

# Wyoming Occupational Safety & Health Administration Scoping Paper

August 7, 2015

## Management Audit Committee

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**Notice on Auditing Standards:** Scoping papers are not an auditing standards-based research product. Scoping papers are intended to provide the Management Audit Committee with a summary on a potential evaluation topic (including descriptions of basic agency, program, or procedural functions) on which to decide if a full program evaluation is required. This scoping paper was prepared with information obtained from the agency(ies) and staff listed. The information was not independently verified according to governmental auditing and evaluation standards.

If this topic moves forward to a full evaluation, the evaluation will be conducted as much as practicable according to generally accepted governmental auditing standards promulgated by the Comptroller General of the United States, as required by W.S. 28-8-107(e). Information contained in this paper, as well as all subsequent information gathered during the evaluation will be independently verified and reported according to the auditing standards.

## Introduction

The Wyoming Occupational Health and Safety Act (Wyoming OSHA<sup>1</sup>) was adopted in 1969 through W.S. 27-11-101 through 27-11-114 and was initially operated for a short period without federal involvement. The federal government passed its Occupational Safety and Health Act (OSHA) in 1970. The intent of the OSHA program is to assure safe and healthful working conditions for workers by setting and enforcing standards and by providing training, outreach, education and assistance to the business community. Currently, state-run OSHA programs must be approved at the federal level and operated under federal guidelines. The State-run program standards must be at least as effective as the federal program standards. However, W.S. 27-11-105(b)(ii)(C) provides that Wyoming cannot adopt standards that are more stringent than comparable federal standards.

During the December 2014 meeting of the Management Audit Committee (Committee), the Committee requested the Legislative Service Office (LSO) conduct a scoping paper review of OSHA. The Committee expressed specific interest in the high number of workplace injuries and fatalities that occur in the State on an annual basis. The Committee further suggested a scoping paper could include information related to timely responses to complaints and inspections.

## Background

Section 18 of the federal Occupational Safety and Health Act encourages states to develop and operate their own job safety and health programs. Wyoming's State Plan was initially approved April 25, 1974. The State Plan describes how inspections are conducted to enforce standards, cover state and local government workers, and operate occupational safety and health training and education programs. Key program features include administration, inspections, investigations, recordkeeping, enforcement procedures, counteract imminent danger threats, and issue citations and penalties as necessary.

For industries in which the federal government has not issued standards or guidelines, state-run programs have the authority to develop those they deemed necessary. For example, the Wyoming OSHA has issued standards related to oil and gas well drilling, servicing, special servicing, and anchor tester requirements. Federal OSHA continually evaluates Wyoming's program on a quarterly and annual basis to ensure the State program meets mandated responsibilities under the federal Act.

The Wyoming OSHA program operates within the Enforcement Division of the Office of Workforce Standards and Compliance under the Wyoming

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<sup>1</sup> Wyoming's Act is called the "Wyoming Occupational *Health and Safety Act (LSO Emphasis)*." However, LSO refers to the program under the "OSHA" abbreviation for simplification and common understanding with the federal program.

Department of Workforce Services (DWS). The program is funded through a combination of federal and state funds and is budgeted under the Workers' Safety and Compensation program.

### **1982 Legislative Service Office Evaluation**

More than a decade after the program was first implemented the Wyoming OSHA program was evaluated by the LSO in 1982. That evaluation yielded a number of conclusions, including:

- Wyoming was one of 23 states that elected to administer its own health and safety laws;
- Potential cost savings to the General Fund of \$737,081 could have been realized had Wyoming elected to sunset the program/agency in the 1983-1984 biennium;
- Wyoming's average penalty was lower and serious violations were cited in fewer instances when compared regionally and nationally;
  - Federal administration would have likely resulted in an increase in both categories;
- A department for administering the health and safety laws should be statutorily established;
- Department needs to propose penalties for post violations in accordance with statutory requirements;
- Department needs a system to facilitate an analysis of penalty transactions; and
- Due to high turnover in the Department, the Commission and Department should monitor employee terminations.

## **Wyoming OSHA Administration**

The Wyoming OSHA is comprised of two sections, OSHA Compliance and OSHA Consultation. Each section follows and implements the federal OSHA procedures and training programs. The Compliance section is the enforcement arm for OSHA, with focus on the immediate safety of employees. The Consultation section provides technical assistance to employers aimed at eliminating hazards and improving the health and safety of operations.

According to a newspaper article dated December 21, 2014 from the director of the DWS there are "...25,487 employers in Wyoming. Of these employers, the Wyoming OSHA does not have jurisdiction over railroads, vehicles operating on public roads, federal workplaces, mines, and certain agriculture operations, among others."

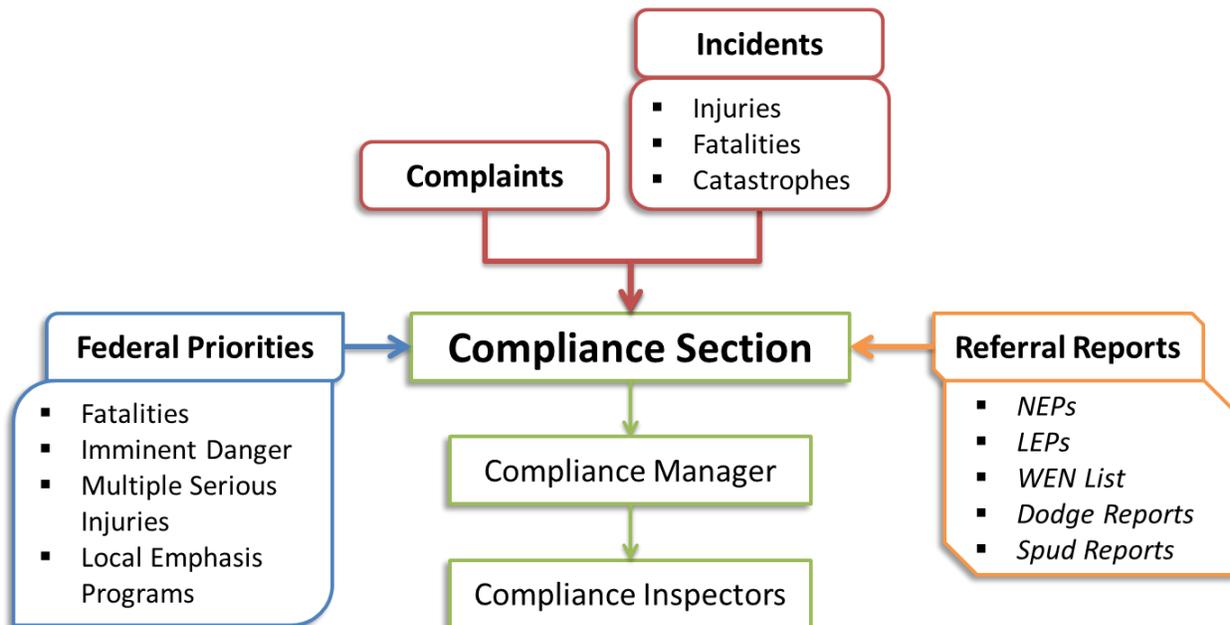
### **The Wyoming OSHA Compliance Section**

The Compliance section conducts inspections arising from safety and health conditions in the workplace, including imminent danger situations, fatalities, and catastrophes. These inspections are initiated through

incident reports, complaints, and referrals. Inspections may be either programmed or unprogrammed. Programmed investigations can be based on Local Emphasis Programs (LEPs), National Emphasis Programs (NEPs), Wyoming Employer Needs List (WEN List), Dodge Reports, and Spud Reports, as discussed below. Programmed inspections are scheduled based on factors, such as injury incidence rates, previous citations history, employee exposure to toxic substances, or random selection. Unprogrammed inspections are scheduled in response to alleged hazardous working conditions that have been identified at a specific worksite, such as imminent dangers, fatalities, catastrophes, complaints, and referrals.

Figure 1, below, is a flowchart identifying the resources that contribute to the prioritization of inspections by the Compliance section. Currently, the Compliance section has ten positions, including the Compliance Manager.

**Figure 1**  
**Compliance Section Inspection Resources**



**Source:** Legislative Service Office summary of Department of Workforce Services, OSHA information.

The DWS states that the Compliance section uses a *data-driven* approach to identify workplaces for inspections across the State. The primary data is claims data provided by the Wyoming Workers’ Compensation Division. Claims data is analyzed through standardized formulas that identify workplaces that are the most at-risk for accidents and injuries.

Moreover, in addition to *data-driven* identification of at-risk workplaces, The Wyoming OSHA program must comply with the federal OSHA priorities for inspections. By federal law, inspection priorities related to LEPs, fatalities, employee reports of imminent danger or an incident

involving multiple serious injuries take precedent over *data-driven* inspections. As a result of these multiple identification approaches, the Wyoming OSHA's nine compliance inspectors are dispatched across the State to meet inspection needs.

### **Compliance Inspection Process**

There are three primary methods through which an inspection or investigation may be initiated: Incident reports, complaints, and referrals from resource reports.

***Incident report.*** Incident reports include situations such as injuries, fatalities and catastrophes; catastrophes are situations in which multiple employees are injured and must be hospitalized. OSHA Compliance investigates all fatalities and catastrophes. Once a workplace incident has been reported to OSHA, the Compliance Manager determines whether an inspection or phone inquiry should be conducted. The OSHA Compliance Manager, Lead Officer, or Operations staff collects the necessary information, which is then loaded into the OSHA Information System (OIS) and assigned to a Compliance Officer for inquiry or inspection.

Inspections arising from incidents are reported to the OSHA Compliance Manager and assigned to compliance officers first. Then other inspection needs are assigned based on staffing resources and/or the experience or abilities of the assigned compliance officers. If it is determined that the incident will be inspected or investigated, the OSHA Compliance Officer assigned coordinates with the Compliance Manager to work out the specific details before departing to the location to conduct the inspection or investigation. A Compliance Officer is assigned to investigate the incident within hours of the notification and the officer is directed to travel to the incident site the same or next day when practical.

Additionally, OSHA Compliance staff compiles accident information if accidents are reported from a town, city, county, state, or federal agency, safety professional, employer, or employee. The OSHA Compliance Manager reviews reported information and determines whether an onsite inspection is warranted, or if the employer should be contacted to respond via email or fax. OSHA Compliance has also worked with the DWS Workers' Compensation claims analysts over the past five years related to reported amputations. Each reported amputation is reviewed to determine if an inspection is warranted.

***Complaints.*** OSHA Compliance staff is responsible for conducting inspections in response to formal and non-formal complaints. Complaints are typically filed by employees or a third party concerned about potentially hazardous or imminent danger conditions observed or experienced at the workplace. Inspections related to formal complaints, or complaints that could be imminent danger situations, must be conducted within 16 working days of the complaint. OSHA compliance resources are reviewed and assignments of complaint inspections are given based on

the type of complaint and the best resources available to conduct the inspection.

Complaints that are not signed by a current employee or employee representative, or complaints from a concerned citizen are considered non-formal complaints. Non-formal complaints must be addressed within one calendar day either by email or fax to the employer. The OSHA Compliance Manager determines if an inspection is warranted based on this authentication or validation process. Depending on the employer's response to the non-formal complaint, the complaint may be closed if the response is adequate, or it may be referred to a compliance officer for inspection.

### **Referral Resources**

As noted above, inspections are prioritized based on federal requirements as well as state program requirements initiated by the Wyoming OSHA. Several resources are used to identify and prioritize inspection needs. These include the National Emphasis Program, Local Emphasis Program, the Wyoming Employer Needs List, and the Dodge and Spud Reports.

*National Emphasis Programs* are developed by the federal OSHA program to focus outreach efforts and inspections on specific hazards in a workplace. NEP inspections are conducted as part of the Wyoming OSHA's mandate to comply with the federal OSHA program. On an annual basis, the Wyoming OSHA sets goals for NEPs based on knowledge of the industries and work performed within the State. Current NEPs include: chemical facilities, isocyanates, nursing and residential care facilities, combustible dust, hazardous machinery, lead, primary metals industries, silica, trenching, and excavations.

*Local Emphasis Programs*, which are federally prioritized, are programs established by the Wyoming OSHA with special emphasis based on knowledge of local industry injury/illness rates. LEPs are derived from Workers' Compensation data and information obtained from the State Occupational Epidemiologist. Industries identified in LEPs include: construction, nursing, public sector agencies with a high experience modification rating, oil and gas drilling, servicing, and special servicing. LEPs compliance inspections are targeted based on resources and staffing, and the federal OSHA sets the timeline for inspections.

*Wyoming Employer Needs* is also generated from data provided by the Wyoming Workers' Compensation Division. The WEN list, which is compiled annually, consists of identified employers registered with the Workers' Compensation Division that exhibit significant risk factors, such as high costs and high number of injuries/illnesses.

Employers included on the *WEN List* receive a letter informing them they have been recognized as having a high risk of injury/illness and are encouraged to seek help from the Wyoming OSHA Consultation program. Employers are provided a consultation visit request form. If the employer requests and schedules a consultation visit the employer is removed from the list. If the employer does not request an OSHA consultation visit, an OSHA Compliance inspection is planned, depending on available resources. Employers on the WEN list are typically general industry/fixed sites and employ more than 10 employees. The consultations or inspections completed as a result of the WEN list are part of Wyoming LEPs.

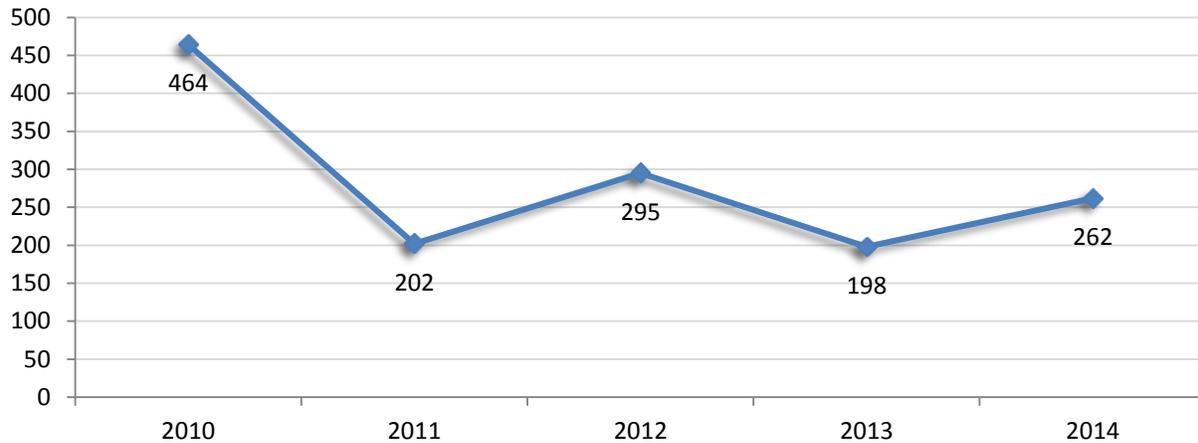
The *Dodge Reports* encompass a federally supported OSHA program that develops a random list of high cost construction projects that are planned or are occurring in the United States and its U.S. territories. Project information specific to Wyoming is provided to the Wyoming OSHA, and each compliance officer accesses the list on a regular basis throughout the year. When projects are noted to be in progress, inspections are planned.

*Spud Reports* provide information related to the oil and gas industry operators that are drilling recently permitted wells. The OSHA Compliance section reviews Wyoming Oil and Gas Conservation Commission data to target drilling information. The report shows oil and gas production information by well, spud date, graph spud vs. permits, and notification date. The OSHA compliance officers compile data from this report and incorporate it into their inspection schedule.

### **Data related to OSHA Compliance inspections**

*OSHA Inspections and Violations.* LSO reviewed the number and type of inspections conducted over the past five fiscal years, FY2010-FY2014. During this time, the number of inspections decreased 44% from 464 in FY2010 to 262 in FY2014, with the most significant decrease between FY2010 and FY2011. The DWS narrative for the FY2013-2014 biennial budget request notes that during the FY2010-2011 timeframe the OSHA section lost staff to retirements, was not able to hire new staff due to the State hiring freeze, and was required to provide better documentation of contested cases based on a federal review. Listed in Figure 2, below, is the number of inspections for each fiscal year.

**Figure 2**  
**Number of OSHA Compliance Inspections (FY2010-FY2014)**



**Source:** Legislative Service Office analysis of Department of Workforce Services, OSHA information.

OSHA staff provided the number of violations arising out of inspections, categorized by severity, which is listed in Table 1, below. During the five-year period, the combined number of violations decreased by almost 56% and serious, willful, and repeat serious violations decreased by 34%.

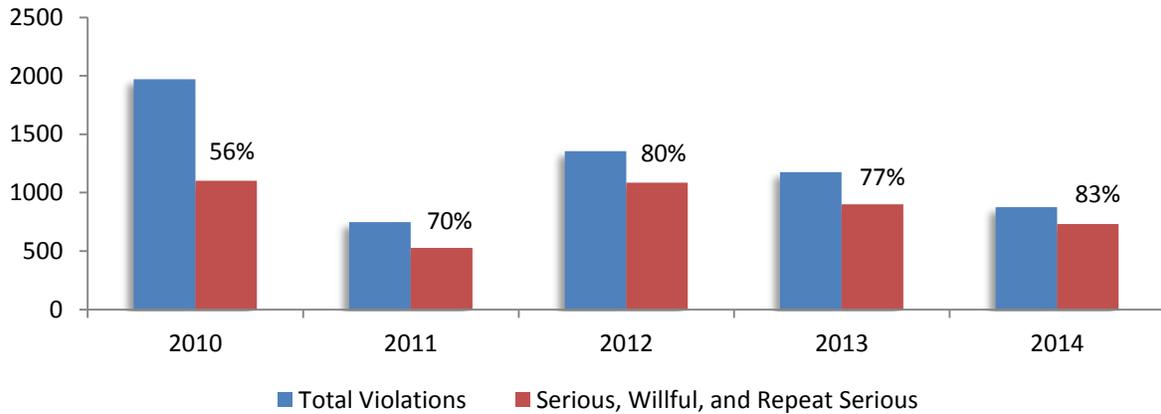
**Table 1**  
**Number of OSHA Violations by Severity (FY2010-FY2014)**

Violation Severity	2010	2011	2012	2013	2014
Serious	1,082	511	1,041	850	710
Willful	4	0	0	12	8
Repeat Serious	16	15	43	38	14
Repeat Non Serious	15	3	2	13	5
Regulatory	176	36	24	26	4
Non Serious	678	183	245	234	136
Unclassified	0	0	0	3	0
<b>Total</b>	<b>1,971</b>	<b>748</b>	<b>1,355</b>	<b>1,176</b>	<b>877</b>

**Source:** Legislative Service Office analysis of Department of Workforce Services, OSHA information.

However, despite these decreases, the percent of Serious, Willful, and Repeat Serious violations compared to total violations actually increased. Shown in Figure 3, below, these critical violations accounted for 56% of all violations in FY2010, but reached 83% of all violations in FY2014.

**Figure 3**  
**Number of Violations by Type, (FY2010-FY2014)**



**Source:** Legislative Service Office analysis of Department of Workforce Services, OSHA information.

***OSHA Inspections and Violations by Industry.*** During the five-year period, 65% of OSHA inspections were conducted on the industries identified in Table 2, below. Additionally, the number of violations shown in the table account for 61% of all violations found during OSHA inspections. By industry designation<sup>1</sup>, roofing and siding employers show the most inspections (151) followed by non-residential general contractors (101), and oil and gas field services (79). Table 2 also notes the average violations found on these inspections, with most falling below ten violations per inspection average.

**Table 2**  
**Violations per inspection by industry (FY2010-FY2014)**

Industry	Inspections <sup>1</sup>	Violations	Average Violation per Inspection
Petroleum Refining	7	412	58.86
Drilling Oil and Gas	24	359	14.96
Highway Street Construction	11	122	11.09
Elementary/Secondary Schools	14	155	11.07
Excavation	19	130	6.84
General Contractor- Single Family Homes	33	212	6.42
HVAC	21	117	5.57
Roofing/Siding	151	822	5.44
Crude Petroleum Natural Gas	24	126	5.25
General Contractor- Residential	24	116	4.83
Carpentry Work	26	122	4.69
Oil and Gas Field Services	79	319	4.04
Water, Sewer, Pipeline communications constr.	24	95	3.96
Special Trade	37	132	3.57
General Contractor- Industrial Buildings	37	115	3.11

Industry	Inspections <sup>1</sup>	Violations	Average Violation per Inspection
General Contractor- Non-residential	101	310	3.07
Electrical work	46	133	2.89
Concrete work	11	50	4.55
<b>Total</b>	<b>689</b>	<b>3,797</b>	<b>5.51</b>

Source: Legislative Service Office from data provided by the Department of Workforce Services, OSHA.

<sup>1</sup> Does not include five inspections from FY2011 that provided no industry description.

Table 3, below, notes the number of combined Serious, Willful, and Repeat Serious violations for different industries; industries with the highest proportion of these critical violations are at the top of the table. Approximately 70% of the total violations shown are for Serious, Willful, and Repeat Serious violations.

**Table 3**  
**Number of Total Violations and Serious, Willful, and Repeat Serious Violations by Industry Type (FY2010-FY2014)**

Industry	Total Violations	Serious, Willful, & Repeat Serious Violations	% of Total
Highway Street Construction	122	103	84%
Petroleum Refining	412	341	83%
General Contractor- Residential	116	95	82%
Excavation	130	101	78%
General Contractor- Single Family Homes	212	158	75%
Water, Sewer, Pipeline, Communications	95	71	75%
Special Trade	132	98	74%
Roofing/Siding	822	602	73%
Carpentry Work	122	87	71%
Crude Petroleum Natural Gas	126	87	69%
Drilling Oil and Gas	359	239	67%
Oil and Gas Field Services	319	215	67%
General Contractor- Industrial Buildings	115	76	66%
HVAC	117	70	60%
General Contractor- Non-residential	310	184	59%
Elementary/Secondary Schools	155	91	59%
Electrical work	133	67	50%
Concrete work	50	24	48%

Source: Legislative Service Office analysis of Department of Workforce Services, OSHA information.

**OSHA Compliance onsite inspection timeframe**

The Wyoming OSHA Compliance onsite inspection times vary depending on the circumstances associated with the inspection. The amount of time is dependent on multiple variables including the level of employer and

employee cooperation, time it takes to conduct interviews, size of the inspection site, number of facilities inspected, number of hazards identified, and whether programs and training documentation are required to be reviewed. Table 4, below, provides examples of typical onsite inspection times. OSHA staff noted that the time frames listed do not include the time required to perform the analysis and research, or time required to complete required paperwork to develop the casefile and issue citations and penalties. Rather, the time frames only reflect actual onsite presence of compliance officers with an employer.

**Table 4**  
**Example of Typical Inspection Onsite Time**

Industry	Timeline Range
Roofing/Residential Construction	Approx. one hour
Refinery	Six months or more
Oil & Gas Drilling Rig	Three to four hours
Oil & Gas Servicing	Two to four hours
Oil & Gas Well Special Servicing	Two to four hours
School District	Approx. one week

**Source:** Legislative Service Office summary of Department of Workforce Services, OSHA information.

**Inspection-to-citation, time for an investigation**

As provided by federal OSHA guidelines, the Wyoming OSHA has 180 days from the time of initial contact with the employer (the “opening conference”) to issue citations. OSHA staff stated that the goal is to issue citations within 45 days for compliance safety inspections, 60 days for compliance health inspections, and 90 days for fatalities. In general, a routine safety inspection can be performed in one day depending on the nature of the inspection. A health inspection may take longer due to required monitoring, or the additional information that must be collected and reviewed.

An OSHA Compliance Officer can typically conduct the onsite portion of a fatality inspection within a week depending on several factors:

- The complexity of the fatality or catastrophe work environment.
- The number of employees with direct knowledge of the incident.
- The number of management personnel needing to be interviewed.

Once the onsite investigation is completed, the Compliance Officer continues to work with the employer, employees and attorneys, employee representatives via email, fax, and telephone to obtain all other necessary documents.

OSHA staff note “If the incident (fatality or catastrophe) is related to a safety management process (e.g. refining, chemical processing, etc.), it can take up to just under six months to review/evaluate the data and issue

citations, depending on the complexity of the investigation. Process Safety Management inspections take significantly more man-hours than any other fatality and typically require at least two compliance officers.”

Listed in Table 5, below, is the average number of days to conclude injury and fatality compliance inspections. This includes the time from the date of notification that an incident occurred to the conclusion of the inspection. For all inspections, the number of days to completion has increased since 2010.

**Table 5**  
**Average Days for OSHA Compliance Inspections Timeframe for Safety and Health Injuries, and Fatality Investigations, (FY2010-FY2014)**

Fiscal Year	Safety Inspections	Health Inspections	Fatality Investigation
FY2010	58	81	79
FY2011	90	143	133
FY2012	92	124	153
FY2013	140	137	156
FY2014	145	158	134

**Source:** Legislative Service Office analysis of Department of Workforce Services, OSHA information.

Table 6, below, illustrates the total number of safety and health inspections and the average number of days from completed inspection to citation issuance. Over the past five fiscal years, as the numbers of both health and safety inspections appear to be dropping (but not consistently), the average number of days within which to issue citations is increasing.

**Table 6**  
**Total Number of Safety and Health Inspections and Average Number of Days to Issue Citations, FY2010-FY2014**

Fiscal Year	Safety Inspection total	Average days to issue citation	Health Inspection total	Average days to issue citation
FY2010	1401	58	570	81
FY2011	547	90	201	143
FY2012	1089	92	254	124
FY2013	901	140	275	137
FY2014	793	145	85	158

**Source:** Legislative Service Office analysis of Department of Workforce Services, OSHA information.

### **Penalties and Hearings**

As a result of citations, the Wyoming OSHA may assign penalties to be paid by employers in violation of OSHA standards in the workplace. The Wyoming OSHA statute (W.S. 27-11-107) includes broad circumstances under which penalties may be assessed and the dollar amount allowed to be levied. The payment of all fines and penalties imposed under this

statute is made to the county treasurer of the county in which the violation occurred, and credited to the county school fund. Appendix A notes applicable statutory fines and penalties.

The Wyoming OSHA does not have the statutory authority to directly collect from employers that do not pay fines and penalties. During the 2015 Legislative Session OSHA staff commented at one committee meeting that OSHA cases with unpaid fines and penalties are turned over to the OSHA Commission. The Commission summons the employer to appear in front of the Commission. However, according to staff, employers typically do not appear. In those instances, the case is turned over to the Attorney General for collection proceedings. After one year, if the fines are still not collected, the case is returned to OSHA and administratively closed. Listed in Table 7 is the amount of paid and unpaid fines and penalties reported by OSHA, which shows that for all but the most recent FY2014, over 90% of fines are paid by employers.

**Table 7  
Total Paid and Unpaid Penalty Amount**

<b>Fiscal Year</b>	<b>Total Paid</b>	<b>Total Unpaid</b>	<b>Percent Unpaid</b>
FY2010	\$3,479,895	\$379,276	9.83%
FY2011	\$8,218,080	\$168,750	2.00%
FY2012	\$8,459,888	\$283,808	3.25%
FY2013	\$25,226,125	\$2,698,102	9.66%
FY2014	\$4,821,391	\$987,413	17.00%

**Source:** Legislative Service Office analysis of Department of Workforce Services, OSHA information.

Employers may appeal citations, fines, and penalties assessed by the Compliance Section. Currently, the OSHA Commission contracts with the Office of Administrative Hearings to hear and rule on contested cases. As a result of the hearings, citations may be rescinded or upheld, and fines and penalties may be reduced.

Based on hearing data provided by the Wyoming OSHA, in the past five fiscal years, there have been three contested cases related to penalties assessed following a workplace fatality. One hearing was a jurisdictional issue, and the other two hearings involved contestation of citations and penalties totaling \$43,500. Following administrative hearings, the recommended amount of penalties was reduced to \$20,000. However, the decision for one case is on appeal to District Court, which has not yet rendered a decision.

**OSHA Consultation Program**

The OSHA Consultation program is designed to support employers by providing assistance and training within the State focused on prevention and reduction of occupational injuries and illnesses. At the request of the employer, OSHA consultation staff assists employers with the

identification of hazards and provides recommendations to assist employers to develop or improve safety and health management systems within the workplace. The Consultation Section accomplishes its goals by conducting site visits, which can include full service visits (covering the entire business) or limited service visits (addressing specific issues or pieces of equipment). Currently there is a total of fourteen consultant staff including the Section Manager.

Typically, the OSHA Consultation Section works with over 570 employers each year for onsite visits when fully staffed and trained. OSHA Consultants also conduct free training for over 500 employers and employees per year. Trainings include 10 and 30 hour classes in both general industry and construction at no charge to employers or employees. These classes assist employers and employees in hazard recognition and in the development of programs to provide a safe work environment. Additionally, OSHA Consultations provide tailor-made 4 hour classes for employers on topics such as fall protection, trenching, Personal Protective Equipment (PPE), OSHA Reporting Requirements, and Oil & Gas Regulations.

The OSHA Consultation Section does not issue monetary fines and does not work with the OSHA Compliance section on employer matters *unless* the Consultation Section identifies that an imminent danger situation exists.

### **Incentives for Employers to Promote Workplace Health and Safety**

***Health and safety programs.*** Prevention of workplace accidents to create safer work environments is accomplished in a variety of ways including training, awarding funds for safety equipment, and discounts on workers' compensation premiums to employers that utilize OSHA's consultation services and maintain safe work environments. The OSHA Consultation Section provides opportunities and assistance for employers to develop and implement health and safety programs tailored to the needs of specific employers and employees. Safety programs are not "one size fits all," and the templates available serve as guidance for employers to use and adjust to address the specific challenges and processes of their workplaces. Consultants work directly with employers as part of their service to help employers apply the template programs to their particular situations.

***Safety Improvement Fund (W.S. 9-2-2601(g)(vii) and W.S. 9-2-2608(a)).*** The Wyoming Safety Fund provides funding for purchase of health and safety equipment or safety training that goes above and beyond minimum safety requirements. The Wyoming OSHA Consultation Manager and Deputy Administrator chair and administer the panel considering applications for new safety products and equipment. Businesses may apply for up to \$10,000 each year and the employer must contribute a 10% monetary match.

***Prestige programs.*** All prestige programs are federally recognized and designed to help employers develop prevention protocols and have employees directly involved in the safety and health aspects within the company. The Wyoming OSHA works with these employers on a reoccurring basis to go above and beyond OSHA minimum requirements and evaluates the employer's commitment to remain in the program either annually for Safety and Health Achievement Recognition Program (SHARP) and every three years for Voluntary Protection Program (VPP). These programs exhibit demonstrations of companies with a culture of safety.

*Employer Voluntary Technical Assistance Program (EVTAP).* Assist employers in preparing to participate in the VPP and SHARP programs, the Wyoming OSHA operates a preparation program, the Employer Voluntary Technical Assistance Program (EVTAP). To participate in EVTAP, an employer must commit to establishing a health and safety program and a hazard-free workplace. This program is available to the private and public sectors. If an employer's application is approved for participation in EVTAP, the OSHA Consultation Division works with the employer as it develops its health and safety program and a hazard-free workplace. While the employer may withdraw from the program at any time, the ultimate goal is for the employer to reach a level of "self-sustainability", meaning its safety and health program becomes "...self-policing with little or no guidance from OSHA." Once this level is achieved, entry into one of the federal OSHA recognition programs (SHARP or VPP) can be completed.

*Voluntary Protection Program (VPP).* The foundation of the VPP was established through the federal OSHA in 1970. This program is intended to promote worksite health and safety by establishing cooperative relationships among management, employees, and OSHA staff for businesses that have implemented a comprehensive safety and health management system. Further, this program sets performance-based criteria for participants to meet. There are three levels into which an employer may fall:

- **Demonstration:** For employers and employees who operate effective safety and health management systems that differ from VPP requirements.
- **Merit:** For employers and employees that have developed and implemented good health and safety management systems, but must take additional steps to achieve Star status.
- **Star:** For employers and employees demonstrating exemplary achievement in prevention and control of safety and health hazards as a result of its health and safety management system.

***Safety and Health Achievement Recognition Program.*** Through this program, OSHA Consultation staff work with smaller, high-hazard businesses and their employees to develop, implement, and improve the effectiveness of workplace safety and health programs. If an employer is enrolled into the program, a consultant is assigned to the business to work with management and employees to assist in health and safety program development. On-site visits are scheduled and once an employer has met SHARP requirements, they receive certificates valid for one or two years. These certificates include an exemption from compliance inspections. It is important to note that mobile worksites, such as construction projects, oil and gas drilling or servicing rigs, and logging are not eligible for this program.

***Health and Safety Consultation Employer Discount Program.*** The OSHA Consultation Division also manages OSHA Division’s Health and Safety Consultation Employer Discount Program. This program provides employers the opportunity to receive a workers’ compensation insurance premium rate discount by working with OSHA Consultation. This program’s benefit structure is divided into four tiers with possible discount rates of 3%, 5%, 7% and 10%, depending on the employer’s level of commitment and involvement with OSHA Consultation over a three year period. Each tier has certain qualifications that must be met.

Figure 4, below, illustrates the requirements employers must satisfy in order to reach each tier of the Employer Discount Program.

**Figure 4  
Employer Discount Program Tier Requirements**

Discount and Requirements	Tier I	Tier II	Tier III	Tier IV
Employer Discount	3%	5%	7%	10%
Complete full service onsite survey	✓	✓	✓	✓
Abate all hazards	✓	✓	✓	✓
Complete all tier specific Health and Safety Program Requirements		✓	✓	✓
Obtain a score of two on each item on the tier specific program requirements list		✓	✓	✓
A Workers’ Compensation Experience Modification Rating less than the base rate			✓	✓
Obtain a score of three on 10% of Tier IV program requirement list and a score of two on the remaining items				✓

**Source:** Legislative Service Office summary of Department of Workforce Services, OSHA information.

Additionally, employers must have at least one employee and establish and maintain certificates of good standing with Wyoming Workers’ Compensation, Unemployment Insurance, and the Wyoming Secretary of State.

## **The Wyoming OSHA Collaborations**

***Alliance program.*** The Wyoming OSHA Consultation Section has formed alliances with industry to further promote and foster workplace cultures of safety and health in the State. Through the Alliance Program, the Wyoming OSHA works with groups committed to worker safety and health to prevent workplace fatalities, injuries, and illnesses.

The Wyoming OSHA and the groups work together to develop compliance assistance tools and resources, share information by educating workers and employers about their rights and responsibilities. Alliance Program participants do not receive exemptions from OSHA inspections or any other enforcement benefits. Rather the benefits of these alliances are aimed at increasing worker access to effective workplace safety and health tools, leveraging resources, and to provide information about worker rights, and establishing continual, progressive dialogue between the agency and other committed to program goals.

Example alliances include the Wyoming Oil and Gas Industry Safety Alliance (WOGISA, since 2011), Wyoming Refining Safety Alliance (WRSA, since 2014), Wyoming Construction Safety Alliance (WCSA, since 2014). The Wyoming OSHA and the alliances meet on a regular basis and share health and safety information that has built a better understanding of OSHA, the resources available through the Wyoming OSHA, and reduced fear associated with working with OSHA Consultation.

Participants in the Alliance Program support the Wyoming OSHA's strategic goals by developing Alliance agreements and implementing project plans that emphasize:

- *Raising Awareness of the Wyoming OSHA's Rulemaking and Enforcement Initiatives*
  - Sharing information on the Wyoming OSHA regulatory agenda and opportunities to participate in the rulemaking process.
  - Training workers and management on new and revised standards.
  - Developing worker information on new and revised standards.
  - Sharing information on LEPs.
  - Developing compliance assistance materials for other specifically targeted hazards/industries.
  - Participating in various forums and groups to discuss ways of improving workplace safety and health programs.
  - Encouraging worker participation in workplace safety and health.
- *Outreach and Communication, such as:*

- Creating and sharing compliance assistance materials in English and Spanish for workers and/or employers.
- Conducting best practice seminars in support of the Wyoming OSHA enforcement initiatives.
- Speaking or exhibiting at conferences and meetings.
- *Training and Education*, such as:
  - Developing effective worker training and education programs.
  - Arranging for the delivery of worker training.

The Wyoming OSHA also routinely refers concerns and jurisdictional issues to other state agencies, which are primarily the Wyoming Department of Transportation, Wyoming Highway Patrol, Wyoming Department of Agriculture, and the Wyoming Department of Environmental Quality. Additionally, the Wyoming OSHA receives referrals from these same agencies.

***Wyoming Safety and Workforce Summit.*** The OSHA Consultation Program also coordinates and provides assistance for the annual Wyoming Safety and Workforce Summit. This Summit is collaboration among the DWS, the Wyoming Workforce Development Council, and WOGISA. According to the Wyoming Workforce Development Council, this collaboration “streamlines several safety conferences that were held in Wyoming and the annual Summit on Workforce Solutions into one event.” Additionally, the event provides “an opportunity to continue to build new alliances and reinforce long-held partnerships that support employers, employees and job seekers throughout Wyoming.”

### **OSHA Reporting**

In addition to reporting to the federal OSHA Program and entering data into OIS, the Wyoming OSHA provides fatality data to the Census of Fatal Occupational Injuries (CFOI) and partners with the National Institute for Occupational Safety and Health (NIOSH) for targeted research efforts.

***Census of Fatal Occupational Injuries.*** The CFOI compiles data related to occupational fatalities through various data sources and reports, such as OSHA inspection reports, motor vehicle crash reports, newspaper articles, workers compensation claims, and death certificates. As the data are compiled by the Wyoming CFOI Coordinator, it is reported into a nationally networked database. CFOI is overseen and partially funded through the Bureau of Labor Statistics (BLS). The compiled data is reviewed by BLS-CFOI regional and national coordinators and analysts. During this review process, the BLS may request additional information about particular cases. Each fall, “preliminary” data is released by BLS-CFOI for the prior calendar year and final data is available the following spring.

***National Institute for Occupational Safety and Health.*** NIOSH is a federal agency created by the federal OSHA law of 1970, which conducts

research and makes recommendations to prevent worker injury and illness. It currently works under the federal Centers for Disease Control (CDC), but also partners with other federal and state entities. Example targeted research currently pursued by NIOSH includes issues related to the oil and gas, transportation, and agriculture industries.

Although the Wyoming OSHA staff states there are no current programs that require the Wyoming OSHA to routinely report data to NIOSH, Wyoming has provided investigation data for this type of research in the past. In addition, NIOSH may have data sharing agreements with the federal OSHA program to compile investigation data. It is likely the Wyoming OSHA data has been provided to NIOSH through the federal system. The Wyoming OSHA has recently partnered with NIOSH on targeted research related silica exposure in the oil and gas hydraulic fracturing operations.

Additionally, the Wyoming OSHA staff meets regularly with the NIOSH Western States Office in Denver, Colorado to strategize prevention activities and plan for upcoming data sharing needs. The DWS State Occupational Epidemiologist recently joined the NIOSH National Occupational Research Agenda (NORA) Council for the Oil & Gas Extraction Sector, and will be helping to facilitate inclusion of the Wyoming OSHA and other state data into NIOSH's national surveillance for oil & gas extraction fatalities.

NIOSH also facilitates the Fatality Assessment and Control Evaluation (FACE). OSHA staff reported that participation in the FACE program is not required for all states, and is currently limited to states funded through the NIOSH State-based Surveillance Grant. Wyoming last routinely participated in the FACE program in the mid-1990s.

### **Role of the Wyoming OSHA Commission**

Under W.S. 27-11-105, the Wyoming OSHA Division is authorized to work with the Wyoming OSHA Commission to oversee OSHA program activities. The Commission is comprised of seven members appointed by the Governor and is specifically tasked to “promulgate, devise, formulate, adopt, amend, repeal rules and regulations and to appoint advisory committees equally composed of employers and employees from the industries involved to assist and advise the commission.”

Additionally, statute assigns to the Commission a significant role of working on program rules of practice and procedures, recognizing applicable industry and national codes, exempt a trade or business from program coverage if determine to be sufficiently covered elsewhere, and grant variances from standards as it determines necessary.

The Wyoming OSHA Commission hears and takes action on contested cases, which may include reduction of penalties or requiring a non-cooperative employer to pay the full penalty assessed by OSHA

compliance inspectors. Currently, the Commission contracts with the Office of Administrative Hearings to conduct OSHA hearings.

## What do Wyoming Injuries and Fatalities Look Like?

Based on the data provided by the Wyoming OSHA, the following tables and narrative provide a glance at Wyoming workplace injury and fatality trends for the past five fiscal years.

Table 8, below, reflects that overall workplace injuries have decreased between FY2010 and FY2014. By injury designation, sprains are identified as the most common workplace injury, although these injuries have decreased significantly during FY2013 and FY2014. Two trends include that “strains” and injuries with no identification (“blank data field”) show a sharp increase since FY2011. (See Appendix B for additional workplace injury information.)

**Table 8**  
**Number of Workplace Injuries by the Top Ten Injury Types (FY2010-FY2014)**

Nature of Injury	FY2010	FY2011	FY2012	FY2013	FY2014	Total
Sprain	4,700	4,785	4,590	1,158	569	15,802
Contusion	2,296	2,401	2,453	1,963	1,685	10,798
Lacerations	1,830	1,800	1,943	1,641	998	8,212
All Other	1,328	1,468	1,395	948	965	6,104
Strain	1	5	45	3,214	2,769	6,034
(blank data field)	1	2	21	900	3,497	4,421
Fracture	771	826	869	622	390	3,478
Puncture	505	524	483	459	340	2,311
Foreign Body	429	473	431	392	262	1,987
Burn(s)	364	424	445	360	243	1,836
Total	12,225	12,708	12,675	11,657	11,718	60,983

**Source:** Legislative Service Office analysis of Department of Workforce Services, OSHA information.

Table 9, below, reflects the number of workplace injuries categorized by cause of loss (implement or activity contributing to the injury). Repetitive motion is the most frequent cause of workplace injuries. Similar to data in Table 8, unidentified causes (“blank data field”) shows a sharp increase in recent years. Additionally, the “Lifting” cause also increased significantly. Moving in the other direction, the categories of “Machine or Machinery,” “Metal Products,” “Working Surface,” and “Other - Miscellaneous, NOC” declined as causes of loss.

**Table 9**  
**Number of Workplace Injuries by Cause of Loss (FY2010-FY2014)**

Cause of Loss	FY2010	FY2011	FY2012	FY2013	FY2014	Total
Repetitive Motion	3,707	3,664	3,661	951	343	12,326
Other - Miscellaneous, NOC	1,507	1,615	1,555	436	222	5,335
(Blank data field)	1	3	28	1,147	3,876	5,055

Cause of Loss	FY2010	FY2011	FY2012	FY2013	FY2014	Total
Machine or Machinery	1,085	1,112	1,078	297	105	3,677
Hand Tool, Utensil, Not Powered	770	792	823	478	253	3,116
Working Surface	796	934	822	92	8	2,652
Fellow Worker, Patient, Other Individual	616	693	660	395	237	2,601
Motor Vehicle, NOC	501	564	602	151	92	1,910
Lifting	1	1	11	1,059	827	1,899
Metal Products	550	542	601	105	16	1,814

**Source:** Legislative Service Office analysis of Department of Workforce Services, OSHA information.

During review of the Wyoming OSHA data, LSO noted that fatalities were identified as “OSHA Covered” and “Not OSHA Covered.” Table 10 shows the number of fatalities covered by OSHA and Table 11 shows the number of fatalities not covered by OSHA.

**Table 10**  
**OSHA Covered Fatalities by Industry Type (FY2010-FY2014)**

Industry	FY2010	FY2011	FY2012	FY2013	FY2014	Total
Oil and Gas Field Services, Not Elsewhere Classified		1	2	3	2	8
Local Trucking Without Storage				2	1	3
Water, Sewer, Pipeline, and Communications and Power Line Construction	1	1		1		3
Trucking, Except Local				1	1	2
Special Trade Contractors, Not Elsewhere Classified			1	1		2
Drilling Oil and Gas Wells		2				2
Recreational Vehicle Parks and Campsites			1			1
Local Trucking With Storage					1	1
School Buses					1	1
Carbon and Graphite Products				1		1
Total	1	4	4	9	6	24

**Source:** Legislative Service Office analysis of Department of Workforce Services, OSHA information.

**Table 11**  
**Not OSHA Covered Fatalities by Industry Type**

Industry	FY2011	FY2012	FY2013	FY2014	Total
Transportation	3	4	3		10
Oil & gas	1	1	3	4	9
Agriculture	2	1	2	3	8
Aviation		4			4
Mining			3	1	4
Ranching	1	3			4
Retail sales		2		1	3
Food services				2	2
Trucking		1	1		2
Unknown		2			2
Total	7	18	12	11	48

**Source:** Legislative Service Office analysis of Department of Workforce Services, OSHA information.

Overall, according to OSHA staff, around 25% of all occupational fatalities counted in the CFOI fall under OSHA jurisdiction. Fatalities that occur by over-the-road motor vehicle accidents, in agricultural settings, and in non-oil and gas mining/extraction activities are typically exempt from OSHA jurisdiction. For those fatalities that are under the Wyoming OSHA jurisdiction, the agency is active in reporting fatality notifications and investigation data to CFOI. Fatal event notifications are sent to the Wyoming CFOI Coordinator in Casper immediately through the DWS Fatality/Catastrophe notification email/fax announcements.

The Wyoming OSHA previously participated in the collection and reporting of the NIOSH Occupational Health Indicators (OHI). The OHI are nationally consistent data measures that provide a high-level “snapshot” of worker health and safety by state. The OHI include OSHA inspection data, but also many other measures across numerous data sources. NIOSH and one of its regional research centers in Colorado, the Mountain and Plains Education and Research Center (MAP ERC), conducted a baseline assessment of the 2001-2009 Wyoming Occupational Health Indicators (Wyoming OHI), for which the Wyoming OSHA provided data. These data were published in a report titled *Occupational Health Indicators in Wyoming: A Baseline Occupational Health Assessment, 2001-2009*.

NIOSH continued this surveillance effort by collecting and including Wyoming OHI data in the 2008-2010 national surveillance reports published by the Council of State and Territorial Epidemiologists (CSTE). This NIOSH-supported effort was intended to kick-start the occupational epidemiology effort in Wyoming. However, NIOSH is no longer collecting or reporting Wyoming OHI data.

## **Current Issues: Epidemiology Reports and Recent Legislation**

### **2011, 2012, and 2013 Epidemiology Reports**

In 2009, the Governor established the Workplace Safety Task Force comprised of individuals from major industries and several state agencies. The purpose of the Task Force was to develop recommendations to address the high rate of occupational fatalities in the State. The Task Force recommended hiring an occupational epidemiologist and to “...follow the successful workplace fatality reduction prototype developed in Alaska.”

The newly hired occupational epidemiologist, at that time, was tasked with providing recommendations to “...allow for the implementation of the Alaskan model and address the specific issues identified in Wyoming.” Generally speaking, the report notes that the recommendations were based on the assumption that the level of occupational fatalities in Wyoming is too high. The recommendations also consider the fragmented efforts of the State and federal agencies to address this concern. In essence, “[t]he current situation does not have a single solution; rather it requires a

concerted effort on all fronts.” As a result, the recommendations noted in Figure 5 are targeted to those ends.

In 2011, 2012, and 2013, the State’s occupational epidemiologists issued three reports related to workplace safety and health conditions in the State, including on-the-job injuries and fatalities. All three reports included recommendations targeted at decreasing workplace injuries and fatalities. While the 2011 and 2013 reports contained specific recommendations, the 2012 report provides more generalized information and considerations for future efforts. Figure 5, below, notes recommendations and comments from these reports, with more extensive summary narrative for each report following the figure.

**Figure 5**  
**Wyoming Occupational Epidemiology Report Recommendations and Comments, 2011, 2012 and 2013**

2011 Report Recommendations	2012 Report Comments
<ul style="list-style-type: none"> <li>• Organize and develop continuity of ongoing efforts</li> <li>• Develop data monitoring system for collection and timely analysis of occupational data</li> <li>• Promote OSHA courtesy inspections</li> <li>• Support efforts by industry to develop, monitor, and enforce safety standards and practice</li> </ul>	<ul style="list-style-type: none"> <li>•Data provided by the State Occupational Epidemiologist and the federal CFOI data should be used to identify safety improvement policies</li> <li>•Systems in addition to the Wyoming Workers' Compensation system were being reviewed for easier tracking of non-fatal workplace injuries</li> <li>•Wyoming demonstrates leadership in support of workplace safety groups and efforts</li> </ul>
2013 Report Recommendations	
<ul style="list-style-type: none"> <li>•Establish an agriculture safety alliance</li> <li>•Urge all Wyoming employers to mandate seat belt usage for employees when on duty</li> <li>•Encourage all employers to develop and enforce workplace safety policies</li> <li>•Encourage employers to request OSHA consultation services</li> <li>•Encourage employers to participate in safety discount program</li> <li>•Track the impact of the 80 mph speed limit increase</li> <li>•Continue case-based surveillance for workplace fatalities</li> <li>•Continue and enhance the Safety Fund</li> <li>•Enhance capacity of DWS-OSHA to provide "Safety Culture" experts to assist employers</li> <li>•Develop a "Work Safe State" media campaign</li> </ul>	

**Source:** Legislative Service Office summary of 2011, 2012, and 2013 Occupational Epidemiology Reports.

Unlike the 2011 and 2013 epidemiology reports, the 2012 report does not contain overt recommendations. Rather it presents information more akin to observations and current status of workplace safety in the State. This report lays the foundation for the updated information and recommendations found in the 2013 report.

The 2013 report provides a number of specific recommendations related to addressing Wyoming’s high workplace fatality and injury rates. On report component notes that the Wyoming OSHA investigates only about one-quarter of all workplace deaths because it lacks jurisdiction in transportation, agriculture, and events involving homicide and suicide. This information suggests “...efforts in the industry sectors not covered by the Wyoming OSHA need additional attention if the State is to have a major influence on workplace fatality rates.” This report provides ten recommendations with each recommendation focused on creating a “Culture of Safety” within every organization and business in the State.

**Recent Legislative Efforts**

In recent years, the Legislature has considered several pieces of legislation aimed at addressing workplace injuries and fatalities. Table 12, below, identifies and summarizes these efforts.

**Table 12  
Legislative Efforts Related to Workplace Fatalities**

<b>Bill</b>	<b>Title</b>	<b>Pass/Fail</b>	<b>What it does, or would have done</b>
2015 SF0072	OSHA penalties-2	Failed	The topic of this legislation was studied during the interim by the Joint Labor, Health & Social Services Interim Committee. The legislation would have increased OSHA penalties and allowed for a negotiated payment if the penalties threatened the solvency of the cited company.
2015 HB0177	Collection costs for debts owed to the state	Failed	This legislation would have provided OSHA the ability to include a fee for collection on an employer’s debt to OSHA via a collection agency.
2015 HB0217	Workplace safety grant program	Failed	This legislation would have amended the Wyoming Safety Fund by requiring employers who have been cited with an OSHA violation within the last two years to pay a higher match than those without a citation. HB0217 did not pass during the 2015 Session. This measure was also introduced in 2014.
2015 HB0229	OSHA regulations	Failed	This legislation would have allowed for OSHA state rules and regulations to be more stringent than current federal rules and regulations.
2015 HB0236	OSHA penalties-3	Failed	This legislation would have increased OSHA penalties and given the division the ability to enjoin employers until required payments were made. Additionally, the bill would allow for attorney fees to be paid for by the employer.
2013 HB0052	Workplace safety initiatives	Passed	This legislation was passed and created a program which provides workers’ compensation premium reductions for employers willing to participate in health and safety consultations and remediation.
2012 HB0089	Workplace safety-employer assistance	Passed	This legislation provided additional OSHA safety consultants to the Department of Workforce Services. This bill also made available a total of five hundred thousand dollars (\$500,000) in

Bill	Title	Pass/Fail	What it does, or would have done
			workplace safety contracts for employers. This fund is now known as the Wyoming Safety Improvement Fund. The fund assists employers who want to go above and beyond safety requirements by offering grants of up to \$10,000 with an employer match of 10 percent for the enhancement or implementation of workplace safety programs, or to buy safety equipment that is not already required.

Source: Legislative Service Office from information provided by the Department of Workforce Services, OSHA.

### Potential Audit Questions/Considerations

1. How does the statutory limit on state regulations stringency impact what the State may do to better address workplace injuries and fatalities?
2. Are there other as-effective or more effective ways of promoting workplace health and safety among employers (e.g. adjusting Workers' Compensation premiums for safe employers, encouraging workplace safety for mobile work sites, use of employer/employee safety training funds, etc.)?
3. How do employees contribute to workplace injuries and fatalities and how can the State incentivize or penalize employee adherence to workplace health and safety efforts?
4. How does the Wyoming OSHA Commission discharge its role and duties related to occupational health and safety regulation in the State and is this the best role for the Commission today?
5. Is there a collaborative role between the State Occupational Epidemiologist and the Commission? If not, would that be beneficial as the State works towards reducing workplace fatalities and injuries?
6. Review of other occupational health and safety models in other states, specifically Alaska's model, which may provide different, more effective or efficient approaches to reducing workplace fatalities.
  - a. Include a review Wyoming OSHA's staffing for its compliance and consultation staff related to adequate staffing levels, resources, training, etc. in order to carryout assigned duties efficiently and effectively.

## Appendix A

**Table A.1**

**Statutory Penalties Allowed to Be Assessed by OSHA**

<b>Circumstance</b>	<b>Penalty – Fine</b>	<b>Penalty - Imprisonment</b>	<b>Or Both</b>
27-11-107(a) - Employer willfully and knowingly in violation...causes death of employee	Not more than \$10,000	Not more than six months imprisonment	Yes
27-11-107(a) - If convicted...second time after conviction on violation that caused employee's death	Not more than \$20,000	Not more than one year imprisonment	Yes
27-11-107(b) - Employer willfully and knowingly in violation of any standards...	Not less than \$5,000, nor more than \$70,000 for each violation. Lesser penalty may be imposed by Commission	No	N/A
27-11-107(c) - Employer violating any provision...violation of serious nature	Not more than \$7,000	No	
27-11-107(d) - Employer violating any provision...violation of not serious nature	Not more than \$7,000 <i>for each offense as noted in the notice of violation</i>	No	N/A
27-11-107(e) - Whoever makes a false statement, representation, certification	Not more than \$10,000	Not more than six months	Yes
27-11-107(f) - Employer violates posting requirements	Up to \$7,000 for each violation	No	N/A
27-11-107(g) - Employer fails to correct violations not contested or appealed	Not more than \$7,000 for each day violation is unabated	No	N/A

**Source:** Legislative Service Office summary of W.S. 27-11-107.

## Appendix B

**Table B.1**  
**Number of Workplace Injuries for the Top Ten Industries**  
**with the Most Injuries (FY2010-FY2014)**

<b>Industry Description</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014</b>	<b>Total</b>
General Medical & Surgical Hospitals	920	911	836	773	754	<b>4,194</b>
State Government	727	764	755	600	608	<b>3,454</b>
Local Government	560	629	562	533	485	<b>2,769</b>
Elementary & Secondary Schools	567	569	546	502	547	<b>2,731</b>
Hotels (except Casino Hotels) & Motels	539	567	537	512	476	<b>2,631</b>
Support Activities for Oil & Gas Operations	386	508	518	434	441	<b>2,287</b>
Full-Service Restaurants	382	372	421	374	364	<b>1,913</b>
County Government	418	360	397	360	339	<b>1,874</b>
Nursing Care Facilities	280	285	343	254	242	<b>1,404</b>
Limited-Service Restaurants	253	270	292	284	242	<b>1,341</b>
<b>Total</b>	<b>5,032</b>	<b>5,235</b>	<b>5,207</b>	<b>4,626</b>	<b>4,498</b>	<b>24,598</b>

**Source:** Legislative Service Office from data provided by the Department of Workforce Services, OSHA.

**Table B.2**  
**Workplace Injury by Type (FY2010-FY2014)**

<b>Nature of Injury</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014</b>	<b>Total</b>
Sprain	4,700	4,785	4,590	1,158	569	15,802
Contusion	2,296	2,401	2,453	1,963	1,685	10,798
Lacerations	1,830	1,800	1,943	1,641	998	8,212
All Other	1,328	1,468	1,395	948	965	6,104
Strain	1	5	45	3,214	2,769	6,034
(blank)	1	2	21	900	3,497	4,421
Fracture	771	826	869	622	390	3,478
Puncture	505	524	483	459	340	2,311
Foreign Body	429	473	431	392	262	1,987
Burn(s)	364	424	445	360	243	1,836
Dislocation	293	323	275	209	101	1,201
Concussion	135	174	155	138	103	705
Hernia	129	136	127	124	62	578
Poisoning - Chemical	103	68	79	27	18	295
Crushing			1	80	115	196
Amputation	38	39	50	35	18	180
Dermatitis	39	32	62	28	9	170
Asphyxiation	44	41	49	21	14	169

<b>Nature of Injury</b>	<b>FY2010</b>	<b>FY2011</b>	<b>FY2012</b>	<b>FY2013</b>	<b>FY2014</b>	<b>Total</b>
Electric Shock	32	32	35	29	15	143
All Other Cumulative Injuries		1	3	79	36	119
Heat Prostration	28	19	32	23	9	111
Inflammation				45	47	92
All Other Occupational Disease	19	9	9	18	15	70
Heart Attack	20	15	25	5	4	69
Freezing	11	23	8	7	16	65
Loss of Hearing - Progressive	19	12	14	15	4	64
Carpal Tunnel Syndrome		1	2	32	13	48
Respiratory Disorders(Gases, Fumes, Chemicals)			1	27	15	43
Infection				21	13	34
Contagious Disease				25	5	30
Poisoning - General (Not OD or Cumulative Injury)			1	13	11	25
Rupture			1	12	9	22
Mental Disorder	7	8	2	2	2	21
Syncope				6	13	19
Radiation	6	7	3	1	1	18
Asbestos				1	10	11
Mental Stress				5	6	11
Hearing Loss (Traumatic Only)			1	4	4	9
Severance				4	4	8
Silicosis					6	6
Dust Disease (All Other Pneumoconiosis)			1	2	2	5
Vision Loss				2	2	4
Cancer	1	1			1	3
Hepatitis C				1	2	3
Angina Pectoris (Heart Disease)					2	2
Poisoning - Metal				1		1
Vascular Loss				1		1
<b>Total</b>	<b>13,149</b>	<b>13,649</b>	<b>13,611</b>	<b>12,700</b>	<b>12,425</b>	<b>65,534</b>

Source: Legislative Service Office from data provided by the Department of Workforce Services, OSHA.