



Safety and Health Programs in the States

White Paper

April 2016

Contents

1.	INTRODUCTION.....	1
	1.1 WORKPLACE SAFETY PLAN OR PROGRAM REQUIRED BY STATUTE	1
	1.2 SAFETY COMMITTEE REQUIREMENT	2
	1.3 CONSULTATION AND TRAINING	2
	1.4 WORKERS’ COMPENSATION PREMIUM REDUCTIONS	2
	1.5 SAFETY AWARDS AND RECOGNITION.....	2
	1.6 SUMMARY TABLE	3
2.	ALABAMA	6
	2.1 PROGRAM OR PLAN	6
	2.2 SAFETY COMMITTEE	6
	2.3 CONSULTATION AND TRAINING	6
	2.4 PREMIUM REDUCTION.....	6
	2.5 AWARDS AND PUBLIC RECOGNITION	6
	2.6 REFERENCES	6
3.	ALASKA	7
	3.1 PROGRAM OR PLAN	7
	3.2 SAFETY COMMITTEE	7
	3.3 CONSULTATION AND TRAINING	7
	3.4 PREMIUM REDUCTION.....	7
	3.5 AWARDS AND PUBLIC RECOGNITION	7
	3.6 REFERENCES	7
4.	ARIZONA	8
	4.1 PROGRAM OR PLAN	8
	4.2 SAFETY COMMITTEE	8
	4.3 CONSULTATION AND TRAINING	8
	4.4 PREMIUM REDUCTION.....	8
	4.5 AWARDS AND PUBLIC RECOGNITION	9
	4.6 REFERENCES	9
5.	ARKANSAS.....	9
	5.1 PLAN OR PROGRAM	9
	5.2 SAFETY COMMITTEE	10
	5.3 CONSULTATION AND TRAINING	10
	5.4 PREMIUM REDUCTION.....	10
	5.5 AWARDS AND PUBLIC RECOGNITION	10
	5.6 REFERENCES	10
6.	CALIFORNIA.....	11
	6.1 PROGRAM OR P	

Contents (Continued)

6.2 SAFETY COMMITTEE	11
6.3 CONSULTATION AND TRAINING	12
6.4 PREMIUM REDUCTION	12
6.5 AWARDS AND PUBLIC RECOGNITION	12
6.6 REFERENCES	12
7. COLORADO	13
7.1 PROGRAM OR PLAN	13
7.2 SAFETY COMMITTEE	13
7.3 CONSULTATION AND TRAINING	13
7.4 PREMIUM REDUCTION	13
7.5 AWARDS AND PUBLIC RECOGNITION	14
7.6 REFERENCES	14
8. CONNECTICUT	14
8.1 PROGRAM OR PLAN	14
8.2 SAFETY COMMITTEE	15
8.3 CONSULTATION AND TRAINING	15
8.4 PREMIUM REDUCTION	16
8.5 AWARDS AND PUBLIC RECOGNITION	16
8.6 REFERENCES	16
9. DELAWARE	16
9.1	

Contents (Continued)

12.

Contents (Continued)

17.5 AWARDS AND PUBLIC RECOGNITION	27
17.6 REFERENCES	27
18. KANSAS	27
18.1 PROGRAM OR PLAN	27
18.2 SAFETY COMMITTEE	27
18.3 CONSULTATION AND TRAINING	27
18.4 PREMIUM REDUCTION	28
18.5 AWARDS AND PUBLIC RECOGNITION	28
18.6 REFERENCES	28
19. KENTUCKY	28
19.1 PROGRAM OR PLAN	28
19.2 SAFETY COMMITTEE	29
19.3 CONSULTATION AND TRAINING	29
19.4 PREMIUM REDUCTION	29
19.5 AWARDS AND PUBLIC RECOGNITION	29
19.6 REFERENCES	29
20. LOUISIANA	30
20.1 PLAN OR PROGRAM	30
20.2 SAFETY COMMITTEE	31
20.3 CONSULTATION AND TRAINING	31
20.4 PREMIUM REDUCTION	31
20.5 AWARDS AND PUBLIC RECOGNITION	31
20.6 REFERENCES	31
21. MAINE

Contents (Continued)

23.3 C

- 29. NEBRASKA44**
 - 29.1 PROGRAM OR PLAN44
 - 29.2 SAFETY COMMITTEE44
 - 29.3 CONSULTATION AND TRAINING44
 - 29.4 PREMIUM REDUCTION44
 - 29.5 AWARDS AND PUBLIC RECOGNITION44
 - 29.6 REFERENCES44

- 30. NEVADA.....45**
 - 30.1 PROGRAM OR PLAN45
 - 30.2 SAFETY COMMITTEE45
 - 30.3 CONSULTATION AND TRAINING45
 - 30.4 PREMIUM REDUCTION46
 - 30.5 AWARDS AND PUBLIC RECOGNITION46
 - 30.6 REFERENCES46

- 31. NEW HAMPSHIRE46**
 - 31.1 PROGRAM OR PLAN46
 - 31.2 SAFETY COMMITTEE46
 - 31.3 CONSULTATION AND TRAINING46
 - 31.4 PREMIUM REDUCTION47
 - 31.5 AWARDS AND PUBLIC RECOGNITION47
 - 31.6 REFERENCES47

- 32. NEW JERSEY47**
 - 32.1 PROGRAM OR PLAN47
 - 32.2 SAFETY COMMITTEE47
 - 32.3 .15 Td-S.....B9.48 0 0 9.N36 354(W)-12.r2FF(OT2540 354.12 Tm()Tj/TT1 1 TfAEI11F(OT2.....47)Tj/T5.4r15(.15 T0 01.....

Contents (Continued)

34.5 AWARDS AND PUBLIC RECOGNITION52
34.6 REFERENCES52

35. NORTH CAROLINA53

35.1 PROGRAM OR PLAN53
35.2 SAFETY COMMITTEE53
35.3 CONSULTATION AND TRAINING54
35.4 PREMIUM REDUCTION55
35.5 AWARDS AND PUBLIC RECOGNITION55
35.6 REFERENCES55

36. NORTH DAKOTA55

36.1 PROGRAM OR PLAN55
36.2 S

Contents (Continued)

40.3 CONSULTATION AND TRAINING	64
40.4 PREMIUM REDUCTION	64
40.5 AWARDS AND PUBLIC RECOGNITION	64
40.6 REFERENCES	64
41. PUERTO RICO.....	65
41.1 PROGRAM OR PLAN	65
41.2 SAFETY COMMITTEE	65
41.3 CONSULTATION AND TRAINING	65
41.4 PREMIUM REDUCTION	66
41.5 AWARDS AND PUBLIC RECOGNITION	66
41.6 REFERENCES	66
42. RHODE ISLAND.....	66
42.1 PROGRAM OR PLAN	66
42.2 SAFETY COMMITTEE	66
42.3 CONSULTATION AND TRAINING	66
42.4 PREMIUM REDUCTION	66
42.5 AWARDS AND PUBLIC RECOGNITION	67
42.6 REFERENCES	67
43. SOUTH CA	

SAFETY AND HEALTH PROGRAMS IN THE STATES WHITE PAPER

1. INTRODUCTION

This white paper analyzes and inventories state-level activities that require (by rule or statute), incentivize (through premium credits or public recognition), and support (with free training and consultations) the establishment of comprehensive workplace safety and health plans or committees. Table 1 in this section summarizes the state-by-state information detailed in the following sections. Five categories of safety and health program promotion at the state level were investigated. These are described below.

1.1 WORKPLACE SAFETY PLAN OR PROGRAM REQUIRED BY STATUTE

Employers in all states must comply with OSHA regulations. There is no general OSHA requirement for employers to establish or maintain a written, comprehensive safety plan or program. The focus of this section is on requirements for general safety plans or programs that have been enacted by states, .1(92 Tw 21.471 0 Td[(t)-7.2Pth)-1.

award to individual state employees. (Awards and recognition associated with OSHA's VPP and SHARP programs were not considered to be state-sponsored.)

1.6 SUMMARY TABLE

Table 1 provides a summary of each state's current approach to workplace safety and health programs and safety committees. If a state mandates programs or committees for employers (beyond the current OSHA regulations), the table indicates which employers fall under the state's mandate(s). The table also shows how states participate in providing safety consultations and training to employers, either

2. ALABAMA

2.1 PROGRAM OR PLAN

Not required.

2.2 SAFETY COMMITTEE

AI204.n10.986B /P A/CID 7 >>B 0.011 Tw 9.48 0 025971(m8 04b(r)2.7 12 0 08(sd()Tj0 Tc 0 Tw 12.653 413.)]



Alaska Department of Labor and Workforce Development (AK DOL). 2015. Alaska Safety Leaders Recognized at Governor’s Safety and Health Conference. Available at <http://labor.alaska.gov/news/2015/news15-10.pdf>.

Alaska Governor’s Health and Safety Conference (AK GHSC). 2015. Alaska Governor’s “Innovation in Safety Award”. Available at http://akgshc.com/files/3314/2427/6965/GSHC_2015_-_Innovation_Award-4rev.pdf.

Alaska Occupational Safety and Health (AKOSH). 2015a. Services. Available at <http://labor.state.ak.us/lss/oshhome.htm>.

Alaska Occupational Safety and Health (AKOSH). 2015b. Construction Health and Safety Excellence Program (CHASE). Available at http://labor.state.ak.us/lss/ak_chase.htm.

4. ARIZONA

4.1 PROGRAM OR PLAN

A safety and health program or plan is not required. Under Ariz. Admin. Code R20-5-202(A)(1)(i) (1993), however, individual companies applying to self-insure for workers’ compensation

- Incident investigation – Requires procedures to identify factors contributing to near-misses and accidents and institute corrective measures.
-

6. CALIFORNIA

6.1 PROGRAM OR PLAN

Cal. Lab. Code §6401.7 (1991), as amended by AB 192 (1993), AB 205 (1994), AB 277 (1995), AB 104 (1996), AB 107 (1997), AB 108 (1997), AB 281 (1999), AB 104 (2000)

- Review investigations of alleged hazardous conditions brought to the attention of any committee member. When determined necessary by the committee, the committee may conduct its own inspection and investigation to assist in remedial solutions.
- Submit recommendations to assist in the evaluation of employee safety suggestions.
- Upon request from the Division, verify abatement action taken by the employer to abate citations issued by the Division.
- (Cal. Code Regs. tit. 8, § 3203).

6.3 CONSULTATION AND TRAINING

7. COLORADO

7.1 PROGRAM OR PLAN

Not required.

While no statute directly requires a safety program or plan, the major elements of a plan are

- A cost containment program in cooperation with a designated medical provider who has knowledge of work injuries, fee schedules, employer's operations, and is decisive on maximum-medical-improvement determinations, and communicates with the employer.
- Written policies and procedures on claims management which include accident investigation and an early return to work/modified duty program.
- A copy of the insurance carrier's loss reports covering the last three full policy years and the current policy year-to-date together with the total number of hours worked by all employees during each of those policy years
- --4(i)-1.5W52 -4-.e -0.ort -.002i -.002fi -.002c -0.oa(')-6.8(s oJ0 Ts h5.3/TT0)441.7(twh)-3.es uj0(e)nj0(e)d2

- Non-ionizing radiation monitoring.
- OSHA standard-specific program development (hazard communication, lockout/tagout, confined space, respirators, et al.).
- Standard specific sample programs.
- Personal exposure monitoring for biological contaminants.
- Personal exposure monitoring for chemical contaminants.
- Safety and health program development.

(CONN-OSHA, 2016).

8.4 PREMIUM REDUCTION

Not available for safety and health program.

8.5 AWARDS AND PUBLIC RECOGNITION

As of 2010, the Workers' Compensation Commission had presented awards for excellence and innovation in the area of safety and health for over 20 years. When this report was written, the safety award program was no longer in place (Cohen, 2016).

8.6 REFERENCES

- Cohen, David. 2016. E-mail communication between David Cohen, Connecticut Workers Compensation Commission, and Andreas Lord, Eastern Research Group, Inc. Feb. 29. ()
- Conn. Gen. Stat. §31-40v. 2001. Available at <http://wcc.state.ct.us/law/rel-stat/2001/31-40v.htm>.
- Conn-OSHA. 2016. Consultation Services. Available at <https://www.ctdol.state.ct.us/osha/consulti.htm>.
- Connecticut Workers' Compensation Commission. Undated. Information on Self-Insurance. Available at <http://wcc.state.ct.us/download/acrobat/si-app.pdf>.

9. DELAWARE

9.1 PROGRAM OR PLAN

Not required.

9.2 SAFETY COMMITTEE

Not required.

9.3 C

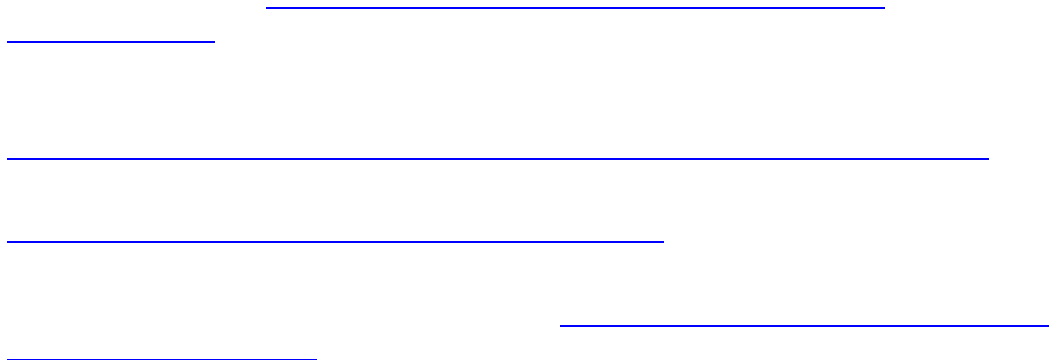
- Recommendations for corrective action and engineering controls to abate hazards.
- Follow-



(USF SafetyFlorida, 2013).

11.4 PREMIUM REDUCTION

The Florida Office of



- Establish and communicate clear goals for the program and mechanisms that will be utilized to achieve them.
- Provide for visible top management leadership and ensure that all workers, including contract workers, are provided with high quality safety and health protection.
- Provide for and encourage employee involvement in the structure and operation of the program and in decisions that affect their safety and health.
- Assign and communicate responsibilities for all aspects of the safety and loss prevention program to managers, supervisors, and employees (and hold them accountable).
- Provide a system for employees to notify management (or safety and health committee members), of hazardous conditions or instances of program non-compliance, without fear of reprisal. A mechanism should also be established to ensure timely and appropriate responses to correct these conditions.
- Investigate accidents and “near miss” incidents, so that the root cause and means for preventing a recurrence are identified.
- Provide a means to review injury and illness trends over time, so patterns with common causes can be identified and eliminated.
- Establish a mechanism to conduct ongoing, periodic in-house safety and health inspections so that new or previously missed hazards or failures in controls are identified.
- Address the impact of emergency situations and develop written plans and procedures to insure ensure employee safety during emergencies.
- Establish procedures for communicating and enforcing safety work practices through training, positive reinforcement, correction of unsafe performance, and, if necessary, reinforcement of work practices through a clearly defined and communicated disciplinary system.

(Haw. Code R. § 12-60-2(b)(1)(B)(i-xii).

In addition, Hawaii’s program requires employers to eliminate or control all existing and potential hazards within the workplace in a timely manner using a tiered hierarchy of preferred controls. Hawaii OSHA (HIOSH) provides a sample written program with notations on how it can be customized and implemented (HIOSH, 2016).

13.2 SAFETY COMMITTEE

Not required. Under §12-60-2(b)(3), employers apparently must have either a safety committee or “a person designated and trained by the employer for the facility’s safety and health program.”

13.3 CONSULTATION AND TRAINING

Haw. Code R. §12-60-2(b)(4), Safety and health training, requires that employers “develop and institute a safety and health training program for all employees so they have an understanding of the hazards to which they may be exposed, and the procedures or practices needed to protect them from these hazards.” In addition, §12-60-2(b)(4) requires that “supervisors and managers shall be trained in the elements of the employer’s safety and health program and in the specific responsibilities assigned to them under the program;” that they understand their responsibilities under the safety and health program and their importance to the safety and health of the workplace; and that they be trained to recognize potential

13.6 REFERENCES

Haw. Code R. §12-58-2(b)(2)(G). 1999. Safety and health professional audits. Available at <http://labor.hawaii.gov/hiosh/files/2012/12/Section12-58-2HRS-tag.pdf>.

Haw. Code R. §12-60-

- Safety training for managers, supervisors and employees.
- On-site visits to help identify and correct physical hazards.
- Work observations to analyze work processes and help develop safe work procedures.
- Loss prevention surveys to help reduce or eliminate potential injuries.
- Industrial hygiene surveys: evaluation of chemical, physical, biological and ergonomic stresses in the workplace and recommendations to reduce or control potential risks.
- One-hour supervisor accident investigation and report training: helps supervisors to complete an accident investigation report, determine the root causes, and take corrective action.
- Analysis of loss history to develop recommendations on how to reduce workers' compensations costs and business expenses.
-
- (SIF, 2016).

14.4 PREMIUM REDUCTION

None for safety program.

14.5 AWARDS AND PUBLIC RECOGNITION

No state-sponsored award.

14.6 REFERENCES

Boise State University. 2015. Welcome to OSHCON. Available at <http://oshcon.boisestate.edu/>.

Idaho Division of Building Safety. 2015. General Safety and Health Standards. Available at http://dbs.idaho.gov/safety_code/.

Idaho Executive Order 99-06. 2002. Continuing State of Idaho Comprehensive Safety and Loss Control Policy. Available at http://adm.idaho.gov/risk/pdf/Safety_and_Loss_Model_2002.pdf.

Idaho State Insurance Fund (SIF). 2016. Risk Management Services. Available at <https://www.idahosif.org/info/risk/risk.aspx#RiskManagement>.

15. ILLINOIS

15.1 PROGRAM OR PLAN

Not required. For employers seeking to self-insure for workers' compensation in Illinois, the state

15.3 CONSULTATION AND TRAINING

The Illinois Department of Labor (IDOL) provides safety and health consultation to small and medium size businesses through the On-

16. INDIANA

16.1 PROGRAM OR PLAN

Not required.

16.2 SAFETY COMMITTEE

Not required.

16.3 CONSULTATION AND T

17.3 CONSULTATION AND TRAINING

Iowa offers health and safety consultations to public and private employers through the state's OSHA On-Site Consultation Service. At the employer's request, "trained Industrial Hygienists and/or Safety Consultants will visit the workplace, assist in identifying hazards, and, help improve the employer's safety and health management system." (Iowa OSHA 2016a). Iowa OSHA Education offers free training on safety and health topics and numerous safety education videos available for public presentation. Consultants are also available to answer questions and attend seminars and conferences (Iowa OSHA, 2016b).

17.4 PREMIUM REDUCTION

None for safety program.

17.5 AWARDS AND AA



Kansas Department of Labor (KDOL) provides safety assistance and consultations to employers in the state. Services include:

- Advice from skilled consultants in the recognition, evaluation and control of hazards in the workplace.
- Assistance with safety program initiation and development.
- Training, both formal and informal, in all areas of safety and health.
- (KDOL, 2015).

18.4 PREMIUM REDUCTION

None for safety program.

18.5 AWARDS AND P

Kentucky Labor Cabinet. 2016. Safety Awards. Available at
<http://labor.ky.gov/dows/oshp/doet/Pages/Safety-Awards.aspx> .

Kentucky Labor Cabinet. 2015a. Consultative Services. Available at
<http://labor.ky.gov/dows/oshp/doet/Pages/Division-of-Education-and-Training.aspx> .

Kentucky Labor Cabinet. 2015b. Safety Partnership Program (SPP). Available at
<http://labor.ky.gov/dows/oshp/doet/partnership/Pages/SPP---Safety-PartnershSafS-Awards.aspx>

20.2 SAFETY COMMITTEE

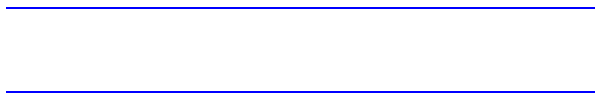
Not required.

20.3 CONSULTATION AND TRAINING

As mentioned in 20.1

- (a) Management commitment and employee involvement.
- (b) Worksite analysis and accident investigation.
- (c) Hazard prevention and control.
- (d) Safety and health training.
- (e) Medical management of injured or ill workers.

In addition, Maind[d()employkevevl2.3(tf4.4(r)2.7(s)]TJ5.52T2 1 Tf-17.84 Tm()Tj0.003 Tc[M]1.3(a)ainte work



accident cost analysis, hazard assessment, safety and health system review, and training. During the first six months of the challenge, employers receive a deferral from programmed MIOSHA enforcement inspections (MIOSHA, 2015).

MIOSHA also awards annual CET grants to management/employer groups, labor/employee organizations and other non-profits to develop and implement of safety and health training programs to supplement CET Division activities (LARA, 2016).

24.4 PREMIUM REDUCTION

None for safety program.

24.5 AWARDS AND PUBLIC RECOGNITION

The Consultation and Education Training (CET) Division recognizes the achievements of Michigan employers and employees through CET Safety Awards based on excellent safety and health performance. Criteria include an outstanding safety and health record and implementation of an effective safety and health management system (SHMS). More emphasis is put on proactive safety indicators (e.g., participation on safety committees, conducting self-inspections, reporting near-misses, thorough root cause analyses, etc.) and other SHMS elements; revised criteria allow for a slight variance in having a better-than-average industry illness and injury rate. Awards include bronze, silver, and gold categories for varying levels of achievement in safety records and SHMS implementation, and an Ergonomics Success award for reductions in musculoskeletal disorders (MIOSHA, 2016).

24.6 REFERENCES

- Michigan Construction Safety Standard Part 1 R 408.40114. 2015. Available at http://www.michigan.gov/documents/lara/lara_miosha_cs_part_1_426600_7.pdf.
- Michigan Department of Labor and Regulatory Affairs (LARA). 2016. Consultation Education and Training (CET) Grants. Available at http://www.michigan.gov/lara/0,4601,7-154-11407_15317_15346-35983--,00.html.
- Michigan Occupational Safety and Health Administration (MIOSHA). 2013. Construction Safety & Health Management System (Accident Prevention Program). Available at http://www.michigan.gov/lara/0,4601,7-154-11407_30453-94654--,00.html,..
- Michigan Occupational Safety and Health Administration (MIOSHA). 2015. Consultation, Education and Training Services. Available at http://www.michigan.gov/documents/dleg/wsh_cet0165_216929_7.pdf.
- Michigan Occupational Safety and Health Administration (MIOSHA). 2016. Consultation Education and Training Awards. Available at http://www.michigan.gov/lara/0,4601,7-154-11407_15317_15353_15356-36130--,00.html.

25. MINNESOTA

25.1 PROGRAM OR PLAN

Minnesota requires employers in most industries to have a safety and health plan as part of its AWAIR program (“A Workplace Accident and Injury Reduction”). Required program elements include (Minn. Stat. § 182.653):

- How managers, supervisors and employees are responsible for implementing the program and how continued participation of management will be established, measured and maintained.
- The methods used to identify, analyze and control new or existing hazards, conditions and operations.
- How the plan will be communicated to all affected employees so they are informed of work-related hazards and controls.
- How workplace accidents will be investigated and corrective action implemented.
-

25.4 PREMIUM REDUCTION

None for safety program.

25.5 AWARDS AND PUBLIC RECOGNITION

The Governor’s Workplace Safety Awards recognize Minnesota employers for “excellence in safety.” Employers must submit information for the last three years in order to be considered, including a DART rate, incident rate, and other information used to populate a “Safety Program Evaluation Scorecard” developed by safety professionals from Minnesota Safety Council member organizations. Various awards are given to employers with low DART/incidence rates and high points on the Safety Program Evaluation Scorecard, those who are continuing to improve on these measures, and those that maintain low rates/high scores over time (MSC 2015a, 2015 b).

25.6 REFERENRT0.004IMEN

26.3 CONSULTATION AND TRAINING

The OSHA consultation program for Mississippi is administered by Mississippi State University's (MSU) Center for Safety and Health (CSH). CSH provides free consultation services that target small to medium businesses in high hazard industries. Consultations consist of an opening conference, a tour of the facility, an evaluation of safety and health hazards, and a closing conference to discuss findings and suggest corrective measures.

27.2 SAFETY COMMITTEE

Not required.

27.3 CONSULTATION AND TRAINING

As mentioned in 27.1, workers' compensation insurers must make available "comprehensive safety engineering and management services" to all covered employers. In addition, the statute requires that "when the employer requests services under such program and the insurance carrier provides such services, the insurance carrier shall report such services to the division."

Missouri's Division of Labor Standards offers on-site consultations for small employers (those with fewer than 250 employees per establishment and 500 employees nationwide) in high hazard industries. Consultations consist of OSHA-type inspections, a discussion of the most cost-effective way to abate hazards, and assistance preparing a written safety and health program (Missouri Department of Labor, 2015a). The Missouri Department of Labor (2015b) conducted 637 consultations in 2015 and identified 5,638 hazards, 38.2 percent of which were corrected.

In addition to on-site consultation, the Missouri Department of Labor exhibits the "Hazard Lab" at conferences and similar events, which shows attendees the typical hazards encountered during consultations (Missouri Department of Labor, 2015b-c).

27.4 PREMIUM REDUCTION

None for safety program.

27.5 AWARDS AND PUBLIC RECOGNITION

No state-sponsored safety awards.

27.6 REFERENCES

Missouri Department of Labor. 2015a. On-Site Safety & Health Consultation. Available at <http://labor.mo.gov/onsite>.

WorkSafeMT, a nonprofit public-private collaboration of business, labor and state agency
leaders, health care providers, injured workers and workers' compenkujued es3.7(1)-3.8(r)-le75trsirh1.4(s,) Tc -0.001 Tw

Nebraska Workers' Compensation Court (NWCC). Undated. Rights & Obligations under the Nebraska Workers' Compensation Law. Available at <http://dhhs.ne.gov/Documents/rightsobligations.pdf>.

Nebraska Workers' Compensation Court (NWCC). Undated. Rights & Obligations under the Nebraska Workers' Compensation Law. Available at <http://dhhs.ne.gov/Documents/rightsobligations.pdf>.

30. NEVADA

30.1 PROGRAM OR PLAN

Nev. Admin. Code § 618-538—§ 618-544 requires employers with more than 10 employees or that manufacture explosives to develop a written workplace safety program with the following elements:

- A statement that managers, supervisors and employees are responsible for carrying out the program.
- Hazard identification, analysis, and control.
- Employee safety and health training.
- Accident investigation.
- Enforcement methods.
- A description of how safety committees will be formed and operated (for employers with more than 25 employees)
-
- (Nev. Admin. Code §618-538—§618-544; Nevada Department of Business and Industry, 2015a).

In addition, self-insurance groups (SIGs) are required, under Nev. Admin. Code § 616B.624(1), to file with the insurance commissioner “[a] written statement from the organization or association that describes the safety committee that the organization or association will establish and maintain to reduce the incidence and severity of accidents by carrying out a program to control losses and provide information on the prevention of accidents.”

30.2 SAFETY COMMITTEE

Nevada requires employers with more than 25 employees or that manufacture explosives to form safety committees. The employer’s written workplace safety program must detail the purpose of the committee, how members are selected, and the frequency of committee meetings (but these are not stipulated in the regulations) (Nev. Admin. Code §618-538—§618-544; Nevada Department of Business and Industry, 2015a).

Self-insurance groups are required to have a safety committee, see 30.1, above.

30.3 CONSULTATION AND TRAINING

33. NEW MEXICO

33.1 PROGRAM OR PLAN

N.M. Code R. §11.4.2.9 (2013) requires safety plans for employers with high injury rates through the Risk Reduction Program (RRP). Employers are deemed “extra-hazardous” and must participate in the RRP if they have an EMR higher than the state average for their industry, or if a safety audit reveals frequent or severe workplace injuries. Employers in the RRP must obtain a safety consultation with a consultant from the New Mexico Workers’ Compensation Administration (WCA), after which they receive a written report of hazards identified. Employers must then submit a written accident prevention

33.5 AWARDS AND PUBLIC RECOGNITION

N.M. Stat. Ann. §52-1-6.2 (2013) allows employers who provide workers' compensation insurance to provide employee bonuses of up to 10 percent of an employee's wages on the basis of the number of accident-free work days.

There are no state-sponsored safety awards for employers.

33.6 REFERENCES

N.M. Admin. Code 11.4.8.8(E)(6). 2015. Individual Self-Insurance. Application. Available at <http://www.workerscomp.state.nm.us/pdf/rules/rule8.pdf>.

N.M. Admin. Code 11.4.2.9. 2013. Available at <http://164.64.110.239/nmac/parts/title11/11.004.0002.htm>.

N.M. Stat. Ann. §52-1-6.2. 2013. Safety Programs; Inspections; Penalties; Bonuses. Available at <http://public.nmcompcomm.us/nmpublic/gateway.dll/?f=templates&fn=default.htm>.

New Mexico Occupational Health and Safety Bureau (New Mexico OSHA). 2016. Consultation Program C bam-2.4(C)-0.7(o)-3.279 -1.153e.3((2-4(ba1o)-32.4(r)ds23BDC()JT)-1.6(t)-1.7(n)-.279w01 T

- objectives of the safety program. Such involvement shall be accomplished through the recognized employee organization(s), if any.
8. Assign and communicate responsibilities for all aspects of the workplace safety and loss prevention program to managers, supervisors and employees so that such persons know and understand what is expected of them in the implementation of the program. Provide a system to hold managers and supervisors accountable for their responsibilities under the workplace safety and loss prevention program.
 9. The employer shall ensure that the supervisors, managers and employees understand their responsibilities under the workplace safety and loss prevention program and their importance to the safety of the workplace. In particular, appropriate training for managers, supervisors and employees shall enable them to:
 - i. recognize potential hazards.
 - ii. maintain safety protection in the work area.
 - iii. reinforce employee training on the nature of the potential hazards and required protective measures.
 10. Provide a reliable system for employees to notify management personnel of conditions that appear hazardous or of non-compliance with the terms of the workplace safety and loss prevention program without fear of reprisal and provide a mechanism to ensure timely and appropriate responses.
 11. Provide a mechanism to investigate accidents so that the root cause(s) and means for preventing a recurrence are identified. For the purposes of this rule, the term “accident” shall mean any unexpected happening that interrupts the work sequence or process and that may result in injury, illness or property damage.
 12. Provide a means to review injury and illness trends over time so that patterns with common causes can be identified and eliminated.
 13. Establish a mechanism for the employer to conduct ongoing, periodic in-house safety inspections so that new or previously missed hazards or failures in controls are identified. Such inspections shall be conducted with a frequency necessary to be effective and this frequency shall be reviewed by the consultant performing the workplace safety and loss prevention consultation.
 14. Address the impact of emergency situations and develop written plans and procedures to insure employee safety during such emergencies. For the purposes of this rule, the term “emergency situation” shall mean an unforeseen single event or combination of events that calls for immediate action to prevent, control or contain injury or illness to person(s) or damage to property.
 15. Establish procedures for transmitting and enforcing safe work practices in the workplace through training, positive reinforcement and correction of unsafe performance.” (N.Y. Comp. Codes R. & Regs. tit. 12, §59).

34.2 SAFETY COMMITTEE

Safety committees are not required for private sector entities; however, N.Y. Comp. Codes R. & Regs. tit. 11, § 153.7 provides that employers participating in group dividend insurance plans (or quasi-group plans) must establish a safety committee to monitor progress and problems in implementing their accident prevention and loss reduction plan.

34.3 CONSULTATION AND TRAINING

Free onsite consultation services are provided by the New York State Division of Occupational Safety and Health, funded by the state Department of Labor and U.S. OSHA. The services offered provide:

- On-site consultation surveys to identify safety hazards.
- Industrial hygiene surveys to determine air contaminant, noise exposure levels, and other health hazards.
- Suggestions for mitigation, controlling or eliminating these safety and health hazards.
- Standard-based training programs available for businesses after completion of an initial hazard survey.

(NY DOL, 2016a).

34.4 PREMIUM REDUCTION

N.Y. Comp. Codes R. & Regs. tit. 12, §60 (2009) provides premium credits to covered employers with an experience rating of less than 1.30, with an annual workers' compensation premium of at least \$5,000, and who enact a Workplace Safety and Loss Prevention Program. A "Safety Incentive Program" is among the three programs that may earn the incentive (the other qualifying programs are for "Drug and Alcohol Prevention" and "Return-to-Work" programs). A qualifying Safety Incentive Program under Code 60 must meet requirements parallel to those enumerated above for Code 59 (see 34.1, above). The detailed minimum requirements appear in §60-1.13. Self-insured employers may participate in the Code 60 program and thereby earn a reduction in their required deposit. Employers who were required to participate in Code Rule 59—see 34.1, above—are not eligible for Code Rule 60 unless they have fully complied with the provisions of the Code Rule 59 standard (NY DOL, 2016b). Companies can receive a premium credit of 4 percent in Year 1 and 2 percent in subsequent years for their Safety Incentive Programs (with additional reductions for the "Drug and Alcohol Prevention" and "Return-to-Work" programs) (NY DOL, 2014).

34.5 AWARDS AND PUBLIC RECOGNITION

No state-sponsored awards.

34.6 REFERENCES

N.Y. Comp. Codes R. & Regs. tit. 11, § 153.7. 2001. Available at

<http://www.dfs.ny.gov/insurance/acrobat/reg135.pdf>.

N.Y. Comp. Codes R. & Regs. tit. 12, §59. 1997. Available at

<http://ww3.nysif.com/SafetyRiskManagement/Code%20Rule%2059.aspx>.

N.Y. Comp. Codes R. & Regs. tit. 12, §60. 2009. Available at

<http://labor.ny.gov/formsdocs/wp/CR60.pdf>.

New York Department of Labor (NY DOL). 2014. Workplace Safety and Loss Prevention

Incentive Program (WSLPIP). Available at <http://labor.ny.gov/formsdocs/wp/p890.pdf>.

New York Department of Labor (NY DOL). 2016a. On-Site Consultation Program. Available at

http://labor.ny.gov/workerprotection/safetyhealth/DOSH_ONSITE_CONSULTATION.shtm.

New York Department of Labor (NY DOL). 2016b. Workplace Safety & Loss Prevention.
Available at
<http://labor.ny.gov/workerprotection/safetyhealth/DOSH%20Wrkplc%20Sfty%202.shtm>.

35. NORTH CAROLINA

35.1 PROGRAM OR PLAN

P

- Conduct inspections of the worksite at least once every three months and in response to complaints by employees or committee members regarding safety or health hazards.
- Conduct interviews with employees in conjunction with inspections of the worksite.
- Conduct meetings, at least once every three months, and maintain written minutes of the meetings.
- Observe the measurement of employee exposure to toxic materials and harmful physical agents.
- Establish procedures for exercising the rights of the committee.
- Make recommendations on behalf of the committee, and in making recommendations, permit any members of the committee to submit separate views to the employer for improvements in the employer's safety and health program and for the correction of hazards to employee safety or health, except that recommendations shall be advisory only and the employer shall retain full authority to manage the worksite.
- Accompany, upon request, the Commissioner or the Commissioner's representative during any physical inspection of the worksite.

In addition, §95-252 (c)(5) - *Time for Committee Activities*, provides that “the employer shall permit members of the committee established under this section to take the time from work reasonably necessary to exercise the rights of the committee without suffering any loss of pay or benefits for time spent on duties of the committee.”

35.3 CONSULTATION AND TRAINING

§95-255.1 - Technical Assistance

35.4 PREMIUM REDUCTION

Not available for safety program.

35.5 AWARDS AND PUBLIC RECOGNITION

The N.C. Department of Labor Safety Awards (PL) 4(I)-4TT0 1 Tf--0.001 T0 T850 Tw 30.ETTT

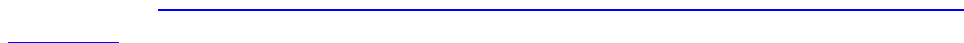
- Developing safety courses, plans, and programs.
- Responding to safety complaints.
- Responding to requests for technical assistance.
- Conducting courtesy walk-through inspections.
- Providing general safety consultations.
- Conducting accident and hazard investigations.
- Providing internal risk management services

(North Dakota Workforce Safety and Insurance, 2015b; Undated, a & b).

Training services include:

- Live training by WebEx.
- Safety training seminars and conferences.
- Individualized training at employer's location upon request.
- Learning Management System (LMS) – 300+ free online safety training courses.
- Video Resource Library – over 600+ VHS/DVD safety training videos.
- Loss Control education for employers.
- Focus group discussions to get the pulse of employers' needs.
- Members of and partner with local safety associations to promote safety

(



(Ohio BWC, 2016a, 2016b, 2016c).

37.4 PREMIUM REDUCTION

Ohio Admin. Code 4123-17-56.3, *Industry-specific Safety Program*, provides for premium reduction of 3 percent for private employers who participate in one or more of the following three loss prevention activities: (1) industry-specific safety classes prescribed by the Division of Safety and Hygiene; (2) individual safety consulting with staff from the Division of Safety and Hygiene or a sponsor approved by the Division of Safety and Hygiene.

Ohio Bureau of Workers' Compensation (Ohio BWC). 2016b. OSHA On-Site Consultation Program - Programs and services. Available at <https://www.bwc.ohio.gov/employer/programs/safety/SandHOSHAOnsiteDetails.asp>.

Ohio Bureau of Workers' Compensation (Ohio BWC). 2016c. Safety, Ergonomics and Industrial Hygiene Consulting Services. Available at <https://www.bwc.ohio.gov/employer/programs/safety/SandHOnSite.asp>.

Ohio Bureau of Workers' Compensation (Ohio BWC). 2016d. Safety Innovations Competition. Available at <https://www.bwc.ohio.gov/employer/programs/safety/InnovationAwards.asp>.

Ohio Bureau of Workers' Compensation (Ohio BWC). 2016e. Safety Grants. Available at <https://www.bwc.ohio.gov/employer/programs/safety/empgrants.asp>.

Ohio Bureau of Workers' Compensation (Ohio BWC). 2016f. Ohio Safety Councils. Available at <https://www.bwc.ohio.gov/employer/programs/safety/SafetyCouncils.asp>.

Ohio Bureau of Workers' Compensation (Ohio BWC). 2016g. Obtaining Self-insurance. Available at <https://www.bwc.ohio.gov/employer/programs/siinfo/obtainingsiintroduction.asp>

38. OKLAHOMA

38.1 PROGRAM OR PLAN

Not required.

38.2 SAFETY COMMITTEE

Not required.

38.3 CONSULTATION AND TRAINING

The OSHA Consultation program is a free and confidential service designed to help small, private sector Oklahoma employers understand and comply with OSHA standards. Although the program is primarily focused on assisting smaller business, all employers are welcome to take advantage of the services provided (Oklahoma Department of Labor, 2015).

Services include: hazard recognition; industrial hygiene monitoring; suggestions for safety solutions and identifying sources of help available for further assistance; written report summarizing findings; assistance in developing or maintaining an effective safety and health program; informal training and education; evaluating injury & illness records & identifying trends (Oklahoma Department of Labor, 2015).

38.4 PREMIUM REDUCTION

Oklahoma Department of Labor administers the Workers' Compensation Premium Reduction Program (WCPRP), which enables covered small employers (250 or fewer locally, fewer than 500 nationally) with an experience modifier of 1.0 or higher to gain up to a 15 percent reduction in their workers' compensation premium. Employers are required to:

•

commitment, supervisory responsibilities, accident investigation, employee involvement, hazard identification, training, and annual evaluation of the program.

Employers applying to self-insure for workers' compensation in Oregon are required to document "[e]vidence of an occupational safety and health loss control program" and submit "a narrative description of [their] safety and health program." (OR WCD, 2016)

39.2 SAFETY C 8(m)55 sutHa7.1(3)aj.7(1.7(3.8ar)3.7(1.7(3.7(1.7(3.8ar)1.7(3.8ar)1.7(5.9(an) a ch3.5(201223panRee3.8ar7.1(3)

evaluations; and process safety management (PSM). A comprehensive consultation covers the entire establishment –

41. PUERTO RICO

41.1 PROGRAM OR PLAN

A safety and health program or plan is not required under the Occupational Safety and Health Act

42.5 AWARDS AND PUBLIC RECOGNITION

The Safe Place for Teens to Work award is given annually to an organization in Rhode Island with an exceptional commitment to the safety and health of its teenage employees (RI Department of Health, 2016).

42.6 REFERENCES

RI Department of Health. 2016. OSHA Consultation Program. Available at http://health.ri.gov/programs/detail.php?pgm_id=24.

RI Department of Health. 2016. Teen Worker Safety. Available at <http://www.health.ri.gov/work/teenworkersafety/>.

RI Department of Labor and Training. 2005. Health and Safety Committees. Available at <http://www.dlt.ri.gov/w>

for that industry; and (4) at least one million work hours without a lost-time injury or illness. (SC LLR, 2014).

43.6 REFERENCES

South Carolina Department of Labor, Licensing, and Regulation (SC LLR). 2014. LLR Recognizes Safe Workplaces. Available at <http://www.llronline.com/AboutUs/MediaCentet5s/MltUsn>,

Texas Workers' Compensation Commission's Division of Workers' Health and Safety. Under §165.3, the required APP must comprise at least the following elements:

1. A management component with a written safety policy statement and assignment of responsibilities and authority.
2. Analysis component which includes a review of safety program documentation, existing operations, and injury trends. The analysis will be used to evaluate the effectiveness of the existing programs and to detect existing or potential trends. The analysis component will contain a statement as to the interval between the accomplishment of the analyses.
3. A safety program recordkeeping system component.
4. A safety and health education and training component with a statement as to the interval between training sessions.
5. A safety audit/inspection component with a statement as to the interval between safety audits/inspections.
6. An accident investigation component to identify the cause factors of injuries, and plan and record corrective actions.
7. A component to ensure review and revision of the safety program when changes in operations, DWC Rules (12/6/2011) 28 TAC Chapter 165 3 of 6 equipment, or employee activities are determined or anticipated, to ensure continued effectiveness of the program requirements. This component also includes the periodic review and revisions of the safety program including a statement as to the interval (minimum of annually) between reviews.

(Texas Admin. Code 28, §165.3)

Under §165.2, the consultations that lead to the establishment of the required APP (or approval of an existing APP) may be performed by the Texas Workers' Compensation Commission's Division of Workers' Health and Safety, the Texas Mutual Insurance Company, or another approved source. Employers may be charged fees for these consultations.

46.2 SAFETY COMMITTEE

Not required.

46.3 CONSULTATION AND TRAINING

Workers' compensation insurance companies are required to have the capacity to provide accident prevention plan (APP) services to employers. These services include surveys, recommendations, training programs, consultations, analysis of accident causes, industrial hygiene, and industrial health services. Applicable statute and rules include the Texas Labor Code 411 E (1993) and 28 Texas Admde h0 12 173.58 33f

46.4 PREMIUM R

47.4 PREMIUM REDUCTION

Not available for safety and health program.

47.5 AWARDS AND PUBLIC RECOGNITION

The Utah Safety Council, a private non-profit organization, holds an annual Safety Awards Luncheon and presents Awards of Merit to recognize outstanding achievements in corporate safety programs (Utah Safety Council, 2015).

Under the state Department of Health, the Utah Council for Worksite Health Promotion (UCWHP), formerly the Governor’s Council on Health and Fitness, administers the Healthy Worksite Awards Program. While most of the criteria relate to wellness promotion activities (such as fitness and nutrition), safety and “general worksite” are also among the criteria for the award (Utah Department of Health, 2016).

47.6 REFERENCES

Utah Department of Health. 2016. A Healthier You—Legacy Awards. Available at http://www.health.utah.gov/ahy/Worksite/Worksite_home.htm.

Utah Labor Commission. 2016. OSHA Consultation Services. Available at <http://www.laborcommission.utah.gov/divisions/UOSH/PrivateSector.html>.

Utah Safety Council. 2016. Annual Meeting and Safety Awards Luncheon. Available at <https://www.utahsafetycouncil.org/Content/Default.aspx>.

48. VERMONT

48.1 PROGRAM OR PLAN

21 V.S.A. § 624(k) (2012) requires employers with unusually poor safety records to create workplace safety committees (see 48.2, below). These safety committees are tasked with developing and implementing

48.5 AWARDS AND PUBLIC RECOGNITION

Verm/ or
[(OuTf .m)

50.3 CONSULTATION AND TRAINING

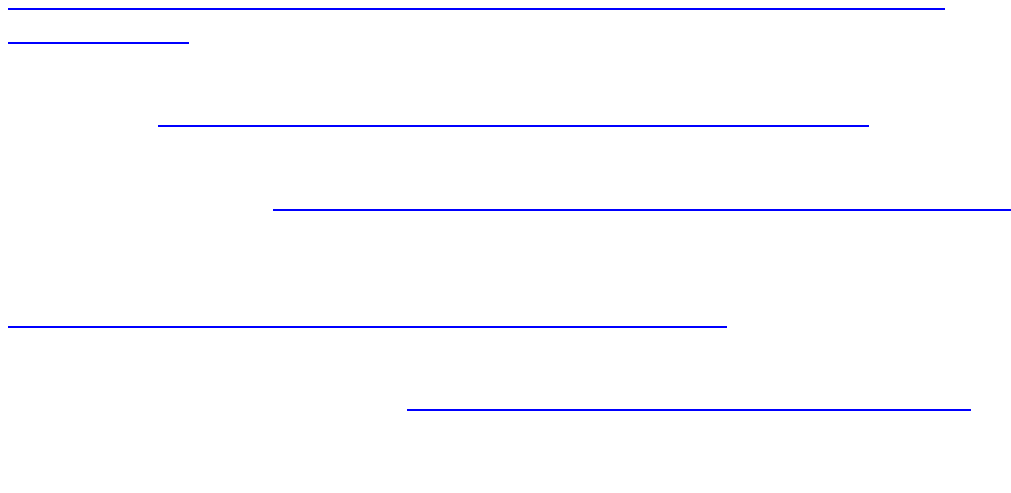
The Washington Department of Labor and Industries (WA L&I (2016a) provides consultations to help employers address specific safety concerns or to provide a complete overview of the employer's safety and health program. Consultants can also help companies develop an accident prevention program, (WA L&I, 2016a).

WA L&I (2016b) also offers numerous on line trainings, workshops, videos, and sample safety programs and sample plans to assist employers in developing accident prevention programs, performing job hazard analyses, and addressing safety through compliance with various OSHA standards.

50.4 PREMIUM REDUCTION

Washington Administrative Code 296-17B established a retrospective rating for workers' compensation insurance by which employers may receive a partial premium refund depending on their employee safety and health performance record during the covered period. Participation is optional.

A Preferred Worker Program provides lower premiums (and other benefits) for employers who



Washington Department of Labor and Industry (WA L&I). 2016c. Help Your Employee Return to Work. Available at <http://www.lni.wa.gov/ClaimsIns/Insurance/Injury/LightDuty/Default.asp>.

Washington Department of Labor and Industry (WA L&I). 2016d. About SHIP Grants. Available at <http://www.lni.wa.gov/safety/GrantsPartnerships/SHIP/about.asp>.

51. WEST VIRGINIA

51.1 PROGRAM OR PLAN

Any employer that subscribes to the state workers' compensation f

51.6 REFERENCES

The Regulatory Training Center. 2016. The Regulatory Training Center. A Division of Kanawha County Schools. Available at <http://www.rtc4safety.com/>.

W. VA. Code §23-2B-2. 2015 update. Mandatory Programs; Safety Committees; Requirements; Rules; Exceptions. Available at <http://www.legis.state.wv.us/WVCODe/ChapterEntire.cfm?chap=23&art=2B>.

West Virginia Code §23-2B-3MCID t023is.state79EMC /Li45.4(C)w7(ai)-N47(e)JT2.4(r)2
