



KENTUCKY EDUCATION AND LABOR CABINET
DEPARTMENT OF WORKPLACE STANDARDS
OCCUPATIONAL SAFETY AND HEALTH PROGRAM

STATE OFFICE ANNUAL REPORT

for

FEDERAL FISCAL YEAR 2024

Jamie Link, Secretary
Kimberlee C. Perry, Commissioner

INTRODUCTION

The Kentucky Education and Labor Cabinet (“Cabinet”) remains fully committed to promoting the safety, health, and general welfare of the Commonwealth of Kentucky by preventing any detriment to the safety and health of all employees, both public and private, arising out of exposure to harmful conditions and practices at places of work. In addition, the Cabinet is fully involved in preserving our human resources by providing for education and training, inspection of workplaces, consultation services, research, reports, statistics, and other means of advancing progress in occupational safety and health.

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

On November 17, 2021, Governor Andy Beshear and the Secretary of the Kentucky Labor Cabinet, Jamie Link, announced the merger of the Education and Workforce Development Cabinet with the Labor Cabinet to create the Education and Labor Cabinet. Senate Bill 180 of the 2022 Regular Session, signed by Governor Beshear on April 20, 2022, finalized the reorganization to create the Education and Labor Cabinet.

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

employees. The state's effort, with the exception of state and local government, does not include enforcement in any area where OSHA does not exercise jurisdiction.

Kentucky's OSH statutes, Kentucky Revised Statute (KRS) Chapter 338, include definitions of employer and employee that do not exclude public employers and public employees. The exclusions to KRS Chapter 338 cover only employees of the United States government and places of employment over which federal agencies other than OSHA exercise statutory authority. Kentucky OSH statutes, regulations, and policies make no distinction between the public and private sectors.

The Division of OSH Education and Training, also known as KYSAFE, and the Division of OSH Compliance have an effective and comprehensive program to promote the safety, health, and general welfare of the people of the Commonwealth. This effort focuses on preventing hazardous working conditions and practices at places of work. The Kentucky OSH Program provides voluntary compliance services, education and training, enforcement through inspections of workplaces, onsite consultation services, research, statistics, and other functions that meet the mandate of KRS Chapter 338.

The staffing benchmark for the Division of OSH Compliance is twenty-three (23) Compliance Safety and Health Officers (CSHO) and fourteen (14) Industrial Hygienists (IH). Another two (2) positions are devoted to investigating cases of alleged OSH discrimination. KYSAFE has three (3) main operational branches, safety, health, and partnership. In FFY 2024, there were six (6) consultants in the safety branch and seven (7) IHs in the health branch. The Partnership Branch maintains a staff of five (5) safety consultants and IHs as well as a Voluntary Protection Partnership ("VPP") Administrator, a Safety and Health Achievement Recognition

Program (“SHARP”) Administrator, and a Construction Partnership Program (“CPP”) Administrator.

The Kentucky OSH Program implemented a five (5) year strategic plan for 2021-2025 that utilizes a combination of resources to address workplace hazards, including enforcement strategies, consultations, training and education, partnership programs, technical assistance, and standards development. The synergistic effect of these combined resources enables the OSH Program to significantly impact worker safety and health in the Commonwealth of Kentucky.

The remainder of this report is presented in three (3) sections. Section I addresses Kentucky’s success in achieving FFY 2024 Performance Plan goals. Section II addresses FFY 2024 mandated activities. Section III addresses noteworthy accomplishments achieved by the Kentucky OSH Program during FFY 2024.

Information presented reflects accurate data for the period sampled. Some enforcement casefiles have matured since preparation of this report while others are still developing. It is important to note that at the time of report submission, there were 321 open FFY 2024 enforcement inspections. Therefore, some data presented in this report is not fully mature and will vary if resampled. Some data presented in this report relates to inspection activity that initiated in FFY 2023 and matured in FFY 2024.

SECTION I SUCCESS ACHIEVING PERFORMANCE GOALS

The first goal of the 2021-2025 Strategic Plan is to improve workplace safety and health for all workers, particularly in high-risk industries, as evidenced by fewer hazards, reduced exposures, and fewer fatalities, injuries, and illnesses.

Performance Goal 1.1 addresses the aforementioned Strategic Plan goal. Goal 1.1 is to reduce total fatalities in general industry and construction.

In the FFY 2021 baseline year, 159 fatalities were reported to the Division of OSH Compliance and ninety-three (93) inspections were conducted. In FFY 2024, ninety (90) fatalities were reported to the Division of OSH Compliance and twenty-nine (29) inspections were conducted.

In the FFY 2021 baseline year, eighty-one (81) fatality inspections were conducted in general industry resulting in fifty-six (56) serious violations, fifty-eight (58) other than serious violations, three (3) willful serious violations, and two (2) repeat serious violations with penalties totaling \$692,500. Twelve (12) construction industry fatality inspections were conducted resulting in ten (10) serious violations, and eleven (11) other than serious violations with penalties totaling \$63,125. In FFY 2024, eighteen (18) fatality inspections were conducted in general industry resulting in three (3) repeat violation, fifty-nine (59) serious violations and thirteen (13) other than serious violations with penalties totaling \$485,400. In FFY 2024, eleven (11) construction industry fatality inspections were conducted resulting in twenty-five (25) serious violations and five (5) other than serious violations with penalties totaling \$168,000. Kentucky met the goal.

Performance Goal 1.2 is to reduce the number of hazards associated with hospitalizations, amputations, injuries, and illnesses.

In the FFY 2021 baseline year, 457 hospitalizations were reported to the Division of OSH Compliance and 167 inspections were conducted with four (4) repeat serious violations, eighty-one (81) serious violations, and sixty-six (66) other than serious violations. Total penalties were \$519,210. Eighty-six (86) amputations were reported to the Division of OSH Compliance. Seventy-four (74) inspections were conducted with one (1) willful serious violation, eight (8) repeat serious violations, fifty-nine (59) serious violations, and thirty-one (31) other than serious violations. Total penalties were \$574,900. No loss of eye injuries were reported to the Division of OSH Compliance in the FFY 2021 baseline year.

In FFY 2024, 379 hospitalizations were reported to the Division of OSH Compliance and 177 inspections were conducted with ten (10) repeat serious violation, 188 serious violations, and 104 other than serious violations. Total penalties were \$1,204,275. Eighty-six (86) amputations were reported to the Division of OSH Compliance. Seventy-eight (78) inspections were conducted with seven (7) repeat serious violations, eighty-eight (88) serious violations, and fifty-eight (58) other than serious violations. Total penalties were \$597,075. In FFY 2024, there were no loss of eye reports to the Division of OSH Compliance.

Although the number of hospitalizations reported to the Division of OSH Compliance decreased in FFY 2024, the hospitalization inspection rate increased from the FFY 2021 baseline of 36.5% to 46.7% in FFY 2024. Likewise, the amputation inspection rate increased from the FFY 2021 baseline of 86% to 90.7% in FFY 2024 although the number of amputations reported to the Division of OSH Compliance in FFY 2024 was the same as FFY 2021. Kentucky met the goal.

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

The Division of OSH Compliance's portion of this goal consists of the number of inspections in construction and general industry. In the FFY 2021 baseline year, the Division of OSH Compliance conducted 864 inspections, 685 in general industry, 179 in construction, and none in maritime. In FFY 2024, the Division of OSH Compliance conducted 740 inspections, 502 in general industry, 238 in construction, and none in maritime.

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

Kentucky's injury and illness data are also an indicator for this goal.

During the FFY 2021 baseline year, KYSAFE conducted ninety-eight (98) health surveys; all were considered high hazard. The division's safety branch conducted ninety-six (96) surveys; all were considered high hazard. Two (2) safety and health technical assistance visits and ten (10) face-to-face training sessions were conducted that impacted 277 persons. Two (2) of the face-to-face training courses were in response to employer specific requests and reached fifty-nine (59) attendees. Twelve (12) trainings were conducted on virtual platforms, impacting 1,028 persons. In FFY 2024, KYSAFE conducted 216 health surveys and 286 safety surveys; all were considered high hazard. Nine (9) safety and health technical assistance visits and seventy-nine (79) face-to-face training sessions were conducted that impacted 2,685 persons.

Additionally, three (3) trainings were conducted on virtual platforms, impacting 175 persons.

Kentucky met the goal.

Performance Goal 1.4 strives to ensure that employers are adhering to settlement provisions for fatality investigations through follow-up inspections.

In the FFY 2021 baseline year, the Division of OSH Compliance conducted six (6) follow-up inspections. However, there were no settlements that met Performance Goal 1.4 criteria in FFY 2021; therefore, no follow-up inspections were conducted to verify adherence to settlement provisions of fatality investigations. The Division of OSH Compliance conducted two (2) follow-up inspections in FFY 2024 related to complaint inspections. There were no inspections conducted to verify adherence to settlement provisions of fatality investigations because there were no applicable FFY 2024 fatality settlement agreements.

Performance Goal 1.5 aims to reduce by two (2) percent the number of construction industry injuries caused by falls, struck-by, and crushed-by incidents through a five (5) part strategy that combines efforts by the Division of OSH Compliance and the Division of OSH Education and Training. In addition to the information presented immediately below, Performance Goals 1.2, 1.3, 1.8, and 1.9 also relate to this goal.

In the FFY 2021 baseline year, 179 compliance inspections were conducted in the construction industry and fourteen (14) other construction sites were enrolled in the CPP. KYSAFE conducted twenty-two (22) surveys, no technical assistance visits, and presented three (3) training courses totaling 336 contact hours in the construction industry. In FFY 2024, 238 compliance inspections were conducted in the construction industry and twenty-nine (29) other construction sites were enrolled in CPP. KYSAFE conducted thirteen (13) surveys and presented fourteen (14) training courses totaling 1,214 contact hours in the construction industry.

FFY 2021 baseline year data collected by the Bureau of Labor Statistics (BLS) Survey of Occupational Injuries and Illness in cooperation with the OSH Program's Statistical Services

Branch, established the following Kentucky and National incident rates for 2020. This baseline data represents nonfatal occupational injuries and illnesses involving days away from work per 10,000 full-time workers in the construction industry (private industry).

2020	Falls	Struck-by	Crushed
Kentucky	11.7	10.2	5.0
National	15.7	19.9	3.9

BLS now employs a multi-year estimation methodology and transitioned to a biennial case and demographic estimates publication. Therefore, Kentucky cannot report out the aforementioned data. The data will be available for the FFY 2025 SOAR.

Performance Goal 1.6 aims to initiate all inspections of work-related fatalities and hospitalizations of three (3) or more employees within one (1) working day of notification. Kentucky conducted twenty-nine (29) fatality inspections in FFY 2024 and one (1) inspection appears as an outlier. A brief summary for the outlier is provided.

On Tuesday, May 14, 2024, the Division of OSH Compliance received a late reporting of a Saturday, May 11, 2024, motor vehicle fatality. The fatality was assigned to a CSHO returning to employment May 16, 2024. The fatality inspection opened Thursday, June 6, 2024.

Performance Goal 1.7 aims to initiate Division of OSH Compliance inspections of all imminent danger reports within one (1) working day of notification.

The Division of OSH Compliance conducted 126 imminent danger inspections in FFY 2024. All were conducted within one (1) working day of notification.

Kentucky met the goal.

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

The Kentucky FFY 2021 baseline total case rate for injuries and illness, established from CY 2020 BLS data, was 3.3. The FFY 2024 total case rate for injuries and illness, established from CY 2023 BLS data, was 2.9, the lowest rate in Kentucky since BLS began recording the data. Kentucky met the goal.

Performance Goal 1.9 aims to reduce the lost time case rate for injuries and illnesses. This performance goal combines efforts for both the Division of OSH Compliance and the Division of OSH Education and Training.

The Kentucky FFY 2021 baseline lost time case rate for injuries and illnesses, established from CY 2020 BLS data, was 2.0. The FFY 2024 lost time case rate for injuries and illnesses, established from CY 2023 BLS data, was 1.5. 1.5 is the lowest rate in Kentucky since BLS began recording the data. Kentucky met the goal.

Performance Goal 1.10 aims to reduce the total case rate in one (1) of the top ten (10) industries, identified by North American Industry Classification System (NAICS) code, in Kentucky with the highest injury and illness total case incident rates. The effort, known as “Safety Tops Our Priority” (S.T.O.P) combines efforts for both the Division of OSH Compliance and KYSAFE.

In FFY 2024, KYSAFE continued focused outreach in NAICS code 92, Public Administration (local government). The NAICS code 92 S.T.O.P. initiative launched in FFY 2023 resulted in 100+ consultation requests from Kentucky counties and sixty-three (63) consultation requests from Kentucky cities. The requests lead to additional visits due to the

various entities in county and city governments. As a result, KYSAFE continued the initiative in FFY 2024.

Another FFY 2024 KYSAFE outreach initiative included participating in the Warehousing and Distribution Center Operations national emphasis program. KYSAFE sent letters to sixty-three (63) establishments in NAICS codes identified in the emphasis program. The targeted industries in NAICS codes 492110, 493110, and 493120 had the highest total case rates, all were above 6.4. The outreach initiative continues.

Thirty-six (36) KYSAFE training sessions were presented at five (5) Population (POP) Center training seminars in FFY 2024; 728 participants attended the training. The training addressed subjects relevant to the targeted NAICS codes such as Basic Electrical Safety, Excavation and Trenching, Silica, Walking / Working Surfaces, Hazard Communication, Personal Protective Equipment, Fall Protection, and Confined Space Entry.

KYSAFE remains committed to working with employers and continues its focus on industries and employers with the highest injury and illness rates. The Division of OSH Compliance continues its programmed inspection focus on industries with high injury and illness total case incident rates. The Division of OSH Compliance conducted seventy (70) program planned inspections in FFY 2024.

Performance Goal 1.11 is to identify and assist industries with a total case incident rate three (3) times above the average Kentucky total case incident rate. Industries that met the criteria were unsuitable for KYSAFE outreach. KYSAFE conducted extensive outreach in NAICS code 92 as noted above.

Performance Goal 1.12 is to conduct a defined ratio of programmed planned safety inspections and programmed planned health inspections.

On May 12, 2023, Kentucky agreed with OSHA to a negotiated programmed planned inspection rate of 10% for safety inspections and 5% for health inspections. These percentages were prorated for the remainder of FFY 2023. Though this was not applicable in the FFY 2021 baseline, safety compliance officers conducted thirty (30) programmed planned inspections in FFY 2021, which represents 5.5% of total safety inspections. In FFY 2021, health compliance officers conducted six (6) programmed planned inspections in FFY 2021, which represents 1.9% of total health inspections. In FFY 2024, safety conducted fifty-seven (57) programmed planned inspections, which represents 11.9% of total safety inspections. In FFY 2024, health conducted thirteen (13) programmed planned inspections, which represents 5.0% of total health inspections. Kentucky met the goal.

The second goal of Kentucky's 2021-2025 Strategic Plan is to change workplace culture to increase employer and employee awareness of, commitment to, and involvement in occupational safety and health.

Performance Goal 2.1 addresses formal settlement agreements for a citation with a penalty more than \$14,000, or for citations with a combined penalty totaling more than \$14,000, which provide a penalty reduction of thirty-five (35) percent or more must include documented employer implementation of OSHA's 2016 "Recommended Practices for Safety & Health Programs" if general industry; or OSHA's 2016 "Recommended Practices for Safety & Health Programs in Construction" if construction; or the ANSI/ASSE Z10-2012 (R2017) "Occupational Health and Safety Management Systems;" or engage the services of an outside Board of Certified Safety Professionals or American Board of Industrial Hygiene certified consultant.

During FFY 2024, the Division of OSH Compliance authorized forty-nine (49) settlement agreements. Penalties were reduced in seven (7) settlement agreements for a citation with a

penalty totaling more than \$14,000, or for citations with a combined penalty totaling more than \$14,000.

The penalty for Flowers Bakery of London, LLC was reduced from \$38,500 to \$0 due to dismissal of the repeat serious violation.

The penalty for Lanigan Construction, LLC was reduced from \$43,750 to \$21,875 in exchange for retention of the willful citation classification and abatement enhancements including employer utilization of a third-party certified Occupational Health and Safety Technician (OHST) consultant to review safety procedures and re-train employees; hiring a safety director; updating disciplinary policy to include onsite safety hazards; purchasing additional trench shields; and implementation of a photograph requirement to ensure safety regulations are followed.

The penalty for Creative Packaging Company was reduced from \$115,000 to \$39,500 in exchange for retention of the willful citation classification and abatement enhancements.

The penalty for Elite Property Solutions, LLC was reduced from \$36,000 to \$14,000 in exchange for abatement enhancements. The adoption of OSHA's 2016 Recommended Practices in Construction was waived due to the employer filing Articles of Dissolution with the Kentucky Secretary of State.

The penalty for Smyrna Ready Mix Concrete dba SRM Concrete was reduced from \$19,000 to \$8,000 due to citation reclassification.

The penalty for Caravan Facilities Services, LLC was reduced from \$28,000 to \$5,500 in exchange for retention of the citation classification, a separate citation dismissal, and recordkeeping violation penalty reduction.

The penalty for Trac Tire Services, LLC was reduced from \$18,250 to \$11,250 in exchange for retention of citation classification.

Performance Goal 2.2 is to ensure Division of OSH Compliance informal conference penalty reductions adhere to Chapter IV of the Kentucky Field Operations Manual (FOM). In FFY 2024, all Division of OSH Compliance informal conference penalty reductions adhered to Chapter IV of the Kentucky FOM. Kentucky met the goal.

Performance Goal 2.3 is to incorporate evaluation of safety and health management systems in 100 percent of the full-service comprehensive surveys. All FFY 2024 KYSAFE comprehensive consultative surveys incorporated an evaluation of safety and health management systems. Kentucky met the goal.

Performance Goal 2.4 seeks to utilize the Safety and Health Program Assessment Worksheet in all full-service general industry consultation surveys. All FFY 2024 KYSAFE comprehensive general industry consultative surveys utilized the Safety and Health Program Assessment Worksheet. Kentucky met the goal.

Performance Goal 2.5 aims to provide safety and health program management training. KYSAFE provides employers and employees a cost-free online eLearning safety and health program management training module on the KYSAFE eLearning website, kysafe.ky.gov. The module was viewed forty-five (45) times in FFY 2024. Additionally, KYSAFE offered safety and health program management training at three (3) POP Center events in FFY 2024. Sixty-eight (68) participants attended the training. Kentucky met the goal.

Performance Goal 2.6 addresses the evaluations of worksites on a timely basis to certify and re-certify VPP sites, develop CPP agreements, and add new employers to the SHARP, as well as the maintenance and re-certification of current SHARP sites. The Partnership Program

was very active in FFY 2024, with 159 VPP, CPP, and SHARP visits. The Partnership Branch continued reaching out in FFY 2024 looking for new VPP, SHARP, and CPP participants.

There were twenty-nine (29) active CPP sites in FFY 2024 with a total project cost of approximately \$12 billion. The Partnership Branch had 78 contacts / visits with CPP sites in FFY 2024; sixty (60) were site visits affecting 9,023 employees. Eighteen (18) contacts were communications with CPP partners. The largest CPP project in FFY 2024 continued to be the \$5.8 billion BlueOval SK Battery Park in Glendale. Also of note was the Envision battery plant in Bowling Green, which is an \$800 plus million project. However, due to Division of OSH Compliance activity at the Blue Oval SK project, and a work stoppage delay at the Envision project, several CPP visits were cancelled at both sites in FFY 2024.

VPP continues to be successful and set the standard for program and participant quality. The Partnership Branch worked diligently with five (5) facilities in their quest to become VPP certified while concluding FFY 2024 with nineteen (19) very strong, successful VPP sites. Unfortunately, in FFY 2024, the Partnership Program removed a site from VPP that no longer met the high standards required to participate, reducing the number of VPP sites in Kentucky to nineteen (19).

SHARP maintained fourteen (14) active sites in FFY 2024 and continues to solicit new participants.

In FFY 2024, the Partnership Branch had 242 significant contacts with participating sites. Of those, 159 were site visits affecting 23,434 employees that identified 1,033 hazards; 438 hazards were serious and 595 hazards were other than serious. Eighty-three (83) contacts were communication with partners. Kentucky met the goal.

Performance Goal 2.7 addresses the implementation of a targeted outreach plan for 100 percent of new Kentucky OSH standards. There was one (1) new OSH standard in FFY 2024 that was effective January 1, 2024, “Improve Tracking of Workplace Injuries and Illnesses.” Outreach included two (2) live webinars on the new updates and re-recording the static OSHA Injury and Illness Recordkeeping webinar to include the new requirement. Postcards were sent December 2023 to 137 potential Injury Tracking Application non-responders. Kentucky met the goal.

KYSAFE continues to offer free POP Center outreach training for employers and employees across the Commonwealth that addresses Kentucky OSH standards. The Kentucky OSH Program also posts updated and accurate information on the Cabinet’s website. KYSAFE offers a universal serial bus (USB) with all state OSH regulations, federal OSH standards, Kentucky safety and health manuals, posters, conference information, and other resource links. KYSAFE provides the USB free of charge.

The third goal of Kentucky’s 2021-2025 Strategic Plan is to maximize the efficient and effective use of human and technological resources.

Performance Goal 3.1 is to maintain a reliable data repository. The Kentucky OSH Program deployed comprehensive data management software in 2013 for both the Division of OSH Compliance and KYSAFE that “replaced” OSHA’s NCR/IMIS system and the OSHA Information System. In 2015, Kentucky deployed a customized interface that provides the state’s compliance and consultation data to OSHA.

In addition to the collection, retention, and transmission of Kentucky’s data to OSHA, Kentucky’s software provides advanced OSH Program capabilities such as report writing, inspection and survey milestone tracking, time management analytics, program performance

reports, etc. Each division also has specific functionality and capabilities unique to their individual needs.

The Division of OSH Compliance employed one (1) individual dedicated to maintaining reliable data. The Division of OSH Education and Training also employed one (1) individual in FFY 2024 dedicated to maintaining reliable data. The Office of the Federal-State Coordinator employed one (1) individual that performs database integrity work. Kentucky met the goal.

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

The Division of OSH Compliance detailed three (3) supervisory staff in FFY 2024. All three (3) detailed supervisors received formal leadership training. KYSAFE did not hire new supervisory staff in FFY 2024. Kentucky met the goal.

Performance Goal 3.3 encourages and aids attainment of professional certification. During FFY 2024, the Division of OSH Compliance maintained two (2) Certified Safety Professional (CSP) employees, two (2) Graduate Safety Professional (GSP) employees, one (1) certified Construction Health and Safety Technician (CHST) employee, one (1) dual Certified Industrial Hygienist (CIH)-CSP employee, one (1) dual CSP-Associate Safety Professional (ASP) employee, and one (1) employee with CSP-ASP-CHST certification.

The Division of OSH Compliance and KYSAFE encourage and promote professional certification, maintaining dedicated position descriptions with increased salaries for the level of certification attained, paying for certification preparatory courses, and paying for the certification examination after successful completion.

During FFY 2024, KYSAFE maintained one (1) CIH employee, four (4) dual CIH-CSP employees, one (1) CSP employee, two (2) GSP employees, one (1) OHST employee, one (1)

dual CSP-CHST employee, one (1) employee with CSP-CIH-OHST certification, and one (1) employee with CSP-ASP-OHST certification. One (1) employee maintained and four (4) employees obtained the Asbestos Inspector License.

The Office of the Federal-State Coordinator maintained one (1) dual CSP-ASP employee. Kentucky met the goal.

Performance Goal 3.4 aims to develop and publish electronic learning products. In FFY 2024, KYSAFE added ten (10) cost-free interactive training webinars to the KYSAFE online library at kysafe.ky.gov. The newly developed webinars were OSHA Injury Tracking Application (ITA) Recordkeeping 2023, Recordkeeping Overview 2023, OSHA ITA 2 Recordkeeping 2024, Warehousing NEP Webinar, Silica Exposure: Countertops, SWS-Ladder Safety in Construction, Work Zone Safety, Warehouse Ergonomics, SWS-Indoor Heat Stress, and Suicide Awareness. Kentucky met the goal.

Performance Goal 3.5 seeks to include photographs of actionable hazards in all consultation surveys. Photographs of actionable hazards were included in all safety consultation surveys. Photographs of actionable hazards were not included in one (1) health consultation survey.

SECTION II MANDATED ACTIVITIES

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

Unannounced Inspections, Including Prohibition Against Advance Notice Thereof

During FFY 2024, the Division of OSH Compliance conducted 616 unannounced inspections of work sites pursuant to KRS 338.101. Advance notice of inspections is prohibited under KRS 338.991(9).

Employee Involvement in Inspection Process

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

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

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

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

The Division of OSH Compliance conducted 740 inspections in FFY 2024, 481 safety inspections and 259 health inspections. Another 616 inspections were un-programmed, breaking down as:

- Thirty-nine (39) referrals;
- 170 employer referrals;
- 285 complaints;
- Ninety-one (91) un-programmed related;
- Two (2) un-programmed follow-up; and
- Twenty-nine (29) fatalities.

There were 238 inspections in the construction industry and 502 were in general industry. There were 700 private sector and forty (40) public sector employers inspected. The Division of OSH Compliance conducted 481 safety inspections, which constitutes 65% of total inspections conducted while health conducted 259 inspections, representing 35% of total inspections conducted.

There were 101 local emphasis program (LEP) inspections, ten (10) ITA and ninety-one (91) Falls, resulting in 206 violations with penalties totaling \$712,300. Of the 101 LEP inspections, sixty-two (62) were programmed planned inspections resulting in 134 violations with penalties totaling \$390,650.

Twenty-seven (27) national emphasis program (NEP) inspections were conducted resulting in fifty (50) violations with penalties totaling \$190,425. Of those, one (1) was a programmed planned inspection resulting in three (3) violations with penalties totaling \$6,000.

Safety compliance officers averaged 18.6 hours per case and health compliance officers averaged 12.4 hours per case. Safety averaged 75.94 days from opening conference to citation issuance and health averaged 72.65 days from opening conference to citation issuance. There were 1,097 citations issued in FFY 2024 with penalties totaling \$4,245,600 and broken down as:

- Three (3) willful violations with penalties issued totaling \$112,000;
- Twenty-nine (29) repeat violations with penalties issued totaling \$652,000;
- 722 serious violations with penalties issued totaling \$3,023,950;
- 343 other than serious violations with penalties issued totaling \$457,650; and
- No failure to abate (FTA) violations.

In FFY 2024, the total amount of penalties collected by the Division of OSH Compliance was \$1,595,477.51. In FFY 2024, eighty-one (81) of the 398 inspections with citations issued were contested representing 20.35% of inspections with citations.

The Division of OSH compliance inspected establishments employing 2,299,537 employees and the inspections covered 35,441 employees. Nineteen (19) private sector violations were vacated pre-contest, which represents 2.18% of all violations. Twenty-nine (29) private sector violations were vacated post-contest, representing 12.34% of all violations. Five (5) violations, or 0.59% of all violations, were reclassified pre-contest and seventeen (17) violations, or 8.25% of all violations, were reclassified post-contest.

The overall penalty retention in FFY 2024 was 82.47%.

Ensuring Abatement of Potentially Harmful or Fatal Conditions

Hazardous conditions identified by Kentucky compliance officers and consultants are required to be abated. In order to ensure the correction of violations, KRS 338.991(4) provides specific penalties for any employer who fails to correct a cited violation. In addition, 803 KAR 2:060 establishes that employers must certify that each cited violation has been abated. Follow-up inspections may be conducted to verify that potentially harmful conditions have been abated.

The division conducts follow-up inspections when necessary to ensure employers are complying with settlement provisions and abated hazards for fatality investigations. The division may conduct follow-up inspections when employers fail to provide abatement documentation. The Division of OSH Compliance conducted two (2) follow-up inspections in FFY 2024, both related to complaint inspections. There were no inspections conducted to verify adherence to settlement provisions of fatality investigations because there were no applicable FFY 2024 fatality settlement agreements.

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

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

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

Prompt, Effective Standard Adoption and Promulgation

In 2017, the Kentucky General Assembly established a sunset for all executive branch administrative regulations based on a seven (7) year cycle. In response to the legislation, Kentucky undertook the significant task to update all OSH regulations. Certification letters were filed in FFY 2023 and will be effective in FFY 2024 for the following regulations to remain in effect as is.

- 803 KAR 2:412 Fall Protection
- 803 KAR 2:303 Walking-working surfaces
- 803 KAR 2:305 Powered platforms, manlifts, and vehicle-mounted work platforms
- 803 KAR 2:313 Materials handling and storage
- 803 KAR 2:317 Special industries

Allocation of Sufficient Resources

The Kentucky OSH Program continued to match federal funding at the required rate. The state provides significant additional dollars beyond the federal match to meet program needs. Kentucky's ratio of state to federal funds for FFY 2024 was originally 73.8:26.2. After OSHA's May 30, 2024, funding decrease, the ratio was 74.3:25.7.

Counteraction of Imminent Dangers

KRS 338.131 provides enforcement personnel with the authority to order that imminent danger conditions be immediately abated. Such authority includes the enforcement of necessary measures to avoid, correct, or remove the imminent danger and prohibit the presence of individuals where the imminent danger exists. Reports of imminent danger are given the highest priority for inspection by the Division of OSH Compliance. The Division of OSH Compliance conducted 126 imminent danger inspections in FFY 2024.

Response to Complaints

Kentucky's statutes ensure that employees and their representatives have a right to notify the OSH Program of perceived workplace violations. KRS 338.121 requires that a special inspection be conducted upon receipt of such notifications if reasonable grounds exist that there is a violation or danger. The Division of OSH Compliance prioritizes the employee complaints it receives.

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

Since the FFY 2021 baseline, total complaints received by the Division of OSH Compliance increased 88.18%. Formal complaints increased 20.05% in FFY 2024, with an overall formal complaint increase of 47.14% since the FFY 2021 baseline.

The Complaint Audit Log Report indicates that the average response time to all complaints was 36.2 days for safety and 41.4 days for health. The Division of OSH Compliance's overall average for serious complaints was 43.8 days from the date the complaint was received to the date the inspection opened. The Complaint Audit Log indicates the average response time to complaints alleging other than serious hazards for safety was 42.9 days, and 21.7 days for health. The division's overall average was 38.7 days for other than serious hazards from the date the complaint was received to the date the inspection opened.

Of the 1,831 complaints received in FFY 2024, 1,032 were processed as formal complaints resulting in 295 inspections and 798 were processed as informal complaints.

Response to Referrals

The Division of OSH Compliance responded to 460 referrals in FFY 2024, 171 were employer-referrals. The average for safety referrals was 21.8 days and eight (8) days for health from the date of referral received to the date the inspection opened.

Fatality and Multiple Hospitalization Investigations

Only imminent danger investigations are given a higher priority than fatality investigations in the scheduling of inspections by the Division of OSH Compliance. It is the policy of the Division of OSH Compliance to investigate all job-related fatalities and hospitalizations of three (3) or more employees as thoroughly and expeditiously as possible. There were thirty-four (34) work-related fatalities in FFY 2024. There were no hospitalizations of three (3) or more employees reported to the Division of OSH Compliance in FFY 2024.

Investigation of Discrimination and Employee Protection from Discrimination

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

During FFY 2024, the Division of OSH Compliance received 485 discrimination telephone inquiries and 162 formal complaints. Seventy-six (76) of the 162 formal complaints were administratively closed and eighty-six (86) were docketed for investigation.

Fifty-three (53) of the eighty-six (86) OSH discrimination cases docketed for investigation in FFY 2024 were resolved: nine (9) cases were withdrawn; eight (8) cases reached an agency facilitated settlement agreement; twelve (12) cases reached an outside settlement agreement; ten (10) were dismissed for a lack of cooperation; thirteen (13) cases were determined to have no merit; and one (1) citation was issued.

During FFY 2024, ten (10) FFY 2023 OSH discrimination cases were administratively closed and sixteen (16) determinations for FFY 2023 cases were issued. Five (5) cases were determined to have no merit, five (5) cases reached an outside settlement agreement, and six (6) cases reached an agency facilitated settlement agreement.

During FFY 2024, the Division of OSH Compliance issued determinations for an additional seven (7) FFY 2022 investigations. All seven (7) were determined to have no merit, and one (1) FFY 2021 case in which a citation was issued in FFY 2023 resulted in a \$17,000 settlement that became final in FFY 2024. There are currently eleven (11) cases in contest. In summary, fifteen (15) FFY 2020, ten (10) FFY 2021, fourteen (14) FFY 2022, twenty-three (23) FFY 2023, and fifty-two (52) FFY 2024 KY OSH Discrimination investigations are active with eleven (11) COVID-19 related. Ten (10) COVID-19 related cases are from FFY 2020 and one (1) is from FFY 2021.

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

Ensuring Employees Access to Health and Safety Information

Paragraph two (2) of KRS 338.161, Statistical Records -- Posting of Notices, and 803 KAR 2:060, Employer Responsibility to Post Notice, requires employers to post notices informing employees of the protections and obligations provided for them in the law, including the proper contact for assistance and information. Kentucky regulations also provide for the availability of copies of the law and all regulations through the Cabinet. Employers who have obtained copies of these materials are required to make them available to employees or their authorized employee representatives. Failure to comply with posting requirements and information sharing provisions are citable offenses that may carry penalties. There was one (1) other than serious violation with a \$2,450 penalty in FFY 2024 for failure to ensure employee access to health and safety information.

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

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

In FFY 2024, the Division of OSH Compliance conducted 160 inspections relating to toxic material and harmful agents breaking down as:

- Eighteen (18) inspections related to indoor air quality with two (2) violations and penalties totaling \$2,550;

- Seventy-nine (79) inspections related to bloodborne pathogens with ninety-two (92) violations and penalties totaling \$136,400;
- Eighteen (18) inspections related to asbestos with one (1) violation and penalties totaling \$1,350;
- Eighteen (18) inspections related to silica with forty-eight (48) violations and penalties totaling \$57,100;
- Nine (9) inspections related to combustible dust with four (4) violations and penalties totaling \$4,875;
- Seven (7) inspections related to confined space with thirty-four (34) violations and penalties totaling \$172,200;
- Sixteen (16) inspections related to mold with one (1) violation and penalties totaling \$1,950;
- Four (4) inspections related to lead with no violations and penalties;
- Four (4) inspections related to carbon monoxide with no violations and penalties;
- Two (2) inspections related to carbon dioxide with no violations and penalties; and
- One (1) inspection related to hexavalent chromium with no violations and penalties.

The 176 inspections identified in the breakdown above exceeds the total inspections conducted relating to toxic material and harmful agents due to the overlap of categories.

Coverage of Public Employees

KRS Chapter 338 “Occupational Safety and Health of Employees” establishes definitions for employer and employee which do not exclude public employers and public employees. The exclusions to KRS Chapter 338 cover only employees of the United States government and places of employment over which federal agencies other than OSHA have exercised statutory authority. During FFY 2024, the Division of OSH Compliance conducted forty (40) inspections of public sector work sites, which includes programmed inspections, responses to public

employee complaints, referrals, a fatality inspection, and two (2) follow-up inspections. This represents 5.41% of the total number of Division of OSH Compliance inspections.

Services offered by KYSAFE are available to state and local public agencies in the same manner and to the same degree as private sector employers. During FFY 2024, KYSAFE provided twenty-seven (27) training sessions to public sector employers and employees totaling 582 participants. KYSAFE conducted 425 safety and health consultative surveys in public sector facilities resulting in the identification of 2,762 serious hazards and 839 other than serious hazards.

Recordkeeping and Reporting

KRS Chapter 338.161 “Statistical records - Posting of notices” requires employers keep, preserve, and make available to the Kentucky OSH Program and the Secretary of the U.S. Department of Labor or the Secretary of the U.S. Department of Health and Human Resources, records relating to occupational safety and health as may be prescribed by regulation.

803 KAR 2:181 specifically addresses occupational injury and illness recordkeeping, as well as reporting fatalities, hospitalizations, and loss of an eye to the Division of OSH Compliance. Employers must report the death of an employee as a result of a work-related incident, including death resulting from a heart attack, within eight (8) hours from when the death is reported to the employer, the employer's agent, or another employee. Employers must also report the work-related amputation, loss of an eye, or hospitalization, including hospitalization resulting from a heart attack, within seventy-two (72) hours after the employer, the employer's agent, or another employee is informed of the incident.

The Division of OSH Compliance inspection scheduling system prioritizes reported hospitalizations, amputations, and loss of eye injuries. This allows compliance resources to be

focused on serious hazards in the workplace. In FFY 2024, 379 hospitalizations were reported to the Division of OSH Compliance and 177 inspections were conducted with ten (10) repeat serious violations, 188 serious violations, and 104 other than serious violations. Total penalties were \$1,204,275.

In FFY 2024, eighty-six (86) amputations were reported to the Division of OSH Compliance. Seventy-eight (78) inspections were conducted with seven (7) repeat serious violations, eighty-eight (88) serious violations, and fifty-eight (58) other than serious violations. Total penalties were \$597,075.

In FFY 2024, the Division of OSH Compliance received no loss of eye reports.

Total penalties for violations related to amputation and hospitalization injuries in FFY 2024 were \$1,336,425.

The Division of OSH Compliance initiated a local emphasis program in FFY 2022, continuing in FFY 2024, addressing the electronic submission of employer identification number (EIN) and injury and illness records. Data submitted by employers to OSHA assists in identifying trends in workplace hazards, developing KYSAFE outreach programs, and evaluating the effectiveness of Kentucky enforcement activities. The Division of OSH Compliance inspected employers who failed to electronically submit their Employer Identification Numbers (EINs) and injury and illness data to OSHA. Ten (10) inspections were conducted; nine (9) citations were issued with penalties totaled \$19,600.

Education, Training, and Consultation Services

The Kentucky General Assembly, in enacting the Commonwealth's occupational safety and health laws, clearly expressed in its Statement of Purpose and Policy, found at KRS 338.011, that the means of preventing workplace injuries and illnesses were to include education, training,

and consultation services. The Legislature created a Division of OSH Education and Training for Occupational Safety and Health to help serve this purpose.

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

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

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

KYSAFE conducted 502 consultative surveys in FFY 2024 identifying and ensuring the abatement of 3,138 serious hazards. The division also conducted eighty-two (82) training courses and reached 2,697 attendees in response to training requests from employers. Division staff members provided eight (8) on-site technical assistance visits and responded to hundreds of inquiries from public and private employers regarding OSH concerns.

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

SECTION III

NOTEWORTHY ACCOMPLISHMENTS

Many daily activities of the Kentucky OSH Program result in accomplishments that are not easily measured. The impact of OSH personnel onsite presence, the hazards identified and corrected through inspection or consultation, and the injuries, illnesses and fatalities that were prevented, while critically important, are ones that do not easily lend themselves to be singularly classified as outstanding accomplishments. Nevertheless, the day-to-day efforts of Kentucky OSH field and office personnel should not go unrecognized. During FFY 2024, there were events, activities, and results that merit attention as outstanding accomplishments.

Workplace Safety Savings

In FFY 2024, KYSAFE identified 3,138 serious hazards that exposed 49,234 employees and saved employers up to \$21,959,000 in potential penalties. KYSAFE also identified 1,015 other than serious hazards that exposed 20,450 employees and saved employers \$2,030,000 in potential penalties.

Voluntary Protection Partnership

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

The Kentucky VPP sites are:

- ABB, Louisville;
- Cintas, Grayson;
- Dow Corning Corporation, Carrollton;
- General Electric Aircraft Engines, Madisonville;
- General Electric Aviation Infrastructure, Erlanger;
- Kimberly-Clark, Owensboro;
- L'Oreal (USA) Florence Manufacturing, Florence;
- Marathon Big Sandy Asphalt Terminal, Catlettsburg;
- Marathon Pipeline LLC, Grayson;
- Marathon Pipeline, LLC, Lebanon Junction;
- Marathon Pipeline, Lexington;
- Marathon Pipeline, Louisville;
- Marathon Pipeline LLC, Owensboro Station;
- Marathon Refinery, Catlettsburg;
- Nucor Steel Gallatin, Ghent;
- Raytheon Corporation, Louisville;
- Unifirst Distribution Center, Owensboro;
- Westlake chemical, Calvert City; and
- WestRock, Nicholasville.

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

The Partnership Branch maintains nineteen (19) very strong, successful VPP sites.

Construction Partnership Program

KYSAFE continues to focus on the construction industry by promoting CPP. There were twenty-nine (29) active CPP sites in FFY 2024 with a total project cost of approximately \$12 billion. There were sixty-one (61) site audits with CPP sites in FFY 2024 affecting 9,023 employees. The most significant CPP project in FFY 2024 continued to be the new \$5.8 billion BlueOval SK Battery Park site in Glendale. Also of note is the Envision battery plant in Bowling Green, which is an \$800+ million project.

SHARP

SHARP started FFY 2024 with fourteen (14) active sites and ended FFY 2024 with fourteen (14) active sites.

Partnership staff also conducted twelve (12) excavation interventions in FFY 2024 as part of the national emphasis program.

Compliance Emphasis on Serious Hazards

The Division of OSH Compliance maintains an emphasis on addressing serious hazards.

In FFY 2024, the Division of OSH Compliance cited:

- Three (3) willful violations with penalties issued totaling \$112,000;
- Twenty-nine (29) repeat violations with penalties issued totaling \$652,000;
- 722 serious violations with penalties issued totaling \$3,023,950;
- 343 other than serious violations with penalties issued totaling \$457,650; and
- No FTA violations.

Information presented in this report reflects accurate data for the period sampled. Some casefiles have matured since preparation of this report while others are still working through the process. Subsequently, some of the aforementioned information may vary if resampled. It is important to note that at the time of report submission, there were 321 FFY 2024 open enforcement inspections. The data has not fully matured.

Citations issued in FFY 2024 with noteworthy penalties include:

- \$79,900 to a construction employer for one (1) repeat serious, two (2) serious, and one (1) other than serious violation;
- \$70,000 to a construction employer for one (1) repeat serious violation;
- \$70,000 to a construction employer for one (1) repeat serious violation;
- \$63,700 to a general industry employer for one (1) serious willful, three (3) serious, and one (1) other than serious violation;
- \$56,850 to a general industry employer for two (2) repeat serious and two (2) serious violations;
- \$56,000 to a construction employer for twelve (12) serious violations;
- \$56,000 to a general industry employer for eight (8) serious and one (1) other than serious violation;

- \$53,900 to a general industry employer for two (2) repeat serious, one (1) serious, and one (1) other than serious violation;
- \$53,800 to a general industry employer for one (1) repeat serious, one (1) repeat other, and three (3) serious violations;
- \$52,500 to a general industry employer for one (1) repeat serious and two (2) serious violations;
- \$51,000 to a general industry employer for one (1) repeat serious, two (2) serious, and two (2) other than serious violations;
- \$49,000 to a general industry employer for eight (8) serious violations; and
- \$46,000 to a construction employer for one (1) serious willful and four (4) serious violations.

All aforementioned penalties were assessed using \$70,000 as the maximum penalty for a willful violation, \$70,000 as the maximum for a repeat serious violation, and \$7,000 as the maximum for a serious violation in accordance with KRS 338.991.

Salary Increase

Kentucky OSH compliance officers and KYSAFE consultants realized a much-needed and long overdue salary increase in FFY 2023. The increase had a positive effect on staff recruitment; and, to a lesser degree, on staff retention. In a continuing effort to address staff recruitment and retention, an additional permanent salary increase was realized in FFY 2024 for all OSH compliance officers and KYSAFE consultants.

Emphasis Program

The Division of OSH Compliance initiated a local emphasis program in FFY 2022 addressing the electronic submission of injury and illness records and the EIN. Data submitted by employers to OSHA assists in identifying trends in workplace hazards, developing KYSAFE outreach programs, and evaluating the effectiveness of Kentucky enforcement activities. The Division of OSH Compliance inspected employers who failed to electronically submit their

injury and illness data and EIN to OSHA. The Division of OSH Compliance conducted ten (10) inspections in FFY 2024; nine (9) citations were issued with penalties totaling \$19,600.

Combustible Dust

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

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

The Division of OSH Compliance conducted nine (9) inspections in FFY 2024 related to combustible dust that identified four (4) violations with penalties totaling \$4,875.

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

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

involving asbestos removal. The Division of OSH Compliance received 109 10-day notices from DAQ in FFY 2024.

Occupational Poison Alerts

The Division of OSH Compliance receives notices of incidents involving occupational exposure to toxins and poisons from The Kentucky Regional Poison Control Center of Kosair Children's Hospital. The notices make the Division of OSH Compliance aware of events that may have otherwise been overlooked. Many have resulted in citations and penalties. This informal arrangement and notice provide a mechanism to protect employees from future exposures. During FFY 2024, the Division of OSH Compliance received twenty-seven (27) notices from the Poison Control Center.

Professional Development

During FFY 2024, KYSAFE maintained one (1) CIH employee, four (4) dual CIH-CSP employees, one (1) CSP employee, two (2) GSP employees, one (1) OHST employee, one (1) dual CSP-CHST employee, one (1) employee with CIH-CSP-OHST certification, and one (1) employee with CSP-ASP-OHST certification. One (1) employee maintained, and four (4) obtained, the Asbestos Inspector License.

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

The Division of OSH Compliance followed OSHA's TED 01-00-019, Mandatory Training Program for OSHA Compliance Personnel during FFY 2024. The Division of OSH Education and Training utilized TED 01-00-018 as guidance for training newly hired employees.

The Division of OSH Compliance remains committed to developing and maintaining an experienced, diverse staff and continues to encourage professional development and professional certification, such as the CSP and CIH. During FFY 2024, the Division of OSH Compliance

maintained two (2) CSP employees, two (2) GSP employees, one (1) certified CHST employee, one (1) dual CIH-CSP employee, one (1) dual CSP-ASP employee, and one (1) employee with CSP-ASP-CHST certification.

Focused OSH Public Speaking / Presentations

The Kentucky OSH Program continues to serve as a resource for associations, employers, organizations, etc. requesting specialized and insightful speakers addressing various OSH-related topics. KYSAFE conducted forty-three (43) face-to-face training courses in response to employer specific requests that reached 1,494 attendees. Thirty-six (36) training sessions were presented at five (5) POP Center training seminars; 728 participants attended the training. The training addressed subjects such as Safety and Health Management System, Injury Illness Recordkeeping, Powered Industrial Trucks, Safety and Health Hazard Awareness, Basic Electrical Safety, Excavation and Trenching, Silica, Walking/Working Surfaces, Hazard Communication, Personal Protective Equipment, Falls, Permit-Required Confined Spaces, Machine Guarding, and Lockout / Tagout.

KY OSH Compliance officers and KYSAFE consultants actively participated in the National Utility Contractors Association Kentucky Chapter 1st Annual Live Trench Training. KY OSH Program staff also spoke at events presented by the Kentucky League of Cities, Kentucky Association of Counties, and American Society of Safety Professionals Louisville Chapter meeting.

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

Standards Interpretation and Development

The Office of the OSH Federal-State Coordinator provided 686 OSH interpretations during FFY 2024.

Annual Governor's Safety and Health Conference and Exposition

For the first time in the forty (40) year history of the event, the Annual Governor's Safety and Health Conference and Exposition was held in Owensboro August 21-23, 2024. The event, co-sponsored by the Education and Labor Cabinet and the Kentucky Safety and Health Network, Inc., is the largest safety and health exposition in the Commonwealth. A wide variety of OSH topics addressing pertinent safety and health issues was presented by top safety and health professionals. The 2024 event also featured an Exposition Hall that offered attendees an opportunity to see the latest products, services, and technologies at the largest gathering of its kind in Kentucky.

Governor's Safety and Health Award

The Governor's Safety and Health Award is presented to employers and employees who together achieve a required number of hours worked without experiencing a lost time injury or illness. Forty-three (43) Kentucky employers received the award in FFY 2024. Education and Labor Cabinet leadership traditionally present the award at the employer's facility or at the Annual Governor's Safety and Health Conference and Exposition. Twenty-two (22) companies received the Governor's Safety and Health Award at their facility and another twenty-three (23) companies received the Award at the Annual Governor's Safety and Health Conference and Exposition. Two (2) establishments chose to receive their Governor's Safety and Health Award by mail.

Collection of Delinquent OSH Penalties

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

- Adding a 25% collection fee to the total debt to defray the cost of collection.
- Filing a notice of State Lien. The filing of a lien is reflected in credit reports maintained by various credit bureaus.
- Seizing all property rights, both real and personal. This includes, but is not limited to, the attachments of any funds held by a bank, any wages paid to the employer, and the seizure and sale of any real estate.
- Using any tax refund or other monies that may become due to the employer from the Commonwealth of Kentucky to offset the outstanding debt.

The effort has proven successful; delinquent debts have been collected by Revenue and returned to the OSH Program. Additionally, the OSH Program has seen an increase in employer's efforts to resolve debt payment to avoid being reported to the Department of Revenue. Since October 2013, the Division of OSH Compliance submitted 333 cases to the Department of Revenue for collection totaling \$3,584,970.67. To date, \$1,094,266.23 has been collected.

KYSAFE eLearning

The Cabinet recognized the need to make occupational safety and health training more accessible and economical for all of Kentucky's employers and employees and charged the OSH Program with achieving the goal. The Kentucky OSH Program applied for, and received, a one (1) time federal award in FFY 2011 to purchase web conferencing software, a video editing computer, and video equipment. After much planning and preparation, the Cabinet launched an

online workplace safety and health training website, www.kysafe.ky.gov, the same year.

Employers and employees have cost-free, 24/7 access to a variety of OSH webinars and training courses. The eLearning program has grown by leaps and bounds since its launch. To date, 350,011 participants have utilized the website resulting in over 716,157 page views.

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

KYSAFE added ten (10) cost-free interactive webinars, to the KYSAFE online library at kysafe.ky.gov. The newly developed modules were OSHA ITA Recordkeeping 2023, Recordkeeping Overview 2023, OSHA ITA 2 Recordkeeping 2024, Warehousing NEP Webinar, Silica Exposure: Countertops, SWS-Ladder Safety in Construction, Work Zone Safety, Warehouse Ergonomics, SWS-Indoor Heat Stress, and Suicide Awareness.

Kentucky is particularly proud of the fact that kysafe.ky.gov was created, designed, and developed solely by KYSAFE staff. In addition to performing their full plate of regular duties, Division of OSH Education and Training consultants compose all course content and a division training development specialist assists with presentation and production details.

Heat Campaign

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

Kentucky continued the outreach in FFY 2024. Heat stress education was promoted by KYSAFE in FFY 2024 through in-person outreach and online training. Consultants reached

11,715 employees during heat stress targeted outreach efforts. KYSAFE presented one (1) in-person heat stress education class and four (4) POP Center classes. The Cabinet's eLearning website hosts the interactive Heat Stress Awareness for Construction and General Industry module, Heat Stress Awareness Track Program, Occupational Heat Planning, as well as the Occupational Heat Exposure and Occupational Heat Exposure-Masks and Heat Stress webinars. A "Heat Stress NEP 2022 Webinar" presented in English and Spanish is posted on the KYSAFE eLearning website at kysafe.ky.gov.

In July 2020, KYSAFE initiated a short webinar series (SWS) to address hazard alerts and regulation updates. The duration of these webinars are thirty (30) minutes or less. Two (2) SWS products were developed in 2024, Ladder Safety in Construction and Indoor Heat Stress.

The aforementioned modules and webinars were viewed 1,963 times in FFY 2024.

In FFY 2023, all compliance officers and KYSAFE consultants were issued a WetBulb Globe Temperature (WBGT) meter and trained on the use of the instrument. Beginning August 1, 2023, all KYSAFE consultants and all Division of OSH Compliance enforcement officers utilized the WBGT meter to address heat-related issues during applicable KY OSH Program onsite activities. The initiative continued in FFY 2024.

KYSAFE Mobile App

The KYSAFE mobile app launched in late September 2019. The app is a cost-free resource that can be downloaded from the Google Play Store as well as the Apple App Store. Users can watch videos, view a calendar of free KYSAFE training events, see a directory of KYSAFE managers, receive OSH news and messages, and connect to the KYSAFE website. The app also features a messaging function to report a hazard(s) or violation(s) with a photograph and provides the OSH Program with a drop pin location.

Latino Community Outreach

KYSAFE utilized multiple avenues to provide outreach to the Latino population throughout the state in FFY 2024. Ads in Spanish were developed and published in the El Kentubano magazine on several topics including heat stress, fall protection, silica, trenches, and ladder safety. El Kentubano is a monthly publication with 9,000 copies distributed in more than 150 locations. Free copies of each edition were strategically distributed in high-traffic locations such as grocery stores, markets, restaurants, doctors' offices, salons, barber shops, etc.

KYSAFE staff attended Latino events to distribute water bottles with the “Water, Rest, Shade” logo containing heat stress information in English and Spanish. Safety and health quick cards were also distributed. KYSAFE was represented at three (3) events attended by over 300 people.

A commercial was developed to air on Spanish radio stations to advise listeners of the dangers of heat and other KYSAFE resources. It reached over 45,000 listeners.