

ILLINOIS DEPARTMENT OF LABOR
SAFETY INSPECTION & EDUCATION DIVISION

REPORT TO THE LEGISLATURE

BIANNUAL LEGISLATURE'S REPORT FOR JAN. 2007 - DEC. 2008

[PURSUANT TO 820 ILCS 220/9 AND 225/12]



JANUARY 2009

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HISTORY AND BACKGROUND

The Illinois Department of Labor (IDOL), Safety Inspection and Education Division (hereinafter, the Division) has been in place since 1985 to assure safe and healthy working conditions for Illinois state, county, municipal and educational employees in order to prevent work-related injuries and illnesses. To accomplish this, the Division performs inspections and investigations outlined under the provisions of the Illinois Safety Inspection and Education Act [820 ILCS 220], and the Illinois Health and Safety Act [820 ILCS 225].

MISSION STATEMENT

PROGRAM GOAL: To assure safe and healthy working conditions for public sector employees in the State of Illinois. To develop, implement and maintain a program for public employees in Illinois that is at least as effective as the federal program for private sector employees.

STRATEGIC GOALS: To achieve recognition and certification of the State of Illinois program by the United States Department of Labor – Occupational Safety and Health Administration. To concentrate the Division efforts and resources on identifying and controlling issues that are likely to cause or are causing injury or illness to public sector employees in Illinois.

“Labor is prior to, and independent of, capital. Capital is only the fruit of labor, and could never have existed if labor had not first existed. Labor is the superior of capital, and deserves much the higher consideration.”
– Abraham Lincoln

OVERVIEW OF ENFORCEMENT AND CONSULTATION ACTIVITIES

The Division has jurisdiction over more than one million public sector employees throughout the state. There are approximately 22,000 public work sites with an estimated 1,071,699 public employees in Illinois¹. The majority of public sector employees, approximately 851,200, are employed by government directly with 161,200 of those at the state level and the remaining 690,000 being local government employees². The public sector constituency also includes approximately 220,499 education employees. The majority of these are in elementary and secondary education at 127,010³. The higher education portion of the public sector includes an estimated 33,196 at the community college level and 60,293 in the eleven public colleges and universities^{4,5}.

The Division has the authority to enforce the identical standards (General, Construction and Maritime Industries) as the federal Occupational Safety and Health Administration (OSHA). The specific Code of Federal Regulations (29 CFR 1910, 1915 and 1926) is cited for any violations.

ENFORCEMENT ACTIVITIES: The Safety Inspection and Education Division conducts the following types of enforcement investigations: Fatality, Accident, General, Follow-up and Complaint inspections.

Imminent danger situations are addressed immediately by the on-site inspector who has the authority to post the warning, inform the affected employees (or representatives) and recommend to the Director of Labor that an order be issued to require the public employer to cease and desist from the practice creating the imminent danger and to obtain immediate abatement of the hazard.

Any public employee in the State of Illinois has the right to file a complaint with the Division if they believe that a hazard exists in their work area. Written complaints will be accepted as long as a valid signature is present and current employment is established. The complainant has the right to request that their name not be revealed in the process of investigating the concern, which will be honored and upheld by the Department.

¹ *Illinois Department of Employment Security*. September 8, 2008. <http://lmi.ides.state.il.us/PDFs/wcig_08.pdf>.

² *Illinois Blue Book 2007-2008. Illinois Secretary of State*. September 8, 2008. <http://www.cyberdriveillinois.com/publications/illinois_bluebook/2007_2008/home.html>.

³ *Illinois State Board of Education*. September 8, 2008. <http://www.isbe.state.il.us/research/htmls/report_card.html>.

⁴ *Illinois Community College Board*. September 8, 2008. <<http://www.iccb.org/reports.general.html>>.

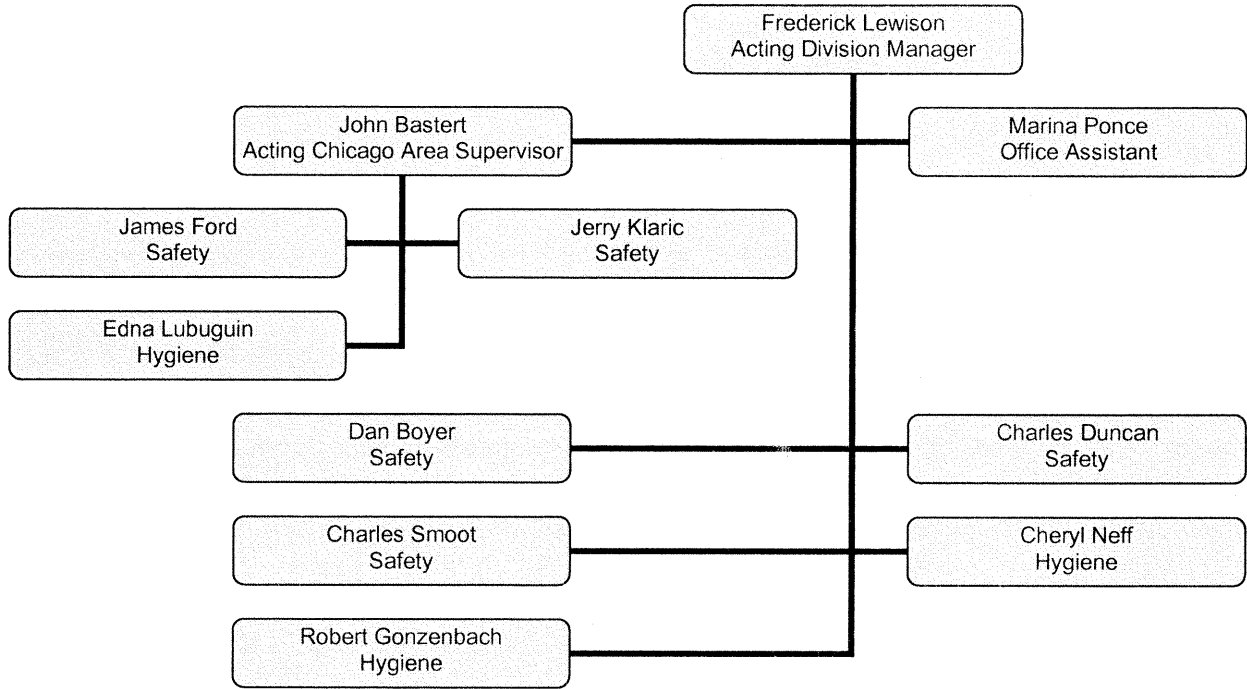
⁵ *Illinois Board of Higher Education*. September 8, 2008. <<http://www.ibhe.state.il.us/InstitutionProfiles/Institutions.aspx>>.

CONSULTATION ACTIVITIES: The voluntary compliance duties of the Division include: Advisory Inspections, Educational Activities and Program Evaluations. These are all conducted with abatement recommendations given in lieu of citations.

Employers can request an advisory inspection with a detailed scope of the inspection parameters (i.e., indoor air quality on the 4th floor, noise monitoring of the laboratory . . .). An agreement is signed prior to the inspection for which the employer agrees to fix anything serious that the inspector finds during the advisory inspection.

DIVISION PROFILE

STAFF, HEADCOUNT, ORGANIZATIONAL CHART: The Illinois Department of Labor Safety Inspection and Education Division currently employs 10 professionals. Included in this number are two managers, five safety professionals and three industrial hygienists.



LEGISLATIVE ISSUES

LAW CHANGES: Some minor adaptations to the Safety Inspection and Education Act and the Health and Safety Act and changes to the Toxic Substances Disclosure to Employees Act were enacted on September 17, 2007. The Toxic Substances Disclosure to Employees Act pre-dated the OSHA Hazard Communication Standard (29 CFR 1910.1200) which the Division has enforced since its adoption under the Administrative Rules in 1989. In order to limit duplication of duties and undue burden on public sector employers, Public Act 095-0623 stays the provisions of this Act for so long as the Hazard Communication Standard is in effect and enforced.

RULE CHANGES: The Illinois Administrative Rules (56 Ill. Adm. Code 350) that accompany the aforementioned Acts are in the process of being revised to better address the federal OSHA Solicitor's comments. These updates to the rules will be submitted in 2009 for comment in the Illinois Register and presented to the Joint Committee on Administrative Rules (JCAR) for their consideration and review.

PROGRAM ACTIVITIES

OVERALL ACTIVITIES: The Division experienced a noticeable decrease from the past few years in the total number of inspection activities for 2007 and 2008. With only eight field inspectors, the average number of inspections per inspector remains consistent at approximately 300 per year. This is well above the federal OSHA annual average inspections per inspector of 45. Accounting for the differences in numeration, the performance statistics demonstrate that the Division's program is at least as effective as the federal OSHA program, if not more active. The performance statistics are categorized by activity in Table 1.0.

TABLE 1.0 - TOTALS BY INSPECTION ACTIVITY

ACTIVITY/YEAR	2002	2003	2004	2005	2006	2007	2008
General Inspections	1813	1785	1215	1595	1765	1153	1177
Accident Investigations	23	27	23	19	29	21	16
Follow-up Inspections	725	596	533	611	461	481	385
Complaints	188	202	159	129	168	116	128
Advisory Inspections	613	608	369	372	318	280	314
Educational Activities	414	427	368	265	340	288	238
Program Evaluations	270	291	122	182	193	82	109
TOTALS	4046	3936	2789	3173	3274	2421	2367

Employer-initiated Advisory Inspections, Educational Activities and Program Evaluations make up nearly 30% of the Division's overall activities for the past seven years. These are beneficial to all parties and show a "good faith" effort on the employer's part to meet compliance needs or address problems before they reach the level of complaints or accidents. Citations are not issued for consultation activities; however, abatement actions are assigned per the standard citation format.

CITATIONS PROFILE

The Safety Inspection and Education Act describes the procedures for issuing citations and proposed penalties. If the inspector believes that a violation of a safety and health standard exists, he or she will issue a written citation with reasonable promptness. This citation will describe the nature of the violation, including reference to the appropriate regulation and fix a reasonable time for the abatement of the violation. The citations are classified according to the following categories:

- Other-than-Serious – the most serious injury or illness that would be likely to result from a hazardous condition cannot reasonably be predicted to cause death or serious physical harm to exposed employees, but does have a direct and immediate relationship to their safety and health.
- Serious – there is a substantial probability that death or serious physical harm could result from a condition that exists, or from one or more practices, means, methods, operations, or processes that have been adopted or are in use in the place of employment and is known to the employer.
- General Duty Clause – this provision of the Health and Safety Act is cited only where there is no standard that applies to the particular hazard involved.
- Willful – the evidence shows either an intentional violation of the Health and Safety Act or plain indifference to its requirements. This does not have to be done with a bad purpose or evil intent, it is sufficient that the violation was deliberate, voluntary or intentional.
- Criminal/Willful – the evidence demonstrates that an employer violated a specific standard, the violation was willful in nature and the violation caused the death of an employee.
- Repeat – an employer has been cited previously for a substantially similar condition and that citation has become a final order.
- De minimis – violations that have no direct or immediate relationship to safety or health. The employer shall be verbally notified of the violations and the inspector shall record the violation and the notification in the case file.

Monetary penalties are not normally issued along with the citations for public sector, employers in Illinois. These sanctions are reserved for employers who do not meet abatement timeframes or who have repeat or willful violations of the same standards.

TABLE 2.0 - 2007 CITATIONS

OFFICE/CITATION	IMMINENT DANGER	SERIOUS	OTHER-THAN-SERIOUS	REPEAT	WILLFUL
Chicago	0	518	904	0	0
Springfield	0	568	251	0	0
Marion	0	177	463	0	0
TOTALS	0	1263	1618	0	0

TABLE 2.0A - 2008 CITATIONS

OFFICE/CITATION	IMMINENT DANGER	SERIOUS	OTHER-THAN-SERIOUS	REPEAT	WILLFUL
Chicago	0	277	443	0	0
Springfield	0	622	220	0	0
Marion	0	161	314	0	0
TOTALS	0	1060	977	0	0

FATALITY AND ACCIDENT INVESTIGATIONS

If an incident occurs that results in the death of one or more employees or that results in the hospitalization of three or more employees, the employer must report the incident to the Division as soon as physically possible. This notification shall be made within eight hours after the incident or death and can be either orally or in writing. All of the incidents that meet these criteria are investigated by the Division in conjunction with the other agencies to determine if a violation of a known safety and health standard contributed to the incident.

FATALITY INVESTIGATIONS: The Division conducted 16 fatality investigations in 2007 and 15 investigations in 2008. One of the 2008 investigations, which is not included in the statistics, was a trench collapse and the fatally-injured workers were private sector contractors. The IDOL investigator assisted federal OSHA in this investigation as a professional courtesy. As shown in Table and Chart 3.0, transportation-related fatalities were replaced as the top ranking activity in 2008, with Police/Corrections/Security officers being the highest-risk occupation in the Illinois public sector (See Chart 3.1 and Table 3.1). This classification accounts for 33% of the fatalities in the public sector over the past seven years, followed by the Laborers classification with 26% of such fatalities.

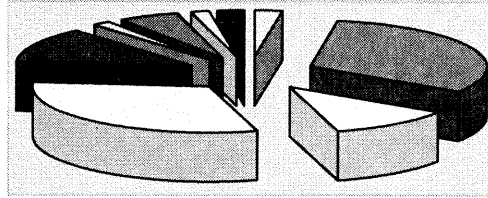
ACCIDENT INVESTIGATIONS: There were three inspections conducted where public sector employees were seriously injured or hospitalized in 2007. Of the nine employees who were injured; three were transportation-related incidents. There was one inspection conducted in 2008 where public sector employees were seriously injured or hospitalized. The three employees were injured in a transportation-related incident. Another Firefighter was injured in one of the aforementioned fatalities when the firetruck rolled over but was not investigated separately. The highest risk classification for accidents is shared between the Police/Corrections/Security and Firefighters.

TABLE 3.0 - FATALITY BY ACTIVITY

EMPLOYEE ACTIVITY/YEAR	2002	2003	2004	2005	2006	2007	2008	TOTALS
Falls	3	0	0	0	0	0	0	3
Heart Attacks	4	5	3	8	6	4	9	39
Struck by/ Caught in Machinery	2	4	1	0	3	2	2	14
Transportation Related	6	5	5	5	8	9	0	38
Gunshot	4	3	3	0	2	1	2	15
Electrocution	0	1	0	0	1	0	0	2
Asphyxiation	0	4	0	2	0	0	1	7
Drowning	1	0	0	0	1	0	0	2
Natural Causes	1	0	2	0	0	0	0	3
TOTALS	21	22	14	15	21	16	14	123

CHART 3.0 - FATALITY BY ACTIVITY (2002 - 2008)

Causes of Fatality

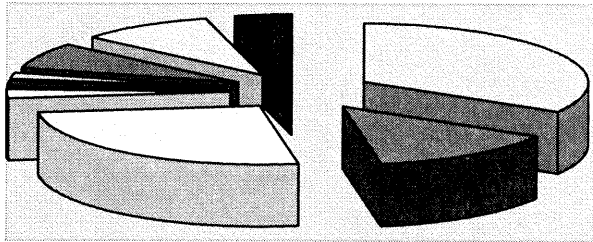


- Falls
- Heart Attacks
- Struck by/Caught in Machinery
- Transportation Related
- Gunshot
- Electrocution
- Asphyxiation
- Drowning
- Natural Causes

TABLE 3.1 - FATALITY BY OCCUPATION

OCCUPATION	2002	2003	2004	2005	2006	2007	2008	TOTALS
Police/Corrections/Security	8	7	5	6	8	2	5	41
Firefighter	0	2	2	1	4	4	4	17
Laborer	8	4	3	6	4	5	2	32
Electrician/Lineman	0	2	0	0	0	0	1	3
Technician/Engineer	1	0	0	0	0	1	0	2
Operator	0	1	0	0	0	0	1	2
Janitor/Custodian	2	1	3	0	3	0	0	9
Administrator	1	5	1	2	1	1	1	12
Bus/Tow Truck Driver	1	0	0	0	1	3	0	5
TOTALS	21	22	14	15	21	16	14	123

CHART 3.1 - FATALITY BY OCCUPATION (2002 - 2008)



- Police/Corrections/Security
- Firefighter
- Laborer
- Electrician/Lineman
- Technician/Engineer
- Operator
- Janitor/Custodian
- Administrator
- Bus/Tow Truck Driver

SIGNIFICANT CASES

These are a sample of the significant cases for 2007 and 2008 per region that did not involve fatalities or accidents.

CITY OF CHICAGO - CHICAGO TRANSIT AUTHORITY, SOUTH SHOP (CASE NUMBER C-H-2007-0822-LCI)

The Chicago Transit Authority South Shop in Chicago was inspected on March 16, 2007 as a referral complaint from federal OSHA. The Local Union (88288) steward filed a complaint about lack of ventilation in all three spray booths where enamel spray paints are used, exposing painters inside the booths to hazardous fumes. The complainant alleged the filters were dirty and that the exhaust system was inadequate at controlling the release of fumes from the booths.

Visual inspection and examination of the spray booths revealed gross accumulation of dusts on filters at both supply and return vents. The return filters were loose and falling off the frame. The employer had made attempts at sealing the booth doors by replacing the loose gaskets and the respiratory protection was upgraded to full-face masks to be used by the painters.

Only one of the three booths had negative pressure ventilation established. There were no preventive maintenance records and the manometer alarm system was inoperable. There was a replacement schedule for the filters; however the shop supervisor had not notified the appropriate CTA staff to initiate replacement.

It was determined that the filters were not replaced on a regular basis, the exhaust system was not adequate, the medical evaluation and fit-testing procedures were not implemented for all of the painters, the training topics were inadequate and the written respiratory protection program was not reviewed annually. Five Serious and one Other-than-Serious citations were issued for the aforementioned violations. A corrective action plan was received by the Department on May 7, 2007 which described the steps the employer took to correct the citations.

CITY OF SPRINGFIELD - PUBLIC WORKS DEPARTMENT, PUBLIC WORKS GARAGE (CASE NUMBER S-H-2007-0217-PA)

This complaint was filed by the Union Representative (AFSCME) regarding the potential exposure to carbon monoxide by the workers in the city garage. The first set of readings were taken with the doors open and a nice breeze passing through the entire garage. Various windows and doors were open as well. The carbon monoxide levels were relatively equivalent to outdoors. A retesting was conducted later in the week with the facility closed as it would be during inclement weather with the trucks running. The meter maxed out upon entry (>500 ppm CO). The windows and overhead doors were immediately opened and employees vacated the facility until the air was cleared. This facility is not equipped to adequately exhaust the ventilation from the trucks. Work practices were immediately altered that did not allow for the trucks to be running while inside the building and the overhead doors were to remain open during operating hours. The Public Works Director sent out a request for bids to design a ventilation system that will have the independent portion for the individual bays as well as an overall roof vent for the entire facility. A carbon monoxide alarm system was also specified. The facility will be retested once the installation is complete.

ILLINOIS STATE POLICE - DISTRICT 19 HEADQUARTERS

(CASE NUMBER M-H-2007-0359-PA)

An advisory mold investigation was requested by the CMS property manager. The property manager had received complaints from the ISP staff regarding upper respiratory-type symptoms when they are in the building. The property manager found visible signs of mold growth in several areas of the building. Further investigation and sampling revealed mold growth in several areas of the building. It appears that rainwater has been entering the building via the furnace exhaust pipes in both furnace rooms. Other visible growth in the computer/telephone room was potentially caused from condensation on the walls from a stand-alone air conditioning unit. CMS contracted the thorough cleaning of this facility along with the HVAC system including ductwork. Another contractor was hired to find and correct any water leaks. Continuous ridge ventilation was installed for better overall attic ventilation as well.

VILLAGE OF RIVERDALE - FIRE DEPARTMENT

(CASE NUMBER C-H-2009-0001-LPA)

An advisory inspection was conducted at the Riverdale Fire Department on July 29, 2008. Management officials and the Firefighters were concerned about potential mold growth in the bunk room resulting from water intrusion in the fire station from a roof leak, seepage and flooding during a recent heavy rain.

Advisory inspection along with air sampling was conducted on August 6, 2008 to evaluate the building's ventilation system and air quality, and determine air contaminants present at the Station.

Visual inspection was conducted; air and surface samples were collected to determine whether or not fungal growth was present at identified areas. A calibrated Zefon BioPump, at 15 liters per minute flow rate and exposure time of ten minutes, was used to draw air samples in order to identify and quantify fungi from collected samples.

Building temperatures, relative humidity, carbon dioxide (CO₂), and carbon monoxide (CO) were measured using a calibrated Q-Trak Plus Air Monitor, Model 8554. CO₂ levels were elevated.

Surface samples were collected using sterile swabs. Air and surface samples were analyzed by EMLab P&K Aerotech Laboratories, Inc. accredited by the American Industrial Hygiene Association's (AIHA) Environmental Microbiology Laboratory Accreditation Program (EMLAP), for microbiological analysis. Fungal spores were identified in areas tested.

Employer was notified and provided with a copy of the laboratory analysis results. Employer was advised to inform employees of the findings in compliance with the requirements of 29 CFR 1910.1200 OSHA Hazard Communication Standard. Abatement notice was issued and information on *Stachybotrys* and *Cladosporium* were provided to the employer.

**CITY OF QUINCY - PARK DISTRICT, MAINTENANCE FACILITY # 1
(CASE NUMBER S-S-2008-0531-LCI)**

A complaint inspection was held at the maintenance facility. The complainant stated that there was smoke in the shop due to a leaking flue in the wood burner piping that was placed in the shop for heat and there were other safety infractions that should be investigated along with this safety issue, such as: water in the electrical panels, general electrical hazards not up to code (in conduit below 7'feet), and the roof also leaks when it rains.

The inspector investigated this complaint and found the complainant had some verifiable safety concerns in the Park District's # 1 Maintenance Facility. There will be multiple citations issued, some for electrical things that need to be brought up to code, also for the roof leaking. The violations have been abated and this case is closed.

**VILLAGE OF WASHINGTON PARK - FIRE DEPARTMENT
(CASE NUMBER M-S-2008-0383-LCI)**

Received complaint on 05-05-08. The Inspection of the Fire Department was started on 05-08-08. A total of 23 citations have been issued. A copy of rewritten complaint was given to Fire Chief Ken Moore to keep the name of the complainant confidential. The complaint was about several training programs not being done on an annual basis, no written safety and health programs and housekeeping items in the firehouse. The training, written programs and all of the other violations have been abated. This case is closed.

WHISTLEBLOWER INVESTIGATIONS

The Illinois Safety Inspection and Education Act contains provisions that a public employer cannot discharge or in any way discriminate against an employee for filing complaints, testifying or otherwise acting to express rights under this or the Health and Safety Act. Such discrimination complaints must be filed within 30 calendar days after such violation occurs. The Director of Labor may bring action in the circuit court for appropriate relief, including rehiring, and/or reinstatement of the employee to his or her former position with back pay. There were two whistleblower investigations conducted in 2007 and no investigations in 2008.

HENRY-SENACHWINE COMMUNITY UNIT DISTRICT 5 (CASE NUMBER S-H-2007-0530-LCI)

An employee filed a complaint with the Department regarding his dismissal from the high school. The employee believed that his dismissal was directly related to the safety complaint filed with the Department on September 1, 2006. Many interviews were conducted and evidence was collected to determine if the following elements of a violation were present in order for the employee to receive protection under the Whistleblower elements of the Safety Inspection & Education Act:

1 – Protected Activity: The employee did file a safety complaint regarding the safe use of a floor scrubber on or about September 1, 2006. This element was present and established as a protected activity.

2 – Employer Knowledge: The Superintendent was aware that the employee filed the complaint. This element was also present and established employer knowledge that the complainant engaged in a protected activity.

3 – Adverse Action: The employee was dismissed from his employment on or about December 20, 2006. This element was also present.

4 – Nexus: A causal link between the aforementioned protected activity and the adverse action must be established. Evidence was presented that does not support any causal link. The employee was discharged for violating the employee code of conduct by showing a suggestive video to or in the presence of high school students. The nexus is not present, therefore this critical element determined the outcome of the case.

The employee's request for Whistleblower Protection does not meet the basic prima facie case elements, therefore no restitution was required or recommended based upon the preponderance of evidence collected.

ILLINOIS DEPT. OF CHILDREN & FAMILY SERVICES - ROUND LAKE OFFICE
(CASE NUMBER C-H-2008-0068-CI)

An employee received a one-week suspension that he believed was the retaliatory efforts of his employer for filing a health complaint with the Department. The employee filed a request for an investigation of his case. The inspector was informed that the employee was serving his one-week suspension as a result of management's disciplinary action due to the employee's insubordination, and failure to follow employer directives. The employee's last seven years of performance evaluation, monthly field office inspection, internal employee investigator interview and union grievance records were all reviewed.

Review of the employee's annual performance records revealed three areas that needed improvement (productivity, use of time and planning) during the 2005 reporting period, and two areas needing improvement (quality and human relations) during the 2006 reporting period. For these years, the employee's objectives were not met and he was counseled repeatedly on several occasions.

These negative performance reviews pre-date the employee's filing of a health complaint with the Department in October 2006. The non-satisfactory evaluations continued into July 2007. The investigation did not substantiate the claim of discrimination related to the employee filing a health complaint.

2007 LEGAL ISSUES

APPEALS, HEARINGS, PROPOSED FINES AND LAWSUITS: An employer after receiving a citation, a proposed assessment of penalty, or a notification of failure to correct violation may request a hearing before the Director for an appeal from the citation order, notice of a penalty or abatement period. An employee or representative of an employee may also request a hearing before the Director for an appeal from the citation on the ground that the period of time fixed in the citation for the abatement is unreasonable. There were no cases for which some form of appeal was filed and disposed of for the Division in 2007 and three cases in 2008.

**CITY OF CHICAGO - DIVISION OF WATER MANAGEMENT
(CASE NUMBERS C-S-2009-0296-LGI AND C-S-2009-0297-LGI)**

Chicago Water Management (CWM) appealed the validity of the allegations and hazard type designation. These two cases are the result of a Federal OSHA referral, when on separate occasions an OSHA inspector witnessed and documented by digital video and photographs, employees of CWM in unprotected trenches more than five feet deep. Serious citations were issued as a result of an investigation into these incidents. These cases were resolved prior to a formal hearing.

**CITY OF CHICAGO - DIVISION OF WATER MANAGEMENT
(CASE NUMBERS C-S-2008-0535-LGI, C-S-2008-0597-LGI AND C-S-2008-0626-LGI)**

Employees were exposed to cave-in hazards, lack of protective system at three separate locations within one month. The employer was cited for three Willful violations, which the employer appealed. A settlement strategy was negotiated and the violations were dropped to Serious with a \$30,000 fine.

**VILLAGE OF HOMEWOOD - FIRE DEPARTMENT
(CASE NUMBERS C-H-2008-0372-LCI, C-H-2008-0430-LCI AND C-H-2008-0437-LCI)**

New Fire Department General Order reduces the minimum staffing on fire vehicle from four members to three members. Personnel concerned because it no longer provides two in two out as recommended by NFPA. MABAS agreement specifies that a minimum of four members respond and this new policy puts personnel at risk to injury or death. Complaint was assigned and investigated. The opening conference was conducted with management and union representatives and during the walk through allegations were found to be valid.

The Village appealed these findings and a settlement was reached whereby the violations were dropped to Serious and hazards were abated.

STATE PLAN APPLICATION

OVERVIEW, BENEFITS AND APPLICATION PROCESS: The Illinois Department of Labor has applied with the United States Department of Labor, Occupational Safety and Health Administration (OSHA), to become a State Plan State for public sector worksites. Under the OSHA State Plan Program, states develop and operate their own safety and health programs that are at least as effective as the federal program and are eligible for up to 50 percent matching funds for operating costs. There are currently 26 states and territories that have OSHA-approved State Plans (22 covering both public and private sector worksites and four covering public worksites only).

OVERVIEW: The OSHA State Plan process has three major components: The first component is the developmental phase where the state must assure that within three years it will have in place all of the structural elements necessary for an effective occupational safety and health program. The elements include: appropriate legislation, regulations and procedures for standards setting, enforcement, appeal of citations and penalties and a sufficient number of qualified enforcement personnel. Illinois already meets these requirements. Once the developmental steps have been completed and documented, the state is eligible for certification, which attests to the structural completeness of the plan. An operational status agreement will not be necessary for the Illinois State Plan proposal since OSHA does not have jurisdiction over the public sector and therefore does not have to relinquish any official authority. The ultimate accreditation of a State's plan is called final approval. After at least one year following certification, the State must have demonstrated worker protection at least as effective as the protection provided by the federal program; the State must also meet 100 percent of the established compliance staffing levels and participate in the OSHA computerized inspection data system. Only 17 of the 26 states have attained this level of approval even though their programs have been operational for up to 26 years.

BENEFITS: By becoming an OSHA approved State Plan State, the Department will be requesting \$1.5 million in annual federal matching grants, which would be used to supplement Illinois' current safety and health activities. This would help the Department remain proactive in approaching safety and health issues by providing better coverage, more enforcement, increased public awareness and training to help employees and employers better understand health and safety topics. In addition, OSHA approval would increase the professionalism and awareness of our safety and health program, provide the state with more professional resources, including federal certification and training, computer tracking, program reporting, standards development and OSHA laboratory services and testing protocols.

APPLICATION STATUS: The Department submitted its State Plan application and it has met the initial approvability requirements by OSHA. The application cannot be officially accepted by OSHA until funding has been established in their budget. Both the OSHA Regional and national office have pledged their support and assistance in Illinois' efforts to become a State Plan State. The Department is seeking assistance from Congress to have the Illinois State Plan be included in the Federal OSHA FY 2009 budget.

SUMMARY AND CONCLUSION

The Safety Inspection and Education Division has been charged with the duty of enforcing standards developed to protect the health and safety of public sector employees in Illinois. The activities have been grouped into enforcement inspections (approx. 70%) and consultation efforts (approx. 30%) focusing on compliance with the adopted OSHA standards. The Division's field staff has experienced some challenges over the past few years due to tight budgets, serious health issues and military duty, but has demonstrated true commitment to their constituencies. Seven safety inspectors cover an average of twelve counties each, while the three industrial hygienists cover roughly one third of the state each. This is a large territory and very difficult to inspect in a timely manner. Based upon the statistics, each public worksite in Illinois has a likelihood of being inspected on average every 12 years.

The overall activities of the Division have held relatively consistent for the past seven years, some variation has occurred due to staffing vacancies and leaves, emphasis programs and limited travel resources. The fatality rates have been averaging 18 for the past seven years, which is just below the national average.

The State Plan program will enhance the Division's health and safety program on all levels. Increasing headcount will provide for better coverage, timelier reporting and more efficient use of travel resources. High-risk emphasis programs can be established that focus on more proactive protection of the highest risk occupations and job duties. Unfortunately, the state's first responders (law enforcement and firefighters) have experienced the highest fatality and injury rates for Illinois. The federal OSHA program does not normally cover this sector, but this will be a major focus of Illinois' program activities.

The consultation activities of the Illinois program will be more evenly proportioned (50:50) with enforcement and have dedicated staffing. Public awareness campaigns, seminars, outreach programs and partnerships will become a regular component of the program. This will enable public employers to better develop, implement and maintain a proactive approach to their own health and safety programs.

APPENDIX A - ACRONYMS/DEFINITIONS

AFSCME – refers to the American Federation of State County and Municipal Employees union

CFR – refers to the Code of Federal Regulations

CMS – refers to the Illinois Department of Central Management Services

DIRECTOR – refers to the Director of the Illinois Department of Labor, Catherine Shannon for 2007 and 2008

DIVISION – refers to the Illinois Department of Labor, Safety Inspection & Education Division

DEPARTMENT – refers to the Illinois Department of Labor

FY – refers to fiscal year

HVAC – refers to the Heating, Ventilation and Air Conditioning system

ILCS – refers to the Illinois Compiled Statutes

ISP – refers to the Illinois State Police

JCAR – refers to the Joint Committee on Administrative Rules

MABAS – refers to the Mutual Aid Box Alarm System

NFPA – refers to the National Fire Protection Association

OSHA – refers to the United States Department of Labor Occupational Safety & Health Administration

OSHSPA – refers to the professional membership association of states with state plans, the Occupational Safety and Health State Plan Association

PEL – refers to the Occupational Safety and Health Administration Permissible Exposure Limit