kentucky and national incident rates for 2015 represent nonfatal occupational injuries and illnesses involving days away from work per 10,000 full-time workers in the construction industry.

2015	Falls	Struck-by	Crushed
Kentucky	13.2	14.8	0
National	18.8	27.4	4.3

All of Kentucky's rates are notably below the national rates. Kentucky notes the state's Struck-by rate improved significantly; the 2014 rate was 36.2 and now is 14.8. That is a 59.12% improvement.

The Division of OSH Education and Training continues its Construction Partnership Program (CPP) as well as monitoring the number of training courses, contact hours, surveys, and technical assistance efforts conducted in construction. In FY 2016, the Division of OSH Education and Training conducted seventeen (17) surveys, and presented nineteen (19) training courses in construction representing 2,175 contact hours.

Performance Goal 1.6 aims to initiate all fatality and hospitalizations of three (3) or more employees by the Division of OSH Compliance within one (1) working day of notification. Five (5) fatalities appear as outliers in FY 2016. A brief summary is provided below for each outlier.

1. An apparent suicide occurred at American Mitsuba Corporation on Friday, September 11, 2015 and was reported same day to the Division of OSH Compliance by the company's Maintenance Safety Manager. An investigation was not scheduled due to the manner of death. On Thursday, February 18, 2016, a family member of the deceased informed the Division of OSH Compliance the coroner ruled the death was not a suicide. An opening conference was conducted Friday, February 19, 2016. The Division of OSH

Compliance responded within one (1) working day of learning the fatality was not a suicide.

2. A fatality occurred at Kentucky Auto Auction on Tuesday, November 24, 2015 and was reported to the Division of OSH Compliance by the Jefferson County Deputy Coroner by fax on Wednesday, December 2, 2015. An opening conference was conducted Monday, December 7, 2015 due to the event date (Thanksgiving eve), delayed notification of the event, and CSHO coordination.

3. A fatal accident occurred on Sunday, January 31, 2016 at a construction site where Berry Jackson DBA Berry Jackson Contractor was a contractor. The fatality was reported on Monday, February 8, 2016 by the next-of-kin to the Division of OSH Compliance. An opening conference was conducted Thursday, February 18, 2016 due to inclement weather (snow) and the mountainous, remote location of the worksite,

4. A fatal shooting involving an employee at Warnock 23, LLC occurred on Thursday, February 4, 2016. The Division of OSH Compliance became aware of the incident by media reports on Friday, February 5, 2016. However, the incident was reported as a store robbery. After further media reporting, the Division of OSH Compliance learned the event was a workplace violence crime and the case was forwarded to a CHSO on Wednesday, February 10, 2016. There was further delay in opening the case due to questions regarding investigation of the event as a crime or as a workplace occupational safety and health issue. An opening conference was conducted Friday, February 12, 2016.

5. An accident occurred at Ridgetop Ventures LLC DBA Prestige Car Wash on Saturday, July 9, 2016 resulting in a hospitalization that was reported by the Louisville Metro

Police Department (LMPD) to the Division of OSH Compliance on the same day. On Sunday, July 10, 2016, LMPD reported the death of the employee to the Division of OSH Compliance. The message was retrieved Monday, July 11, 2016 and an opening conference was conducted Tuesday, July 12, 2016. The Division of OSH Compliance responded within one (1) working day of learning about the fatality.

Performance Goal 1.7 aims to initiate Division of OSH Compliance inspections of all imminent danger reports within one (1) working day of notification. The Division of OSH Compliance received 169 reports of imminent danger in FY 2016. Although four (4) inspections appear as outliers, the Division of OSH Compliance responded within one (1) working day; Kentucky met its goal. A brief summary is provided below for each outlier.

1. An imminent danger complaint for James Bushnell was received Tuesday, September 29, 2015 and the compliance officer arrived at the alleged jobsite same day. No work was being conducted and the address identified on the complaint was incorrect. The compliance officer returned to his workstation and contacted the complainant. An opening conference was conducted Thursday, October 1, 2015. The complaint was determined to be invalid. The Division of OSH Compliance responded within one (1) working day of receiving the complaint.

2. An imminent danger referral for Custom Interiors LLC was received Wednesday, November 25, 2015, the day before Thanksgiving, and a CSHO was assigned same day. Due to the state Thanksgiving holidays, an opening conference was conducted the next working day, Monday, November 30, 2015. The Division of OSH Compliance responded within one (1) working day.

3. An imminent danger referral for M&S Construction Indiana LLC was received late afternoon Tuesday February 23, 2016. The site was not active the following day, Wednesday, February 24, due to rain. An opening conference was conducted Thursday, February 25. The Division of OSH Compliance responded within one (1) working day of receiving the complaint and the worksite being active.

4. An imminent danger construction-related referral was received Friday afternoon, April 8, 2016 for Progressive Pipeline Construction. An opening conference was not conducted on Monday, April 11 due to weather (rain) and the site being inactive. An opening conference was conducted Tuesday, April 12, 2016. The Division of OSH Compliance responded within one (1) working day of receiving the complaint and the worksite being active.

Performance Goal 1.8 strives to reduce Kentucky's total case rate for injuries and illnesses. This performance goal combines efforts for both the Division of OSH Compliance and the Division of OSH Education and Training.

FY 2016 is the first year under the new five (5) year strategic plan and is a baseline year. The 2011 baseline incident rate for all industries is 4.5. The total recordable incidence rate in 2015, and new baseline, for all industries was 3.7; a significant improvement from the 2011 baseline rate.

Performance Goal 1.9 addresses the reduction of Kentucky's lost time case rate for injuries and illnesses. This performance goal combines efforts for both the Division of OSH Compliance and the Division of OSH Education and Training.

FY 2016 is the first year under the new five (5) year strategic plan and is a baseline year. For 2015, the incident rate, and new baseline, for lost time events (cases away from work, job transfer, or restriction) is 1.9.

Performance Goal 1.10 aims to reduce total fatalities in general industry and construction. FY 2016 is the first year under the new five (5) year performance plan and is a baseline year. In FY 2016, eighty-five (85) fatalities were reported to the Division of OSH Compliance. There were twenty-one (21) fatality investigations conducted in general industry and seven (7) fatality investigations conducted in construction.

Performance Goal 1.11 aims to reduce the total case rate in five (5) of the top fifteen (15) industries in Kentucky with the highest injury and illness total case incident rates and incorporates efforts for both the Division of OSH Compliance and the Division of OSH Education and Training. Based on 2014 Bureau of Labor Statistics (BLS) data, the ten industries in Kentucky with the highest injury and illness total case incident rates and the total case rate for each industry were:

<b>NAICS</b>	<b>Description</b>	<b>Rate</b>
3211	Sawmill and Wood Preservation	15.0
3273	Cement and Concrete Product Manufacturing	13.6
623	Nursing and Residential Care Facilities	12.8
485	Transit and Ground Passenger Transportation	12.8
3331	Agriculture, Construction, and Mining Machinery Manufacturing	11.9
622	Hospitals	10.8
327	Nonmetallic Mineral Product Manufacturing	9.0
321	Wood Product Manufacturing	8.8
3327	Machine Shops, Turned Products and Screw Nut and Bolt Manufacturing	8.5
33637	Motor Vehicle Metal Stamping	7.4

The Division of OSH Education and Training selected five (5) of the aforementioned industries in FY 2016 using the 2014 BLS data collected by the division's Statistical Services Branch for outreach and assistance. The division mailed an offer to employers in those selected industries encouraging their utilization of Division of OSH Education and Training services.

Non-responders were referred to the Division of OSH Compliance. The 2015 BLS data for the FY 2016 selected industries reflects the results of those efforts.

<b>NAICS</b>	<b>Description</b>	<b>Rate</b>
3211	Sawmill and Wood Preservation	5.8
3273	Cement and Concrete Product Manufacturing	3.8
327	Nonmetallic Mineral Product Manufacturing	3.4
321	Wood Product Manufacturing	6.8
3327	Machine Shops, Turned Products and Screw Nut and Bolt Manufacturing	4.5

The reduction in total case rate for the five (5) selected industries was dramatic and significant; Kentucky met the goal.

During FY 2016, the Division of OSH Education and Training conducted 218 safety and health surveys in the selected top ten (10) Kentucky high hazard NAICS and specific high hazard industries. Additionally, forty (40) training sessions were presented at five (5) Population (POP) Center Training seminars throughout the Commonwealth. The training addressed subjects relevant to the targeted NAICS such as Injury and Illness Recordkeeping, Fall Protection, Confined Space, Basic Electrical Safety, Welding Safety, Bloodborne Pathogens, Personal Protective Equipment, Spray Finishing, Lockout-Tagout, Electrical Safe Work Practices, Back Care and Ergonomics, Powered Industrial Trucks, Silica, and Confined Space in Construction. Over 1,350 participants attended the training courses.

In an effort to supplement resources in addressing high hazard industry issues, the Division of OSH Education and Training continued to coordinate outreach with professional and industry associations.

Bureau of Labor Statistics 2014 data was utilized to target employers in the industries with the highest injury and illness rates. 261 letters were sent to employers encouraging them to request consultation services. Seventy-three (73) employers responded to the outreach letters with survey requests. Division staff members are working with employers to improve the safety

and programs in their places of employment. The outreach included an emphasis on NAICS 3273, Cement and Concrete Product Manufacturing and surveys at these facilities included an analysis of potential exposures to silica. Employers who did not respond or chose not to use the voluntary services of the Division of OSH Education and Training are referred to the Division of OSH Compliance.

Kentucky remains committed to working with employers and the Division of OSH Education and Training continues focus industries, and employers, with the worst injury and illness rates. The Division of OSH Compliance continues its general schedule inspection focus in the fifteen (15) industries with the highest injury and illness total case incident rates.

The second goal of Kentucky's 2016-2020 Strategic Plan is to change workplace culture to increase employer and employee awareness of, commitment to, and involvement in occupational safety and health.

Performance Goal 2.1 addresses settlement agreements. Agreements with a monetary penalty reduction of \$15,000 or more include documented implementation of an internal safety and health management program or engage use of outside consultation.

During FY 2016, the Division of OSH Compliance signed 189 settlement agreements. Penalties were reduced \$15,000 or more in two (2) settlement agreements that included documented implementation of an internal safety and health management program or engaged use of outside consultation.

Penalties were reduced \$15,000 or more in eight (8) agreements that did not include documented implementation of an internal safety and health management program or engage use of outside consultation. In general, settlement agreements that did not include documented

implementation of an internal safety and health management program or engage use of outside consultation may be permitted based on, or a combination of:

1. The documented financial condition of the employer.
2. The employer was a construction company. Construction activities are covered by Subpart C of the construction standards found at 29 CFR Part 1926.
3. The citation(s) were reclassified resulting in a penalty reclassification of \$15,000 or more.

A brief synopsis of the aforementioned eight (8) agreements follows.

- The penalty in Reynolds Consumer Products LLC, was reduced from \$30,750 to \$15,750 due to the reclassification of Citation 1 from repeat serious to serious.
- The penalty in Dawn Food Products, Inc. was reduced from \$25,200 to \$9,450 based on grouping serious violation on Citation 1, Items 1, 2, and 3, and reducing the penalty for Citation 1, Item 4a.
- The penalty in Scott, Murphy, & Daniel, LLC, KOSHRC 5065-13, was reduced from \$28,900 to \$3,250. Construction activities are not addressed in the 1989 guidelines because they are covered by Subpart C of the construction standards found at 29 CFR Part 1926.
- The penalties in Charles Bowling dba Allsystem Roofing, KOSHRC 5207-14, were reduced from \$39,200 to \$10,600. Construction activities are not addressed in the 1989 guidelines because they are covered by Subpart C of the construction standards found at 29 CFR Part 1926.
- The penalties in Liberty Hardware Co, Inc, KOSHRC 5177-14, were reduced from \$126,000 to \$6,100 based on the documented financial hardship of the company.

- The \$39,050 penalty in Coyne International Enterprises Corp was abandoned due to bankruptcy.
- The penalty in Southern Pipeline Construction Co., KOSHRC 5243-15, was reduced from \$16,800 to \$1,000. Construction activities are not addressed in the 1989 guidelines because they are covered by Subpart C of the construction standards found at 29 CFR Part 1926.
- The penalty in Cardinal Aluminum Co., KOSHRC 5297-15, was reduced from \$62,500 to \$20,000 based on the grouping of Citation 2, Items 1, 2, 3, 7, and 8 and reduction of penalty for the remaining citation items.

Performance Goal 2.2 is to incorporate evaluation of safety and health management systems in 100 percent of the full-service comprehensive surveys.

All FY 2016 Division of OSH Education and Training comprehensive consultative surveys incorporated an evaluation of safety and health management systems.

Performance Goal 2.3 seeks to utilize the Safety and Health Program Assessment Worksheet in 100 percent of the general industry full-service surveys.

All FY 2016 Division of OSH Education and Training comprehensive general industry consultative surveys utilized the Safety and Health Program Assessment Worksheet.

Performance Goal 2.4 aims to include a narrative safety and health program evaluation in 100 percent of the full-service consultation surveys.

All general industry full-service surveys conducted by the Division of OSH Education and Training included a narrative safety and health program evaluation.

Performance Goal 2.5 aims to provide safety and health program management training.

The Division of OSH Education and Training provided employers and employees a cost-free online eLearning safety and health program management training module on the Labor Cabinet's eLearning website, [www.laborcabinetetrain.ky.gov](http://www.laborcabinetetrain.ky.gov). During FY 2016, 435 individuals viewed the module.

Performance Goal 2.6 addresses the evaluations of worksites on a timely basis, timely certification and re-certification of Voluntary Protection Program (VPP) sites, development of Construction Partnership Program (CPP) agreements, and addition of new employers to the Safety and Health Achievement Recognition Program (SHARP) as well as maintenance and re-certification of current SHARP sites. Kentucky met the goal as supported in the information provided below.

The Kentucky OSH Partnership Program continues to be very active working with current participants, adding new participants and always reaching out and looking for new participants for VPP, SHARP and the CPP.

The largest CPP agreement in the history of the program, the Louisville Bridges project, began early October 2013 and concluded in FY 2016. In 2013, the Labor Cabinet established a formal site-based partnership with Walsh Construction Company and WVB East End Partners (a team of Walsh Investors LLC, VINCI Concessions and Bilfinger Project Investments), which are building the Downtown Crossing and East End Crossing, respectively. The National Construction Alliance II and the National Heavy and Highway Coalition represent both projects and are signatory participants in the partnership as well as the Kentucky Transportation Cabinet. The \$2.6 billion Ohio River Bridges project is Kentucky's largest current transportation infrastructure improvement and is one of the biggest underway in the nation. Several full site CPP audits were conducted in FY 2016 at both sites, covering hundreds of employees doing

dozens of different jobs and work activities. Several full site partnership audits were conducted in FY 2016 at both sites, covering hundreds of employees performing dozens of different jobs and work activities. Unfortunately, the East End bridge project was concluded prematurely due to an accident and subsequent enforcement activity at the site. The downtown bridge project however remained strong and a solid partner. Though still active at the end of the federal fiscal year, the Partnership Branch has now conducted its final audit at the downtown project.

Forty (40) site audits and contacts were conducted by the Division of OSH Education and Training during the Louisville Bridges Project affecting over 7,000 employees.

A significant new CPP agreement began spring FY 2016 with Brasfield and Gorrie. The project is the Omni Hotel, an upscale mixed use business and residential facility situated in the heart of downtown Louisville with a project cost of \$270+ million dollars. The project has so far been very successful with Brasfield and Gorrie being a very active partner.

The Partnership Branch had sixty (60) contacts/visits with CPP sites in FY 2016 affecting almost 6,000 employees.

New CPP projects of note that began this fiscal year include:

- Construction of a \$20 million science building expansion at Bluegrass Community and Technical College in Lexington with Congelton-Hacker Company;
- Construction of a \$39 million Student Activity Center at the University of Louisville with Shiel/Sexton;
- Construction of a \$56 million Pediatric Ambulatory Care Center at the University of Louisville with Messer Construction; and
- A \$62 million Belknap Campus new classroom project at the University of Louisville with Whittenburg Construction.

VPP continues to be successful and sets the standard for program and participant quality. The Partnership Program is working diligently with several facilities in their quest to become VPP while maintaining thirteen (13) very strong, successful sites.

One facility, WestRock in Nicholasville was added to the VPP family in FY 2016. Work is underway with two (2) very large PSM facilities with the goal of reaching VPP status.

The VPP program sustained a setback in FY 2016 with the retirement of long time VPP Administrator Joe Giles. Fortunately, it was only a temporary setback as SHARP Administrator Brian Black stepped into the VPP Administrator role and got right to work. The Partnership Program is very excited about the direction of the program as Mr. Black brings a new vision and ideas to existing partnership sites as well as those striving to become VPP.

SHARP continued to grow and two (2) new companies joined the program in FY 2016 with more working to come aboard. The FY 2016 additions were:

- River Metals Recycling, Paducah; and
- Orbis Corporation, Georgetown.

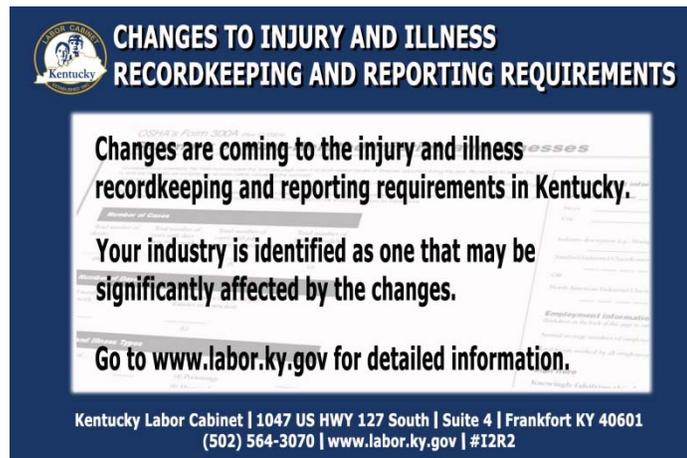
Unfortunately, two (2) SHARP participants were released in FY 2016. One (1) facility went out of business and the other was bought out.

The Partnership Branch conducted a grand total of 254 visits/contacts in FY 2016 affecting 14,727 employees.

Performance Goal 2.7 addresses the implementation of a targeted outreach plan for 100 percent of new Kentucky OSH standards.

The Kentucky OSH Program undertook an extensive state-wide campaign in FY 2015 and continued in FY 2016 to educate employers who are newly required to record work-related injuries and illnesses subsequent to OSHA's September 18, 2014 final rule which is effective in Kentucky on January 1, 2016. The outreach included a webpage devoted to the injury and illness

recordkeeping and reporting (I2R2) changes as well as a letter to stakeholders from then Secretary Roberts summarizing the changes and asking for their help in reaching others. Additionally, an I2R2 postcard was developed and mailed to 2,000+ Kentucky employers in sixty-three (63) industry sectors newly required to maintain workplace injury and illness records.



To help educate the regulated community, six (6) face-to-face training sessions were conducted at locations throughout the state that specifically included I2R2 information. The sessions were well attended. Finally, the I2R2 eLearning modules at [www.laborlabinetetrain.ky.gov](http://www.laborlabinetetrain.ky.gov) were updated to include the new information. The modules and recorded I2R2 webinar were viewed 883 times in FY 2016.

The division continues to offer free outreach training at POP Centers for employers and employees across the Commonwealth addressing Kentucky OSH standards. The Kentucky Labor Cabinet also maintains updated and accurate information on the Kentucky OSH webpage as well as cost free publications for employers and employees. The Division of OSH Education and Training distributes a compact disc that contains all state OSH regulations, federal OSH standards, Kentucky safety and health manuals, posters, conference information, and other resource links. The compact disc offers employers a mechanism to register and receive notices regarding new or amended regulations. The Kentucky OSH Program provides the compact disc free of charge.

The Kentucky OSH Program no longer prints the federal regulations. Kentucky now prints a document entitled “Kentucky Occupational Safety and Health Standards for Construction and General Industry.” The document contains Kentucky specific OSH general industry and construction regulations that supersede OSHA’s standards.

The third goal of Kentucky’s 2016-2020 Strategic Plan is to maximize the efficient and effective use of human and technological resources.

Performance Goal 3.1 is to maintain a reliable data repository.

The Kentucky OSH Program deployed comprehensive data management software in FY 2013 for both the Division of OSH Compliance and the Division of OSH Education and Training that “replaced” OSHA’s NCR/IMIS and OIS system. The software did not actually replace OSHA’s systems; NCR equipment was maintained as required by OSHA but Kentucky OSH Program staff members did not utilize it. Kentucky’s software communicated to OSHA’s systems “behind the scenes.” In FY 2015, Kentucky deployed a customized interface that provides the state’s compliance and consultation data to OSHA’s OIS system. In FY 2016, Kentucky transmitted data to OSHA in both systems, IMIS and OIS.

In addition to the collection, retention, and transmission of Kentucky’s data to OSHA, Kentucky’s software provides advanced OSH Program capabilities including report writing, inspection and survey milestone tracking, time management, program performance reports, etc. Each division also has specific functionality and capabilities unique to their individual needs. The software has proven very beneficial to the OSH Program.

The Division of OSH Compliance employs one (1) individual dedicated to maintaining reliable data. The Division of OSH Education and Training also employs one (1) individual

dedicated to maintaining reliable data. Both divisions continue to maintain a reliable data repository.

Performance Goal 3.2 aims for new supervisory staff to complete formal leadership training or complete certification.

The Division of OSH Compliance and the Division of OSH Education and Training did not hire new supervisory staff during FY 2016.

Performance Goal 3.3 encourages and aids professional certification. During FY 2016, the Division of OSH Compliance maintained three (3) certified Construction Health and Safety Technician (CHST) employees. During FY 2016, the Division of OSH Compliance also sent employees to attend certification preparation courses. The Division of OSH Compliance maintained four (4) Certified Safety Professional (CSP) employees.

The Division of OSH Compliance continues to encourage and promote professional certification by maintaining two (2) safety position descriptions and increased salaries for the level of certification, paying for certification preparatory courses, and paying for the certification examination after successful completion. Three (3) employees were promoted or reclassified in FY 2016 as a result of successfully attaining professional certification.

One (1) Division of OSH Compliance safety supervisor is a Certified Public Manager (CPM) and the Health Program Manager holds a Certificate of Management Fundamentals.

During FY 2016, the Division of OSH Education and Training maintained one (1) CIH-CSP-OHST certified employee, four (4) CIH-CSP certified employees, three (3) CSP-CHST certified employees, one (1) CSP-OHST certified employee, one (1) CSP certified employee, three (3) CIH certified employees, three (3) OHST certified employees, and one (1) CHST certified employee. Four (4) division employees have completed the CPM Program through

Kentucky State University Governmental Services Center. The division has one (1) employee who is a Certified Government Meeting Planner.

The Office of the Federal-State Coordinator maintained one (1) dual CIH-CSP employee and one (1) CSP employee.

Performance Goal 3.4 encourages and aids completion of continuing education. In FY 2016, the Division of OSH Compliance aided the completion of an Eastern Kentucky University graduate degree for one (1) compliance officer in the Division of OSH Compliance. The individual graduated with a Master of Science in Safety, Security, and Emergency Management degree.

Since 2009, the Division of OSH Compliance has supported eleven (11) compliance officers attaining Master of Science degrees.

Performance Goal 3.5 aims to develop and publish electronic learning products.

The Division of OSH Education and Training added or updated four (4) cost-free interactive training products to the [www.laborcabinetetrain.ky.gov](http://www.laborcabinetetrain.ky.gov) library. They are Powered Industrial Trucks, Module 1, Fork Lifts, Module 2, Introduction to Emergency Response, and Introduction to OSHA, Part 1.

Seven (7) new webinars were conducted, recorded, and published to the website for instant viewing. They are Permit-required Confined Space in Construction, Asbestos Awareness, Carbon Monoxide: The Invisible Killer, Manual Material Handling & Lower Back Care, Fall Protection: Common Questions, Developing & Implementing Emergency Action Plans, and Health Hazard Awareness.

Performance Goal 3.6 seeks to include photographs of actionable hazards in 100 percent of surveys.

Photographs of actionable hazards were included in all consultation surveys when feasible. This continues to be monitored through the review of all consultation reports.

## **SECTION II MANDATED ACTIVITIES**

The Occupational Safety and Health Act and 29 CFR 1902 establish a number of mandated activities or core elements for any state plan program. Kentucky's Annual Performance Plan, while involving many of these core elements, does not address every mandated activity. Mandated core elements of Kentucky's OSH program are addressed in this section.

### Unannounced Inspections, Including Prohibition Against Advance Notice Thereof

During FY 2016, the Division of OSH Compliance conducted 992 unannounced inspections of work sites under the authority of KRS 338.101. Advance notice of inspections is prohibited and punishable under KRS Chapter 338.991(9).

### Employee Involvement in Inspection Process

803 KAR 2:110 establishes that an authorized representative of the employees is given an opportunity to accompany compliance officers during inspections. The Division of OSH Compliance contacts a representative(s) of employee-organized groups upon entry onto a site in order to afford employees' participation in the inspection process. Representatives of employee groups may participate in the inspection process by attending the opening conference, accompanying the inspector and employer on the walkaround, and attending the closing conference. Employee representatives are also allowed to observe employee interviews. If no employee-organized group exists at the facility, employee interviews are conducted.

Following the inspection, 803 KAR 2:130 requires that employee representative(s) be afforded the opportunity to observe any informal conference requested by the employer. 803 KAR 50:010 Section 14 allows the employee organization, or any interested employee, to intervene in any subsequent contest.

## First Instance Sanctions Against Employers Who Violate the Act, Including Citations

KRS Chapter 338.141 mandates the issuance of citations for violations of any OSH requirement. The Division of OSH Compliance continued to improve Kentucky's work environment through enforcement operations, which include first instance citations for violations of workplace safety and health standards and regulations.

The Division of OSH Compliance conducted a total of 992 inspections in FY 2016, 829 safety inspections and 163 health inspections. 765 inspections were un-programmed, breaking down as:

- 395 referrals;
- 191 complaints;
- 142 un-programmed related;
- Eleven (11) follow-ups; and
- Twenty-six (26) fatalities/catastrophes.

227 programmed inspections break down as:

- 101 planned; and
- 126 programmed related.

448 inspections were in the construction industry and 538 were in manufacturing. 953 private sector and thirty-nine (39) public sector employers were inspected. The Division of OSH Compliance conducted 829 safety inspections which constitute 83.6 percent of total inspections while health conducted 163, representing 16.4 percent of total inspections. Twenty-nine (29) inspections were conducted under national emphasis programs. Twenty-two (22) of these were safety and seven (7) were health related.

Safety averaged 23.6 hours per case with 58.29 average days from opening conference to citation issuance. Health averaged 79.5 hours per inspection with 70.73 average days from opening conference to citation issuance. A total of 1,096 violations were issued in FY 2016 with penalties totaling \$2,678,800 and break down as:

643 violations classified as serious with penalties of \$2,093,325;  
Thirty-two (32) repeat with penalties of \$317,600; and  
414 violations classified as other-than-serious with penalties of \$67,875;  
Six (6) violations classified as willful with penalties of \$197,000; and  
One (1) violation classified as failure-to-abate with a penalty of \$12,000

In FY 2016, the total amount of penalties collected by the Division of OSH Compliance was \$957,233.33. Fifty-five (55) cases were contested representing 5.5 percent of total inspections.

The Division of OSH compliance inspected establishments employing a total of 634,505 employees and the inspections covered 38,704 employees. The Division of OSH Compliance vacated twenty (20) private sector violations which represents 1.64 percent of the violations issued. Additionally, the division reclassified fifteen (15), or 1.23 percent of the violations issued. Penalties issued were retained in 71.73 percent of the violations.

#### Ensuring Abatement of Potentially Harmful or Fatal Conditions

Hazardous conditions identified by Kentucky compliance officers and consultants are required to be abated. In order to ensure the correction of violations, KRS 338.991(4) provides specific penalties for any employer who fails to correct a cited violation. In addition, 803 KAR 2:060 establishes that employers must certify that each cited violation has been abated. Follow-up inspections are conducted to verify that potentially harmful conditions have been abated. The Division of OSH Compliance strives to perform at least ten (10) percent of safety and health inspections as follow-up inspections. The safety branch follows up on imminent danger inspections after the employer has received the citations. The majority of these inspections deal with residential fall protection, non-residential fall protection, and trenching hazards. Also on the follow-up list are employers who fail to provide the Division of OSH Compliance with abatement documentation.

The Division of OSH Compliance performed eleven (11) follow-up inspections in FY 2016, representing 1.1 percent of all safety and health inspections.

One (1) failure-to-abate violation was issued in FY 2016.

Discrimination rights established in KRS 338.121 and 803 KAR 2:250 are explained to complainants when they contact the Division of OSH Compliance. Employees interviewed during OSH inspections are also informed of their rights. The Division of OSH Compliance prints discrimination rights on the back of staff business cards which are given to employees during inspections.

The Division of OSH Compliance has the force of KRS 338.131(1) which gives the executive director who is the Commissioner of Workplace Standards the authority to issue an immediate abatement order in the event of “. . .an imminent danger which reasonably could be expected to cause death or serious physical harm.” This ensures prompt abatement or removal of employees from the hazard. If an employer fails to comply with an abatement order issued under KRS 338.131(1), the Division of OSH Compliance shall apply to the Franklin Circuit Court through its Office of General Counsel for an order to restrain such condition or practice.

Serious hazards identified by Division of OSH Education and Training consultants must also be corrected. Employers who fail to correct serious hazards identified in Division of OSH Education and Training consultative surveys are subject to referrals to the Division of OSH Compliance for inspection.

#### Prompt, Effective Standard Adoption and Promulgation

The Kentucky OSH Standards Board, hereinafter referred to as Board, held a public meeting on May 10, 2016 in Louisville to consider state adoption of several amendments to

OSHA's standards as well as an amendment to Kentucky's residential construction fall protection requirement.

The Board considered and adopted OSHA's final rule published in the October 5, 2015 Federal Register that corrected electrical safety-related work practices for general industry and the electric power generation, transmission, and distribution standards. The final rule affected Kentucky Administrative Regulations (KAR) 803 2:317, 2:318 and 2:421.

The Board considered and adopted a correction to the flammable liquids standard published in the March 1, 2016 Federal Register. This final rule affected 803 KAR 2:307.

The Board considered and adopted amendments to 803 KAR 2:412, Fall Protection related to Federal enforcement of a 6-foot trigger height. Several portions of Kentucky's regulation were retained.

The Board considered and adopted amendments to the existing standards for occupational exposure to respirable crystalline silica published in the March 25, 2016 Federal Register. The amendments created new permissible exposure limits and required various engineering controls and work practices to reduce employee exposure to silica. The final rule affected 803 KAR 2:320, 2:403, 2:425, and 2:500.

The Board also considered and adopted the final rule updating OSHA standards based on National Consensus standards for eye and face protection published in the March 25, 2015 Federal Register. The final rule affected 803 KAR 2:300, 2:308, 2:400, 2:404, and 2:500.

All amendments adopted by the Board at its May 10, 2016 public meeting, with the exception of 803 KAR 2:412, became effective September 2, 2016. The amendment to 803 KAR 2:412 is effective in January 2017.

On July 7, 2016, Secretary Derrick Ramsey and Commissioner Ervin Dimeny signed an amendment to Kentucky's recording and reporting regulation, 803 KAR 2:180. The amendment was related to the changes published in the May 12, 2016 Federal Register. The amendment to 803 KAR 2:180 is effective in December 2016.

#### Allocation of Sufficient Resources

The Kentucky OSH Program continued to match federal funding at the required rate. The state provides significant additional dollars beyond the federal match to meet the program's needs. Kentucky's ratio of state to federal funds for FY 2016 was 64:36.

#### Counteraction of Imminent Dangers

KRS 338.131 provides enforcement personnel with the authority to order that imminent danger conditions be immediately abated. Such authority includes the enforcement of necessary measures to avoid, correct, or remove the imminent danger and prohibit the presence of individuals where the imminent danger exists. Reports of imminent danger are given the highest priority for inspection by the Division of OSH Compliance.

The Division of OSH Compliance received 169 reports of imminent danger in FY 2016. Although four (4) inspections appear as outliers, the Division of OSH Compliance responded within one (1) working day; Kentucky met its goal. A brief summary is provided below for each outlier.

1. An imminent danger complaint for James Bushnell was received Tuesday, September 29, 2015 and the compliance officer arrived at the alleged jobsite same day. No work was being conducted and the address identified on the complaint was incorrect. The compliance officer returned to his workstation and contacted the complainant. An opening conference was conducted Thursday, October 1, 2015. The complaint was

determined to be invalid. The Division of OSH Compliance responded within one (1) working day of receiving the complaint.

2. An imminent danger referral for Custom Interiors LLC was received Wednesday, November 25, 2015, the day before Thanksgiving, and a CSHO was assigned same day. Due to the state Thanksgiving holidays, an opening conference was conducted the next working day, Monday, November 30, 2015. The Division of OSH Compliance responded within one (1) working day.

3. An imminent danger referral for M&S Construction Indiana LLC was received for Progressive Pipeline Construction late afternoon Tuesday February 23, 2016. The site was not active the following day, Wednesday, February 24, due to rain. An opening conference was conducted Thursday, February 25. The Division of OSH Compliance responded within one (1) working day of receiving the complaint and the worksite being active.

4. An imminent danger referral was received Friday afternoon, April 8, 2016 for a construction-related issue. An opening conference was not conducted on Monday, April 11 due to weather (rain) and the site being inactive. An opening conference was conducted Tuesday, April 12, 2016. The Division of OSH Compliance responded within one (1) working day of receiving the complaint and the worksite being active.

### Response to Complaints

Kentucky's statutes ensure that employees and their representatives have a right to notify the OSH Program of perceived workplace violations. KRS 338.121 requires that a special inspection be conducted upon receipt of such notifications if reasonable grounds exist that there

is a violation or danger. The Division of OSH Compliance prioritizes the employee complaints it receives.

Valid, formal complaints are scheduled for workplace inspections. Formal complaints are given priority based upon classification and gravity of the alleged hazard. Formal serious complaints, for example, are inspected within thirty (30) days; however, it is stressed to compliance officers to respond within five (5) days after assignment of the complaint.

The Complaint Audit Log Report indicates that the average response time to complaints was 9.9 days for safety and 8.8 days for health. The division's overall average for serious complaints was 9.2 days from the date the complaint is received to the date the inspection is opened. The Complaint Audit Log indicates the average response time to complaints alleging other than serious hazards for safety was 9.8 days, and 10.4 days for health. The division's overall average was 10.1 days for other than serious hazards from the date the complaint was received to the date the inspection was opened.

Of the 801 complaints received in FY 2016, 194 were processed as formal complaints resulting in 176 inspections and 607 were processed as informal complaints.

#### Response to Referrals

The Division of OSH Compliance responded to 450 referrals in FY 2016. Kentucky places the same level of importance to referrals as it does complaints. As provided in Chapter 9 of Kentucky's FOM, serious complaints must be opened within thirty (30) working days and non-serious complaints within 120 working days. Referrals have the same importance as complaints and the Division of OSH Compliance utilizes the same timeline in responding to referrals while stressing a five (5) day response. Utilizing this criteria, the Division of OSH Compliance met the referral response requirement for serious and non-serious hazards.

The Referral Audit Log indicates the average response time to referrals alleging imminent dangers for safety was 0.1 days and 0.0 days for health. The overall average for safety was 5.1 days and 4.5 days for health from the date of all referrals received to the date the inspection opened.

#### Fatality/Catastrophe Investigations

Only imminent danger investigations are given a higher priority in scheduling inspections by the Division of OSH Compliance than fatality/catastrophe investigations. It is the policy of the Division of OSH Compliance to investigate all job-related fatalities and hospitalizations of three (3) or more employees as thoroughly and expeditiously as possible. There were twenty-six (26) work-related fatalities in FY 2016. There were no hospitalizations of three (3) or more employees reported to the Division of OSH Compliance in FY 2016.

#### The Investigation of Discrimination and Employee Protection from Discrimination

KRS 338.121(3) offers protection to employees from reprisals which might result from the exercise of rights afforded by the OSH statutes. A system of citations and penalties, appeals to the OSH Review Commission, and reinstatement authority by the Commissioner while final determination is pending before the Review Commission, distinguishes the Kentucky anti-discrimination effort. In addition, 803 KAR 2:240 allows any employee who believes he or she has been discriminated against, to file a complaint within 120 days of the alleged violation, as opposed to the thirty (30) days allowed by federal law. The Division of OSH Compliance is responsible for the enforcement of the state's anti-discrimination provisions.

During FY 2016, the Division of OSH Compliance received thirty (30) discrimination complaints. Nine (9) cases were determined to have no merit, fourteen (14) cases were

administratively closed, and seven (7) cases were withdrawn. The average lapse time for discrimination cases was forty-four (44) days per case.

When complainants call, they are informed of their discrimination rights, as are employees when interviewed during inspections. The Division of OSH Compliance also prints discrimination rights on the back of its business cards which are given to employees during inspections.

#### Ensuring Employees Access to Health and Safety Information

KRS 338.161(2) and 803 KAR 2:060 require employers to post notices informing employees of the protections and obligations provided for them in the law, including the proper contact for assistance and information. Kentucky regulations also provide for the availability of copies of the law and all regulations through the Kentucky Labor Cabinet. Employers who have obtained copies of these materials are required to make them available to employees or their authorized employee representatives. Failure to comply with posting requirements and information sharing provisions are citable offenses that may carry penalties.

#### Ensuring Employee Access to Information on Exposure to Toxic or Harmful Agents

Kentucky adopted 29 CFR 1910.1020, which assures employee access to information on exposure to toxic materials and medical records. Employers who fail to comply with these requirements are subject to citations and monetary penalties. In addition, Kentucky has a regulation, 803 KAR 2:062, entitled “Employers’ Responsibility Where Employees are Exposed to Toxic Substances.” The regulation requires employers to monitor areas of exposure to potentially toxic substances and to notify employees who have been or are being exposed to toxic materials. Monitoring records are to be maintained and made available to employees, former employees, or employee representatives.

In FY 2016, the Division of OSH Compliance conducted thirty-three (35) inspections relating to toxic material and harmful agents breaking down as:

- One (1) inspection relating to formaldehyde penalties totaling \$1,375 for two (2) serious and four (4) other-than-serious violations;
- One (1) inspection relating to lead with no citations or penalties;
- Fifteen (15) inspections relating to asbestos with penalties of \$7,750 for four (4) serious and four (4) other-than-serious violations;
- Four (4) inspections related to dust explosion with penalties totaling \$8,175 for two (2) serious violations;
- Four (4) inspections related to silica with no citations or penalties;
- Two (2) inspections related to isocyanate with no penalties for five (5) other-than-serious violations;
- One (1) tuberculosis inspection resulting in one (1) serious violation with penalties totaling \$4,900;
- Five (5) inspections specifically related to bloodborne pathogens resulting in three (3) serious violations and one (1) other than serious violation with penalties totaling \$12,300; and
- Two (2) indoor air quality inspections, one (1) case with no violations and the other an open case at the time of this report writing.

#### Coverage of Public Employees

KRS 338 “Occupational Safety and Health of Employees” establishes definitions for employer and employee which do not exclude public employers and public employees. The exclusions to KRS Chapter 338 cover only employees of the United States government and places of employment over which federal agencies other than OSHA have exercised statutory authority. In addition, written opinions of the Kentucky Office of the Attorney General support the Kentucky Labor Cabinet’s position that public employees are included in the Kentucky OSH Program’s jurisdiction. Therefore, Kentucky’s public employers and employees are subject to the same requirements, sanctions, and benefits as Kentucky’s private sector employers and employees. Consequently Kentucky statutes, regulations, and policies make no distinction between public and private sector employers and employees. During FY 2016, the Division of OSH Compliance conducted thirty-nine (39) inspections of public sector work sites, which

includes programmed inspections and responses to public employee complaints. This calculates to 3.9 percent of the total number of Division of OSH Compliance inspections.

Services offered by the Division of OSH Education and Training are available to state and local public agencies in the same manner and to the same degree as private employers.

During FY 2016, forty-two (42) training sessions were provided to public sector employers and employees totaling 1,984 participants. Five (5) consultative surveys were conducted in public sector facilities resulting in the identification of four (4) serious and fifteen (15) other-than-serious hazards.

#### Recordkeeping and Reporting

KRS Chapter 338.161 “Statistical records – Posting of notices” requires that employers keep, preserve, and make available to the Kentucky OSH Program and the Secretary of the U.S. Department of Labor or the Secretary of the U.S. Department of Health and Human Resources, records relating to occupational safety and health as may be prescribed by regulation. Kentucky promulgated a regulation, 803 KAR 2:180, which specifically addresses occupational injury and illness recordkeeping, as well as reporting of fatalities, hospitalizations, and loss of an eye. The reporting requirement is limited to hospitalizations that occur within seventy-two (72) hours of the incident. Employers are also required to report any amputation or loss of an eye suffered by an employee from any work-related incident. Hospitalizations of one (1) or two (2) employees, as well as amputations and loss of eye injuries, must be reported to the Kentucky OSH Program within seventy-two (72) hours after the employer, his agent, or another employee is informed of such a condition.

The Division of OSH Compliance has an inspection scheduling system that prioritizes reported hospitalizations, amputations, and loss of eye injuries. This allows compliance

resources to be focused on serious hazards in the workplace. In addition, the Division of OSH Compliance conducts analysis of reported accidents to identify systemic trends for type of accident and industry sector. In FY 2016, the Division of OSH Compliance received 304 hospitalization reports. Ninety-nine (99) inspections were conducted resulting in four (4) repeat violations, forty-five (45) serious violations, and sixteen (16) other than serious violations. Total penalties were \$297,575.

In FY 2016, the Division of OSH Compliance received 101 reported amputations. Eighty-three (83) inspections were conducted with four (4) repeat serious violations, seventy (70) serious violations, and sixteen (16) other than serious violations. Total penalties were \$297,575.

In FY 2016, the Division of OSH Compliance received one (1) reported loss of eye injury. One (1) inspection was conducted with no violations or penalty recommended.

Total penalties for violations related to amputations, hospitalizations, and loss of eye injuries in FY 2016 were \$644,875.

#### Education, Training, and Consultation Services

The Kentucky General Assembly, in enacting the Commonwealth's occupational safety and health laws, clearly expressed in its Statement of Purpose and Policy, found at KRS 338.011, that the means of preventing workplace injuries and illnesses were to include education, training, and consultation services. The Legislature created a Division of OSH Education and Training for Occupational Safety and Health to help serve this purpose.

Since 1973, the Division of OSH Education and Training has offered a full range of services, including cost-free on-site consultation, technical assistance, training programs, and publications.

The Division also has a full range of partnership and recognition programs including:

1. The Kentucky VPP which is similar to OSHA's VPP.
2. The Safety Partnership Program (SPP) offers long term assistance to smaller employers who have a history of high injury/illness rates and high workers' compensation costs.
3. The CPP focuses specifically on partnering with contractors and builders to address the unique issues of the construction industry.
4. The Kentucky SHARP mirrors the federal SHARP by encouraging small high hazard employers to operate exemplary safety and health management systems.
5. The Governor's Safety and Health Award Program recognizes employers who have reached certain milestones without a lost work time injury or illness.

The division conducted 364 consultative surveys in FY 2016 identifying and ensuring the abatement of 3,623 serious hazards. The division also conducted 129 training courses and reached approximately 4,400 attendees in response to training requests from employers.

Division staff members provided five (5) on-site technical assistance visits and responded to hundreds of inquiries from public and private employers regarding OSH concerns.

The Kentucky OSH Program, through the Division of OSH Education and Training, offers a full range of education, training, and consultation services to employers and employees in the Commonwealth.

## **SECTION III NOTEWORTHY ACCOMPLISHMENTS**

Many daily activities of the Kentucky OSH Program result in accomplishments that are not easily measured. The impact of the on-site presence of OSH personnel; the hazards identified and corrected through inspection or consultation; and the injuries, illnesses and fatalities that were prevented, while critically important, are ones that do not easily lend themselves to be singularly classified as outstanding accomplishments. Nevertheless, the day-to-day efforts of Kentucky OSH field and office personnel should not go unrecognized. During FY 2016, there were events, activities, and results that merit attention as outstanding accomplishments.

### Lowest Injury and Illness Rate in Kentucky History

The total recordable incidence rate in 2015 for all industries in Kentucky was 3.7. 3.7 is the lowest rate in Kentucky since the U.S. Bureau of Labor Statistics began recording the data in 1996. (Kentucky's rate in 1996 was 8.4.) Although Kentucky's incidence rate is slightly higher than the national average of 3.0, Kentucky is closing the gap, going from 4.2 in 2012 to 4.1 in 2013, 3.8 in 2015, and now to 3.7. Kentucky remains committed to further reducing the state's total case rate.

### Voluntary Protection Partnership

Kentucky's VPP Program recognizes employers who have reached a level of excellence in their safety and health programs and removes them from programmed inspection lists. Detailed reviews of records and written programs, as well as intensive on-site surveys of worksite operations, assure that only companies that have a strong commitment to workplace safety and health and institutionalized safety and health management systems in place, as well as

proven success maintaining a safe and healthful workplace, qualify for Kentucky's highest achievement recognition.

The thirteen (13) Kentucky VPP sites are:

- Cintas, Grayson;
- Dow Corning Corporation, Carrollton;
- General Electric Aircraft Engines, Madisonville;
- General Electric Aviation Infrastructure, Erlanger;
- General Electric Energy Service and Repair Center, Louisville;
- Hunter Douglas Corporation, Owensboro;
- International Paper Corporation, Bowling Green;
- Kimberly-Clark, Owensboro;
- L'Oreal (USA) Florence Manufacturing, Florence;
- Performance Pipe, Williamstown;
- Raytheon Corporation, Louisville;
- Veolia Water North America, Fort Knox; and
- WestRock, Nicholasville.

VPP continues to be successful and sets the standard for program and participant quality.

The Partnership Program is working diligently with several facilities in their quest to become VPP while maintaining thirteen (13) very strong, successful sites.

One facility, WestRock in Nicholasville was added to the VPP family in FY 2016. Work is underway with two (2) very large PSM facilities with the goal of reaching VPP status.

#### Construction Partnership Program

The Division of OSH Education and Training continues to focus on the construction industry by promoting CPP. The largest CPP agreement in the history of the program, the Louisville Bridges project, began early October 2013 and concluded in FY 2016. In 2013, the Labor Cabinet established a formal site-based partnership with Walsh Construction Company and WVB East End Partners (a team of Walsh Investors LLC, VINCI Concessions and Bilfinger Project Investments), which are building the Downtown Crossing and East End Crossing, respectively. The National Construction Alliance II and the National Heavy and Highway

Coalition represent both projects and are signatory participants in the partnership as well as the Kentucky Transportation Cabinet. The \$2.6 billion Ohio River Bridges project is Kentucky's largest current transportation infrastructure improvement and is one of the biggest underway in the nation. Several full site CPP audits were conducted in FY 2016 at both sites, covering hundreds of employees doing dozens of different jobs and work activities. Several full site partnership audits were conducted in FY 2016 at both sites, covering hundreds of employees performing dozens of different jobs and work activities. Unfortunately, the East End bridge project was concluded prematurely due to an accident and subsequent enforcement activity at the site. The downtown bridge project however remained strong and a solid partner. Though still active at the end of the federal fiscal year, the Partnership Branch has now conducted its final audit at the downtown project.

Forty (40) site audits and contacts were conducted by the Division of OSH Education and Training during the Louisville Bridges Project affecting over 7,000 employees.

A significant new CPP agreement began in spring FY 2016 with Brasfield and Gorrie. The project is the Omni Hotel, an upscale mixed business and residential facility situated in the heart of downtown Louisville with a project cost of \$270+ million dollars. The project has so far been very successful with Brasfield and Gorrie being a very active partner.

The Partnership Branch had sixty (60) contacts/visits with CPP sites in FY 2016 affecting almost 6,000 employees.

Some new CPP projects of note that began this fiscal year include:

- Construction of a \$20 million science building expansion at Bluegrass Community and Technical College in Lexington with Congelton-Hacker Company;
- Construction of a \$39 million Student Activity Center at the University of Louisville with Shiel/Sexton;
- Construction of a \$56 million Pediatric Ambulatory Care Center at the University of Louisville with Messer Construction; and

- A \$62 million Belknap Campus new classroom project at the University of Louisville with Whittenburg Construction.

### SHARP

SHARP continued to grow and two (2) new companies joined the program in FY 2016 with more working to come aboard. The FY 2016 additions were:

- River Metals Recycling, Paducah; and
- Orbis Corporation, Georgetown.

Unfortunately, two (2) SHARP participant were released in FY 2016. One (1) facility went out of business and the other was bought out.

### TRACK Partnership

Tech Ready Apprentices for Careers in Kentucky (TRACK) is a partnership between the Kentucky Department of Education's Office of Career and Technical Education and the Labor Cabinet. The goal of this partnership is to prepare students for the workforce, help create and retain local jobs for students and upon successful completion will result in acceptance in a Registered Apprenticeship Program. The partnership between the Office of Career and Technical Education (OCTE) and the Labor Cabinet provides pre-apprenticeship opportunities to high school students through existing programs offered at secondary tech centers across the state.

Employers may design secondary vocational training programs that best suit their needs. A minimum of four (4) courses are required, with one (1) of the courses being a cooperative education placement. In addition to the four (4) courses, students complete eight (8) safety and health modules developed by the Division of OSH Education and Training. The OCTE has specific training modules for students enrolled in the electrical, welding, or carpentry tracks, and is currently developing requirements for students in information technology and health sciences concentrations.

The modules are provided through the Labor Cabinet's e-learning website, [www.laborcabinetetrain.com](http://www.laborcabinetetrain.com). Upon completing each module with quiz, students receive a certificate from the Division of OSH Education and Training that must be turned in to their instructor and employer. The Division of OSH Education and Training believes this is a great opportunity to educate the young workforce regarding the importance of occupational safety and health. The division's participation in TRACK began January 1, 2015 and there were 1,290 visits to the modules. There were 3,503 visits to the modules in FY 2016.

### Construction Compliance Inspections

During FY 2016, Kentucky conducted a total of 435 construction inspections. The Division of OSH Compliance conducted ninety-four (94) construction inspections in SICs starting with fifteen (15); twenty-five (25) in SICs starting with sixteen (16); and 316 in SICs starting with seventeen (17). Kentucky issued 327 violations for construction hazards including forty-four (44) other-than-serious violations, 264 serious violations, and eighteen (18) repeat serious violations, and one (1) willful violation with penalties totaling \$984,075.

Kentucky's state specific regulation 803 KAR 2:412 specifically addresses residential construction fall protection. The regulation, which became effective on January 6, 2006, defines residential construction in Kentucky as construction work on a stand alone single family dwelling, duplex, three-plex, or four-plex structure. Employees engaged in residential construction activities working ten (10) feet or more above a lower level who are exposed to unprotected sides and edges, leading edges, hoist areas, form work and reinforcing steel, or are engaged in roofing work on roof slopes three (3) in twelve (12) or less, must be protected by guardrail systems, safety net systems, personal fall arrest systems, or a specific alternative measure established in the regulation. In FY 2016, the Division of Compliance conducted

twenty-seven (27) inspections in residential construction and issued forty-one (41) violations with penalties totaling \$110,900.

#### Compliance Emphasis on Serious Hazards

The Division of OSH Compliance maintains an emphasis on addressing serious hazards. Imminent danger hazards receive the highest priority. Referral and complaint hazards are evaluated using the same criteria. In FY 2016, the Division of OSH Compliance issued:

- 645 serious violations with penalties totaling \$2,093,325;
- Thirty-two (32) serious repeat violations with penalties totaling \$317,600; and
- 417 other than serious violations with penalties totaling \$67,875.

Information presented in this report reflects accurate data for the period sampled. Some case files have matured since preparation of this report while others are still working through the process. Subsequently, some of the aforementioned information may vary if resampled. It is import to note that at the time of this report, there were 148 FY 2016 open enforcement inspections. The data has not fully matured.

#### Combustible Dust

The Kentucky Labor Cabinet entered into an Interagency Agreement in 2005 with the Office of Housing, Building and Construction, Division of Fire Prevention (State Fire Marshal). Under the agreement, during the inspection of industrial facilities by the State Fire Marshal in which the potential for combustible dust hazards may exist, the State Fire Marshal informs employer representatives of the availability of education and technical assistance services that are available from the Kentucky OSH Program's Division of OSH Education and Training. If there are safety and health issues, the State Fire Marshal will make a referral to the Division of OSH Compliance.

If the Kentucky OSH program becomes aware of the existence of fire and safety issues, it will notify the State Fire Marshal. Both the State Fire Marshal and the Division of OSH Compliance will cooperate in the investigation of all fires and explosions involving combustible dust. The Kentucky Labor Cabinet and State Fire Marshal are cooperating to identify facilities and conduct joint investigations, when possible, where combustible dust hazards exist.

The Division of OSH Compliance conducted four (4) combustible dust inspections in FY 2015 resulting in two (2) serious violation and one (1) other than serious violation with penalties totaling \$8,175.

#### Notification of Asbestos Abatement/Demolition/Renovation or Ten (10) Day Notice

The Division of OSH Compliance has an agreement with the Division of Air Quality in the Department for Environmental Protection of the Energy and Environment Cabinet in which the Division of OSH Compliance is alerted of any or all asbestos removals conducted in the Commonwealth. Employers are required to notify the Division of Air Quality ten (10) days in advance of any job involving asbestos removal.

The Division of OSH Compliance conducted fifteen (15) inspections relating to asbestos in FY 2016 resulting in four (4) serious violations and four (4) other than serious violations with penalties totaling \$7,750.

#### Occupational Poison Alerts

The Division of OSH Compliance receives notices of incidents involving occupational exposure to toxins and poisons from The Kentucky Regional Poison Center of Kosair Children's Hospital. These notices made the Division of OSH Compliance aware of events that may have otherwise been overlooked. Many have resulted in citations and penalties. This informal arrangement and notice provides a mechanism to protect employees from future exposures.

During FY 2016, the Division of OSH Compliance received four (4) notices from the Poison Control Center, two (2) from the Division of Air Quality, two (2) from the Child Lead Prevention Program, and one (1) from the Kentucky Department for Public Health that involved occupational exposure to toxins or poisons. Nine (9) inspections were conducted resulting in twelve (12) serious violations and three (3) other than serious violations with penalties totaling \$17,175.

### Professional Development

During FY 2016, the Division of OSH Education and Training maintained one (1) CIH-CSP-OHST certified employee, four (4) CIH-CSP certified employees, three (3) CSP-CHST certified employees, one (1) CSP-OHST certified employee, one (1) CSP certified employee, three (3) CIH certified employees, three (3) OHST certified employees, and one (1) CHST certified employee. Four (4) division employees have completed the CPM Program through Kentucky State University Governmental Services Center. The division has one (1) employee who is a Certified Government Meeting Planner.

The Office of the Federal-State Coordinator maintained one (1) dual CIH-CSP employee and one (1) CSP employee.

The Division of OSH Compliance followed OSHA's TED 01-00-019, Mandatory Training Program for OSHA Compliance Personnel during FY 2015. The Division of OSH Education and Training utilized TED 01-00-018 as guidance for training newly-hired employees for most of FY 2016.

The Division of OSH Compliance remains committed to developing and maintaining an experienced, diverse staff and continues to encourage professional development and professional certification, such as the CSP and CIH. Since the development of the CSP/OHST/CHST

position within the division, a number of compliance officers have attained certification and more are in the process of doing so.

During FY 2016, the Division of OSH Compliance maintained three (3) certified Construction Health and Safety Technician (CHST) employees. During FY 2016, the Division of OSH Compliance also sent employees to attend certification preparation courses. The Division of OSH Compliance maintained four (4) Certified Safety Professional (CSP) employees. The Division of OSH Compliance continues to encourage and promote additional personnel to achieve certification in the safety and health field by maintaining two (2) safety certified position descriptions, paying for certification preparatory courses, and paying for the certification examination upon successful completion of the examination. One (1) Division of OSH Compliance safety supervisor is a Certified Public Manager and the Health Program Manager holds a Certificate of Management Fundamentals.

During FY 2016, the Division of OSH Compliance supported employees' professional certification preparation as well as OSHA Training Institute attendance.

In FY 2016, the Division of OSH Compliance aided the completion of an Eastern Kentucky University graduate degree for one (1) compliance officer in the Division of OSH Compliance. The individual graduated with a Master of Science in Safety, Security, and Emergency Management degrees.

Since 2009, the Division of OSH Compliance has paid for ten (10) compliance officers to attain Master of Science degrees.

Focused OSH Public Speaking / Presentations

The Kentucky OSH Program continues to serve as a resource for associations, employers, organizations, etc. requesting specialized and insightful speakers addressing various OSH-related topics.

The Division of OSH Education and Training conducted 129 face-to-face training courses and reached over 4,400 attendees in response to training requests from employers.

Forty (40) training sessions were presented at five (5) Population (POP) Center Training seminars throughout the Commonwealth. The training addressed subjects relevant to the targeted NAICS such as Injury and Illness Recordkeeping, Fall Protection, Confined Space, Basic Electrical Safety, Welding Safety, Bloodborne Pathogens, Personal Protective Equipment, Spray Finishing, Lockout-Tagout, Electrical Safe Work Practices, Back Care and Ergonomics, Powered Industrial Trucks, Silica, and Confined Space in Construction. Over 1,350 participants attended the training courses.

Attendance and positive feedback demonstrate that Kentucky OSH Program staff participation at such events is beneficial for the Labor Cabinet, employers, and employees.

#### Standards Interpretation and Development

The OSH Standards Specialists and OSH Federal-State Coordinator provided nearly 1,163 OSH interpretations during FY 2016; and; on behalf of the Kentucky OSH Standards Board as well as the Labor Cabinet, completed promulgation of several regulations that affected fourteen (14) Kentucky Administrative Regulations.

#### National Conference and Exposition Support

At the request of OSHA, the Kentucky OSH Program represented OSHA at the October 2015 National Planet GIE+EXPO and Hardscape North America Conference and Exposition in Louisville. The event, sponsored by the National Association of Landscape Professionals,

Outdoor Power Equipment Institute, and Professional Grounds Management Society, is the largest industry showcase for the lawn and garden, outdoor power equipment, and landscaping industries attracting over 19,000 attendees. According to conference organizers, the event is the ninth (9<sup>th</sup>) largest trade show in the United States. There were approximately 19,500 participants and approximately 750 exhibitors. Two (2) OSH Standards Specialists staffed an exhibit booth over a two (2) day period where they responded to participants' questions and distributed outreach material provided by OSHA. The OSH Federal-State Coordinator represented OSHA at the daily "Breakfast of Champions" events. The OSH Federal-State Coordinator also participated as an instructor in a conference session entitled "OSHA Compliance-Based Safety Workshop."

#### KYOSH IMPACT

The Labor Cabinet's OSH Program was active in FY 2016 in the OSH Program's incident response-outreach vehicle, the Incident Mobile Post and Consultation Training vehicle, dubbed the KYOSH IMPACT. The KYOSH IMPACT is a Class A state of the art multi-purpose motor coach specifically constructed to support the Division of OSH Compliance and the Division of OSH Education and Training. The KYOSH IMPACT, made possible in 2009 through a one-time federal award, is equipped with satellite service, surveillance equipment, internal and external monitors, workstations, and a host of other devices.

The IMPACT was deployed to six (6) worksites throughout the state during FY 2016. The Division of OSH Education and Training used the IMPACT to support the fall protection campaign, provide information on the hazards of heat stress, and conduct other outreach activities reaching approximately 1,000 employees.

#### Governor's Safety and Health Conference and Exposition

The Labor Cabinet, in conjunction with the Kentucky Safety and Health Network, Inc., presented the 32nd Annual Governor's Safety and Health Conference and Exposition in Louisville on May 9-13, 2016. This year's very successful event, the largest safety and health exposition in the Commonwealth, featured pre-conference courses, thirty-four (34) concurrent workshops, and outstanding keynote speakers.

Additionally, Scholastic Achievement for Education Awards, or "SAFE" awards, totaling nearly \$33,500 were presented at the conference to seven (7) university students matriculating in the areas of occupational safety and health, industrial hygiene, or a closely related field. Kids Chance of Kentucky also presented scholarships to children of Kentucky workers killed or seriously injured in work-related incidents.

Twenty-one (21) Kentucky employers were presented with the Governor's Safety and Health Award at the event. The award is presented to employers and employees who together achieve a required number of hours worked without experiencing a lost time injury or illness. An additional twenty-six (26) companies received the Governor's Safety and Health Award at their facilities in FY 2016.

#### Collection of Delinquent OSH Penalties

Pursuant to KRS 45.239(4) and 45.241, the Kentucky OSH Program entered into an agreement with the Kentucky Revenue Cabinet in FY 2013 to collect delinquent debts. Employers who have outstanding OSH debts are reported to the Revenue Cabinet for collection and further action. Such action may include:

- Adding a 25% collection fee to the total debt to defray the cost of collection;
- Filing a notice of State Lien. The filing of a lien will be reflected in credit reports maintained by various credit bureaus;
- Seizing all property rights, both real and personal. This includes, but is not limited to, the attachments of any funds held by a bank, any wages paid to the employer, and the seizure and sale of any real estate; and

- Using any tax refund or other monies that may become due to the employer from the Commonwealth of Kentucky to offset the outstanding debt.

The effort has proven successful; delinquent debts have been collected by Revenue and returned to the OSH Program. And, the OSH Program has seen an increase in employer's efforts to resolve debt payment to avoid being reported to the Revenue Cabinet. Since October 2013, the Division of OSH Compliance has submitted 109 cases to the Revenue Cabinet for collection totaling \$878,887.34. To date, \$114,841.45 has been collected.

### Additional Efforts

The Labor Cabinet recognized the need to make occupational safety and health training more accessible and economical for all of Kentucky's employers and employees and charged the OSH Program with achieving the goal. The Kentucky OSH Program applied for, and received, a one (1) time federal award in FY 2011 to purchase web conferencing software, a video editing computer, and video equipment. After much planning and preparation, the Cabinet launched an online workplace safety and health training website, [www.laborcabinetetrain.ky.gov](http://www.laborcabinetetrain.ky.gov), the same year. Employers and employees have cost-free, 24/7 access to a variety of OSH webinars and training courses. The eLearning program has grown by leaps and bounds since its launch. To date, more than 100,000 participants have utilized the website.

Webinars are streamed and provide real-time instruction and offer immediate feedback to participants. Advanced registration for webinars is required and is free to all participants. As each webinar is presented, it is recorded and available for review at any time.

The Division of OSH Education and Training added or updated four (4) cost-free interactive training products to the [www.laborcabinetetrain.ky.gov](http://www.laborcabinetetrain.ky.gov) library. They are *Powered Industrial Trucks, Module 1, Fork Lifts, Module 2, Introduction to Emergency Response*, and *Introduction to OSHA, Part 1*.

Seven (7) new webinars were conducted, recorded, and published to the website for instant viewing. They are *Permit-required Confined Space in Construction*, *Asbestos Awareness*, *Carbon Monoxide: The Invisible Killer*, *Manual Material Handling & Lower Back Care*, *Fall Protection: Common Questions, Developing & Implementing Emergency Action Plans*, and *Health Hazard Awareness*.

Kentucky is particularly proud of the fact that [www.laborcabinetetrain.org](http://www.laborcabinetetrain.org) has been created, designed, and developed solely by Labor Cabinet staff. In addition to performing their full plate of regular duties, Division of OSH Education and Training consultants compose all course content and a division training development specialist assists with presentation and production details.

#### Fall Prevention Stand-down and Campaign

The 2016 fall protection Stand-down was very successful. The Labor Cabinet participated at worksite Stand-down events in four (4) different cities across Kentucky during the national May 2-6 stand-down. Kentucky OSH Program staff members distributed fall prevention campaign materials and provided training to over 800 employees utilizing the KYOSH IMPACT vehicle. OSH Program consultants demonstrated proper inspection, use, and care for a wide variety of fall protection equipment such as harnesses, lanyards, and self-retracting lifelines. Defective



equipment was also demonstrated to illustrate “what to look for” and provide real life examples of “what can go wrong” when equipment is not properly utilized. Through a cooperative effort with

LAMAR Advertising Company, eleven (11) Stand-down billboards appeared in eight (8) cities across the Commonwealth promoting the Stand-down. The billboards ran two (2) weeks prior to (and during) the Stand-down, and received over 444,800 impressions per week.

Kentucky's focus on fall prevention did not end with the Stand-down. For the next six (6) weeks, flyers addressing specific fall hazards such as aerial lifts, scaffolding, fall protective equipment, ladders, and steel erection are distributed weekly via the cabinet's email distribution list to 4,000+ recipients.

### Heat Campaign

Since 2011, the Division of OSH Education and Training has participated in the heat awareness campaign and conducted concentrated state-wide efforts to educate the working public concerning the hazards of working in the summer heat. The efforts targeted construction as well as general industry.

Kentucky continued the outreach in FY 2016, reaching out to educate Kentucky's workforce regarding the hazards of heat stress. The outreach was conducted through distance learning as well as direct, face-to-face jobsite contacts. The Labor Cabinet's eLearning website hosts the interactive *Heat Stress Awareness for Construction and General Industry* module and *Occupational Heat Exposure* webinar. The module and webinar were viewed over 1,387 times in FY 2016.