

**South Dakota OSHA Consultation
Activities Report
for
South Dakota Department of Labor and Regulation

Covering Federal Fiscal Year 2023**

**Prepared and submitted by
Greg Derynck, Program Director**

**On
Date 6/20/24**

I. South Dakota OSHA Consultation Summary

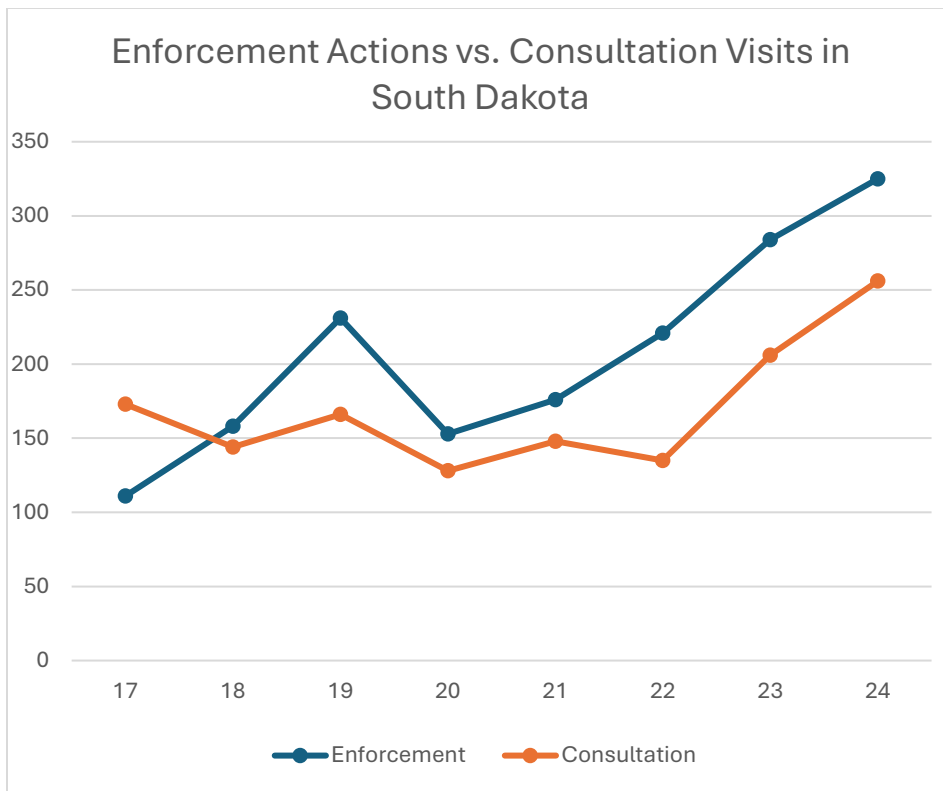
This report is provided to satisfy the Agreement Between South Dakota Department of Labor and Regulation and South Dakota State University, part II.C.

The South Dakota 21(d) On-site Consultation Program is administered by the Engineering Extension Office, at the Jerome J. Lohr College of Engineering, South Dakota State University, in Brookings, SD. OSHA Consultation has been on the SDSU campus since inception in 1983. Although it included other services in the past, the administration of the South Dakota OSHA Consultation Program is the only remaining mission of SDSU Engineering Extension. Requests for visits are taken by phone, an online request system, email, and through personal contact.

Previously at five consultants, the program has been running smoothly with four consultants since February of 2023. Visit numbers have seen a dramatic increase. This has been our busiest year of the program. Repeat clients, targeted emails, and OSHA referrals are the largest drivers of requests. The increased staff at the Sioux Falls OSHA Area Office has increased their volume of work and will continue to do so in coming years. Their actions are expected to cause our visit

numbers to continue an upward trend. OSHA actions and our visit numbers seem to run a parallel path but there are some stark differences as well; for instance, 74% of the Area Office's actions are with construction compared to only about 9% of South Dakota OSHA Consultation visits.

OSHA enforcement actions are a leading indicator of how many requests for service our program will receive (see graph below). The current administration has called for a doubling of the number of OSHA enforcement inspectors in the country, and our state has done so. There have been no administrative requests to increase the size of OSHA consultation, however. We had a record year for visit numbers in FY23 and expect to exceed that in FY24. Unfortunately, as of July 3, 2024, we will be down to three consultants as one has left for a position in private industry. A search for candidates is underway. Finding qualified candidates is more important than ever with the current number of requests, and more difficult than ever.



*Projected 2024 numbers

Greg Derynck continues as the Consultation Program Manager. The SDSU designated title for this role is program director. Hiring and employee retention remains one of the biggest challenges of the program. This is due to the pay scale compared to private industry.

Norma Nusz has retired as our program's supervisor and has been replaced by Suzette Burckhard.

Funding in the total amount of \$664,194 from FY23 was spent out. There were no de-obligated funds. The South Dakota Department of Labor and Regulation again agreed to support us with the minimum 10% match money for FY24. The Federal base award for FY24 is \$600k, the same as FY23. Recently, in FY24, the US Dept. of Labor announced cuts to all consultation programs in the amount of 3.77% of the total award. This will not impact our program this year because we were on track to be underspent on our grant because of open positions. Earlier this year a position was advertised for 6 months without attracting a qualified candidate. The search was declared failed. Our efforts are now focused on trying to pay four consultants well instead of having five consultants with marginal pay.

II. Impact on Workplaces in South Dakota

Cooperative Agreements

South Dakota OSHA Consultation has signed on to the following cooperative agreements. These were arranged through the efforts of the Area Office. These agreements show the employers desire to work with OSHA Consultation for the duration of a project.

Strategic Partnerships:

- Cherapa Place Project
- Steel District Project
- Pete Lien Corporate Headquarters Project
- High Plains Processors Project

Alliances:

- 811 Notification Board
- South Dakota Ag Cooperative Safety Directors Association

Imminent Danger

The program does not usually see many imminent danger situations; this year there were three. They were all corrected immediately, and the situations were as follows:

- Instance of a piece of equipment that was not locked out while maintenance was doing work on it. Established policies were not being followed.
- One instance of misuse of a ladder. Retraining took place.
- An instance of a powered industrial vehicle lifting load that was not fully engaged with the forks. The load presented a hazardous situation, and it was corrected immediately.

Significant Impacts

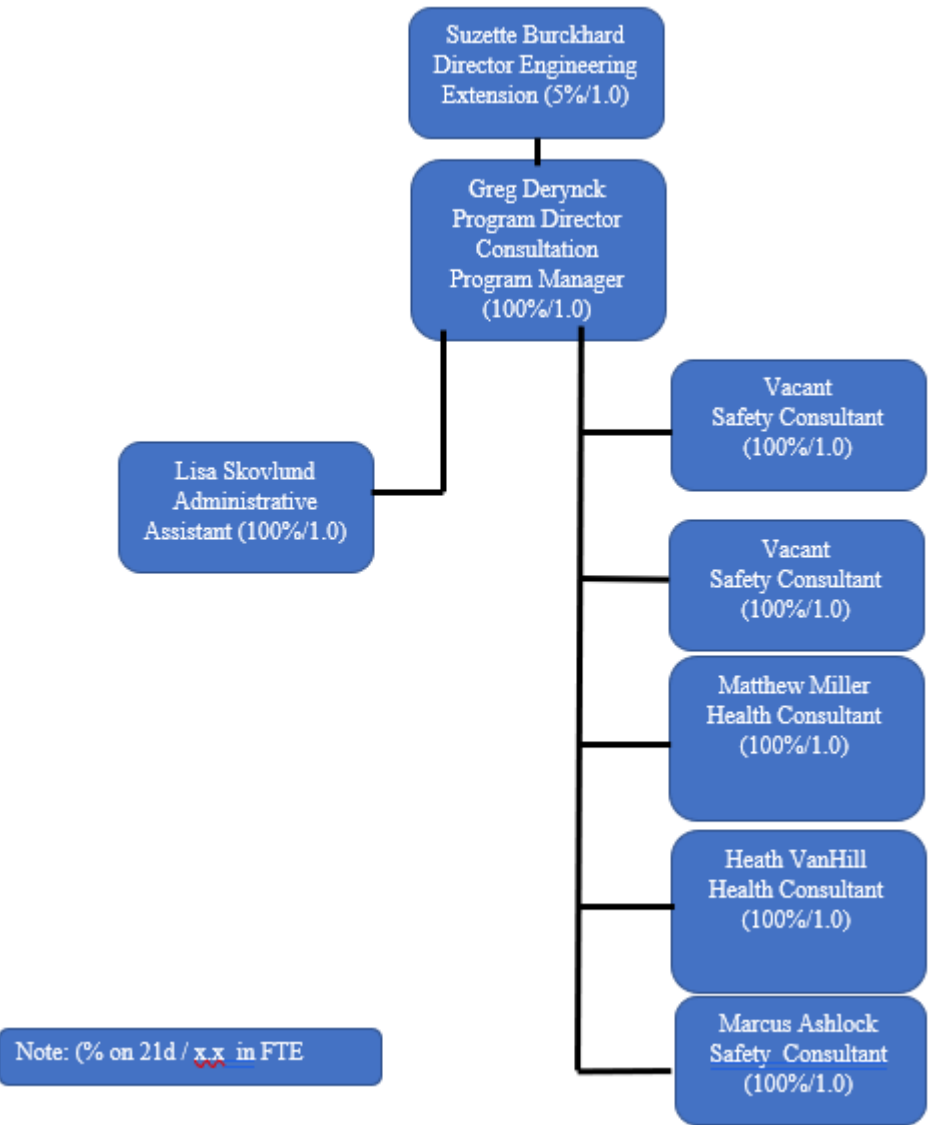
- We carried out 206 visits in FY23; the most the program has done in one year. We discover, on average, 5.5 serious hazards per visit.
- In FY23 we began a relationship with a building supply center that mainly serves the West River side of the state. It is significant because they have several locations and work with many varied contractors. The program will continue our

work serving them and work to get involved with the contractors, thus raising our construction profile. We presented at an annual meeting that is attended by their customers (120+ contractors in attendance).

- On a visit to an old downtown building, we came across an aged freight elevator that was being used by employees. It was clearly not up to the task, and the employer abated the hazard by adding some safety features and forbidding riders.
- An employer that had recently received 28 citations from the OSHA Area Office requested our services. A review showed that on a consultation visit seven years prior, we had addressed every hazard that was now an OSHA citation. The workplace has now made many changes to improve workplace safety.
- We used the logging standard for the first time, at a timber harvest site in the Black Hills.
- Found a workplace with significant amounts of combustible dust (aluminum) that was uncontrolled.
- The consultation program played a role in hosting a nationally live-streamed event, the kickoff event for National Grain Safety Week. Although the day saw blizzard conditions and no travel advised, we carried out our back-up plan of videos and live speakers on the webcast to 326 viewers nationwide.

III. Staffing

As of July 3, 2024, this will be our staff. The minimum allowable number of consultants for any program is four, so we will seek a waiver to temporarily work with three consultants, while we recruit for the open position.



Note: (% on 21d / ~~x.x~~ in FTE