

ILLINOIS DEPARTMENT OF LABOR  
ILLINOIS OSHA DIVISION

**REPORT TO THE GOVERNOR**

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PURSUANT TO 820 ILCS 219/1-925

**ANNUAL GOVERNOR'S REPORT**

January 1, 2015 through December 31, 2015

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Director



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ILLINOIS OSHA DIVISION  
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## **HISTORY & BACKGROUND**

The Illinois State Plan is administered by the Illinois OSHA Division under the leadership of the Director of the Illinois Department of Labor (IDOL). The Division is made up of two separate areas, Enforcement and Consultation. The Enforcement program enforces safety and health standards in public sector workplaces, investigates public sector occupational safety and health whistleblower discrimination complaints, adopts Federal OSHA standards, and provides public sector outreach services. Enforcement in the private sector remains with the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) in Illinois. The Consultation program provides consultation services to private and public sector employers.

### **Enforcement**

The Illinois OSHA Enforcement program has been in place since 1985 to ensure safe and healthy working conditions for state, county, municipal, and educational employees throughout Illinois in order to prevent work-related injuries and illnesses. To accomplish this, Illinois OSHA performs inspections, investigations, and consultations outlined under the provisions of the Illinois Occupational Safety and Health Act [820 ILCS 219].

On September 1, 2009, IDOL was approved by 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. Illinois became the 27<sup>th</sup> state and/or territory that has an OSHA approved State Plan (with 22 covering both public and private sector worksites and five covering public worksites only).

Illinois OSHA 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, and 1926) is cited for any violations.

Illinois OSHA conducts program planned inspections and investigates fatalities, catastrophic events, and complaints. In addition, we administer referrals and conduct follow-up enforcement inspections. Identified imminent danger situations are addressed immediately by on-site inspectors who have the authority to post warnings, inform the affected employees (or representatives), and recommend to the IDOL Director that an order be issued to require a public employer to cease and desist from the practice of creating the imminent danger situation and to obtain immediate abatement of the hazard.

Any public employee in the State of Illinois has the right to file a hazardous working condition complaint with Illinois OSHA.

## **Consultation**

In 1975, the United States Congress began funding the voluntary compliance On-Site Consultation program and by 1980, all 50 states had a program [29 CFR 1908]. For years the program has provided free consultation services to small and medium sized private employers. On October 1, 2011, Illinois OSHA expanded its consultation services to include public sector employers.

The Illinois On-Site Safety and Health Consultation Program is funded 90% by OSHA and 10% by state matching funds. Consultation services are provided through on-site visits, which are initiated by an employer making a consultation request. Services include, but are not limited to, helping an employer identify safety and health hazards, helping an employer control or eliminate hazards, helping an employer establish or improve a workplace safety and health program, and helping an employer better understand all requirements of applicable federal and/or state standards.

## MISSION STATEMENT

It is the mission of IDOL-Illinois OSHA to ensure safe and healthy working conditions by setting and enforcing standards and providing training, outreach, education, and assistance to employers and employees throughout the State of Illinois.

The Illinois Department of Labor, Illinois OSHA Division's mission is accomplished by:

- Improving workers' knowledge of health and safety by informing them of their rights to participate in all inspections/investigations/visits/training activities and by encouraging workers to report potential hazards without fear of retaliation from their employer.
- Establishing, adopting, maintaining and enforcing standards that reduce hazards in the workplace.
- Encouraging employers and employees to recognize and reduce safety and health hazards in the workplace through education and training opportunities.
- Conducting Programmed Planned Inspections (PPI) without advance notice to selected workplaces including those in the National Emphasis Program.
- Investigating within 24 hours, work-related incidents involving public sector employees that result in the death or in-patient hospitalization of one or more employees, an employee's amputation, or an employee's loss of an eye.
- Acting as a resource for occupational safety and health issues.
- Investigating Whistleblower cases in accordance with the Whistleblower Investigation Manual.
- Ensuring that staff maintains and enhances professional standards of the Division by participating in continuing education courses at the OSHA Training Institute (OTI).
- Providing consultation services to help public and private employers identify safety and health hazards, control or eliminate hazards, establish or improve workplace safety and health programs, and understand all requirements of applicable federal and/or state standards.

## VISION

The Illinois State Plan's vision is to be the resource for occupational safety and health for State of Illinois employers and employees in the public and private sector in Illinois. Illinois OSHA provides, at no cost, services including consultation, training, education, and outreach initiatives to public and private employers. This vision will be realized through timely, practical, useful, courteous, and professional services. Our vision is built on the premise that occupational deaths, injuries, and illnesses can be prevented.

The Illinois Department of Labor, Illinois OSHA Division is focused on:

- State and local agencies having effective, self-sufficient occupational safety and health programs that exceed standard requirements.
- Innovative concepts and strategies that will be used to increase awareness and stakeholder participation in occupational safety and health matters.
- Education, technical support, and consultation activities that will provide learning opportunities to enable state and local agencies to become more proactive in addressing occupational safety and health issues.
- Developing and implementing information technology improvements to better meet the needs of our customers.
- Maintaining a professional Illinois OSHA team committed to being the State's resource for promoting safety and health in the public and private sector work force.

## ILLINOIS PUBLIC SECTOR DEMOGRAPHICS

The public sector constituency covered under the Occupational Safety and Health Act includes approximately 7,083 public establishments\* with an estimated 713,982 public employees in Illinois. Of these 713,982 public employees, 398,642 (approximately 56%) represent Illinois public educational establishment employees.

State public educational establishment employees consist of:

• Elementary and Secondary (Local):	305,694
• Junior College (Local):	36,182
• College, Universities and Professional Schools (State):	54,369
• College, Universities and Professional Schools (Local):	1,314
• Business Schools and Computer Mgmt Training (Local):	142
• Technical and Trade Schools (Local):	335
• Other Schools and Instruction (Local):	449
• Educational Support Services (Local):	157

\*Note: public establishments can, and in many cases do, have more than one (1) worksite. This data is not currently collected and broken up individually by the state at this time.

Data Source: Illinois Department of Employment Security (IDES), Quarterly Census of Employment and Wages (QCEW), 2014 Q3



## **LEGISLATIVE ISSUES**

### **Law Changes**

Effective January 1, 2015, the Illinois Safety Inspection and Education Act [820 ILCS 220] and the Illinois Health and Safety Act [820 ILCS 225] were combined to create the Illinois Occupational Safety and Health Act [820 ILCS 219]. Combining the two statutes into one streamlined the law and legislatively changed the name of the Division from the IDOL Safety Inspection and Education Division (SIED) to Illinois OSHA. Rebranding the Division provides Illinois OSHA with a more pronounced identity. The new name coincides more closely with Federal OSHA, increasing credibility in the community and among public sector employers. A new logo was also created once the Division's name changed. The logo helps promote the brand and identify the Division. In addition, a logo implies a degree of professionalism and competence that could help steer public sector employers toward using Illinois OSHA as a resource for their workplace safety and health needs.

### **Rule Changes**

Section 350.410 - Reporting Fatalities, Hospitalizations, Amputations and Loss of Eye Incidents to the Illinois Department of Labor was modified on October 19, 2015. The rule change requires all public sector employers to report all work-related fatalities within 8 hours, and all work-related hospitalizations, amputations, and losses of an eye within 24 hours. This information must be reported orally to Illinois OSHA by calling our free and confidential 24-hour number at (800) 782-7860 or (217) 782-7860 during normal business hours. All of the incidents that meet these criteria are investigated by Illinois OSHA within 24 hours in conjunction with other agencies to determine if a violation of a known safety and health standard contributed to the incident.

## PROGRAM ACTIVITIES

### Enforcement Activities

Illinois OSHA conducted a total of 548 public sector inspections in calendar year 2015.

TABLE 1.0 – TOTALS BY ENFORCEMENT INSPECTION ACTIVITY

ACTIVITY/YEAR	2014	2015
Programmed Planned	204	392
Programmed Related	1	2
Programmed Other	0	0
Unprogrammed		
Fatality/Catastrophe	13	39
Complaint	66	81
Referral	47	8
Monitoring	1	1
Follow-up	27	20
Related	0	2
Accident	0	3
Other	4	0
<b>TOTALS</b>	<b>363</b>	<b>548</b>

## Consultation Activities

The Illinois On-Site Consultation Program conducted a total of 563 consultations in calendar year 2015.

TABLE 1.1 CONSULTATION ACTIVITIES

ACTIVITY/YEAR	2014	2015
Initial Visits	507	481
Training & Assistance Visits	10	6
Follow-up Visits	47	76
<b>TOTALS</b>	<b>564</b>	<b>563</b>

## CITATIONS AND HAZARDS PROFILE

The Illinois Occupational Safety and Health Act describe procedures for issuing citations and proposed penalties. If an inspector believes a violation of a safety and health standard exists, the inspector will propose a violation and recommend to his supervisor that a citation be issued. All citations that are not classified as Other than Serious or Serious (see below) must be approved by the division manager. The citation will describe the nature of the violation including reference to the appropriate regulation, along with providing the employer a deadline for abatement of the violation. The citations are classified according to the following categories:

- **Other than Serious** – the most serious injury or illness that would likely result from a hazardous condition and which 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.
- **Willful** - the evidence shows either an intentional violation of the Illinois Occupational Safety and Health Act or plain indifference to its requirements. A willful violation need not be committed 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.

The General Duty Clause of the Health and Safety Act is cited when there is no standard that applies to the particular hazard involved. All such proposed citations must be approved by the division manager.

Monetary penalties are not normally issued along with the first notice of 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. All citations that have proposed monetary penalties attached to them must be approved by the division manager.

The Illinois On-Site Consultation Program issues notices of hazards in the aforementioned categories that also reference the complementary OSHA standard along with abatement timelines.

TABLE 2.0 ENFORCEMENT CITATIONS

	IMMINENT DANGER	SERIOUS	OTHER THAN SERIOUS	REPEAT	WILLFUL
2015 TOTALS	0	813	242	5	0
2014 TOTALS	0	685	90	10	0

TABLE 2.1 CONSULTATION HAZARDS NOTED

	SERIOUS	OTHER THAN SERIOUS
2015 TOTALS	1739	43
2014 TOTALS	2162	40

## FATALITY AND ACCIDENT INVESTIGATIONS

As of October 19, 2015, public sector employers must report all work-related fatalities within 8 hours and all work-related hospitalizations, amputations, and losses of an eye within 24 hours. This information must be reported orally to Illinois OSHA by calling our free and confidential 24-hour number at (800) 782-7860 or (217) 782-7860 during normal business hours. All of the incidents that meet these criteria are investigated by Illinois OSHA within 24 hours in conjunction with other agencies to determine if a violation of a known safety and health standard contributed to the incident.

### **Fatality Investigations**

Illinois OSHA conducted 9 fatality inspections in 2015, two which remain under investigation.\*\* Fatalities broken out by activity and occupation are shown in Table 3.0 and Table 3.1. The following list provides a summary of the 2015 fatalities investigated by Illinois OSHA:

- Medora Fire Protection District - Fire fighter was killed when struck by a fire truck backing up.
- Illinois State University – Athletic Department - An Assistant Basketball coach died in a plane crash returning from the NCAA Basketball Tournament.
- City of Leland Grove – Public Works – Employee was killed as a result of being trapped under a commercial lawn mower after it overturned into a creek bed.
- Chicago Public Schools - Ray Graham Training Center High School – Employee found unresponsive, heart attack.
- Village of Fox Lake - Police Dept. – Original police report stated an officer was shot by 3 assailants, later ruled a suicide.
- Chicago Public Schools - Spencer Technology Academy – Employee collapsed and died of an apparent heart attack.
- Tazewell County Sherriff’s Office - Employee was driving at a high rate of speed to a call, lost control of the vehicle and was killed when the vehicle became airborne, struck a tree, and flipped several times.
- \*\*A fatality involving the McLean County Law and Justice Center *and* a fatality involving the City of Chicago Fire Department were also opened in 2015 and are still under investigation. As such, details cannot be shared at this time.

## **Accident Investigations**

Illinois OSHA conducted 21 accident inspections in 2015. The following list provides a summary of the 2015 accidents requiring hospitalization and which were investigated by Illinois OSHA:

- City of Chicago - Chicago Fire Department – Truck 33 - Employee hospitalized due to upper respiratory problems experienced during a fire. Two other employees injured- burns to the ear, and struck by aerial ladder while working on rooftop.
- City of Des Plaines – City Hall - Employee was run over by a Bobcat at a construction site and suffered injuries requiring hospitalization.
- Whitmore Road District - Employee suffered burns when burning a brush pile.
- City of Chicago - Chicago Fire Department – Employee hospitalized due to a fall from a ladder.
- City of Chicago – Chicago Fire Department-Battalion 15-Engine 39 – Employee was hospitalized due to chest pains.
- Southern Illinois University Carbondale - Lentz Hall – Employee was hospitalized due to lacerations from a demolition saw.
- Common Fields of Cahokia - Public Water District – Employee was admitted to the hospital after being pinned at the legs between two vehicles when one backed into another.
- Southern Illinois University Carbondale - Plant and Service Operations – Employee was hospitalized with injuries due to a fall from a ladder.
- City of Chicago – Chicago Fire Department - Truck 18 – Fire fighter was hospitalized due to losing consciousness after being struck by a sledgehammer while stamping an axe.
- City of Chicago - Department of Water Management - South Water Purification Plant - An employee suffered injuries requiring hospitalization when he fell 17' from an unprotected manhole cover.
- Northern Illinois University - Stevenson South Dorm - Employee suffered injuries requiring hospitalization when the riding floor-scrubber the employee was operating got too close to a staircase and fell down the stairs.
- IL Dept. of Transportation-Region #2-Kankakee Yard - While employee was plowing snow a semi-tractor/trailer crossed the median and struck the IDOT vehicle causing the employee to suffer several fractures requiring hospitalization.
- IL State Toll Highway Authority - Plaza 19 – Employee fell on ice and struck his head resulting in hospitalization.
- College of Lake County-Grayslake Campus – Employee suffered an amputation from a cutting shear.
- City of Springfield-Fire Department-Buildings and Grounds - Employee suffered an amputation from a chain and sprocket.
- City of Evanston - Fire Department – Employee was hospitalized due to illness after coming in contact with bird droppings.

- City of Lake Forest - Fire Department – Employee suffered injuries requiring hospitalization after being struck by a hose coupling.
- Illinois Department of Transportation - District 9 - Dongola Yard – Employee suffered injuries requiring hospitalization after a fall.
- City of Chicago - Fleet and Facility Management - Employee had multiple injuries and was hospitalized after a fall off a ladder.
- Naperville Park District – Employee suffered multiple injuries requiring hospitalization while performing lawn maintenance.
- Chicago Transit Authority - North Park Garage – Employee was hospitalized due to injuries from being struck by a bus that was backing up.

TABLE 3.0 FATALITIES BY ACTIVITY

ACTIVITY/YEAR	2015
Falls	1
Heart Attacks (work-related)	0
Struck by/ Caught in Machinery	3
Transportation Related	2
Gunshot	1
Electrocution	0
Asphyxiation	0
Drowning	0
Natural Causes or Unknown	2
<b>TOTALS</b>	<b>9</b>

TABLE 3.1 FATALITIES BY OCCUPATION

ACTIVITY/YEAR	2015
Law Enforcement/ Corrections	2
Firefighter/EMT	2
Laborer	2
Electrician/Lineman	0
Technician/Engineer	0
Operator	0
Janitor/Custodian	0
Administrator/ Education	3
Bus/Tow Truck Driver	0
<b>TOTALS</b>	<b>9</b>

## **WHISTLEBLOWER INVESTIGATIONS**

The Illinois Occupational Safety and Health 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 the Act. Such discrimination complaints must be filed within 30 calendar days after such violation occurs. In order for there to be a viable case, four determining factors must be present:

- A protected activity
- Employer knowledge
- Adverse action
- Nexus

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 10 complaints filed and 7 investigations pending in 2015.

## **LEGAL ISSUES**

### **Appeals, Hearings, Proposed Fines and Lawsuits**

After receiving a citation, a proposed assessment of penalty, or a notification of failure to correct a violation, an employer may request a hearing before the Director of Labor 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 of Labor for an appeal from the citation on the basis that the period of time fixed in citation for the abatement is unreasonable. There were 3 cases with informal contests and one formal contest settled in 2015 with no penalties paid.

## **SAFETY AND HEALTH ACHIEVEMENT RECOGNITION PROGRAM (SHARP)**

The Illinois On-Site Consultation Program evaluates the safety and health programs of small to medium sized businesses to determine if they meet the criteria to be recognized as a SHARP program. SHARP recognizes employers who operate exemplary safety and health programs at their worksites that result in immediate and long-term prevention of job-related injuries and illnesses. Illinois currently has 35 companies at various levels of SHARP approval. In 2015, the program recognized its first public sector SHARP Company. They include:

Armacell LLC  
Avery Dennison  
Becker Iron and Metal  
C. Keller Manufacturing  
Chem Processing  
CMS Inc.  
Concentric Itasca Inc.  
Countryside Care Center  
Crane Composites  
DeKalb Area Retirement Center-Oak Crest  
Dynomax Inc.- Buffalo Grove  
Dynomax Inc.- Lincolnshire  
Dynomax Inc.- Mundelein  
Dynomax Inc.- Wheeling  
Elizabeth Nursing Home  
Essentra Specialty Tapes  
Gallagher Corporation  
Harris Rebar Rockford Inc. formerly Ambassador Steel  
Ivex Specialty Paper, LLC  
K-Plus Industrial Services, Inc.  
Lafayette Steel  
Orbiter Research LLC  
Real Alloy Recycling (Aleris)  
Scot Forge-Franklin Park  
Scot Forge-Spring Grove  
Spoon River Pregnancy Center  
Sun Chemical  
Sunrise Manor  
The Scoular Company (Andres)  
The Scoular Company (Channahon)  
Thomas Electronics  
Tru Vue  
Viking Chemical  
Vosges Haut Chocolat  
Posen Fire Department (public sector)

## STATE PLAN APPLICATION

### Overview

The Illinois Department of Labor was approved by the United States Department of Labor, Occupational Safety and Health Administration (OSHA), to become a State Plan state for public sector worksites on September 1, 2009. 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. Illinois became the 27<sup>th</sup> state and/or territory that is an OSHA approved State Plan (22 covering both public and private sector worksites and five covering public worksites only).

The OSHA State Plan process has three major components. The first component is the developmental phase where the State must assure OSHA 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 setting standards, enforcement, appeal of citations and penalties, and a sufficient number of qualified enforcement personnel. 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 20 of the 27 State Plan states have attained this level of approval even though their programs have been operational for up to 27 years.

### Benefits

Illinois OSHA requested and received \$1,527,100 for enforcement and \$1,893,700 for consultation in annual federal matching grants\*\*, which is used to supplement Illinois' current safety and health activities.<sup>1</sup>

PROGRAM	FEDERAL FUNDS	STATE FUNDS	PROGRAM TOTAL
CONSULTATION (90/10)	\$1,893,700	\$189,370	\$2,083,070
ENFORCEMENT (50/50)	\$1,527,100	\$1,527,100	\$3,554,200

<sup>1</sup> In August 2015, the biennial fiscal OSHA audit resulted in a finding that \$103,577 in required state matching funds from Federal Fiscal Year 2014, were under matched. The Department is currently working with OSHA to resolve the audit finding.

This federal funding enables Illinois OSHA to 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 safety and health topics. In addition, OSHA State Plan approval increases the professionalism and awareness of our safety and health program, provides the State with more professional resources, includes federal certification and training, computer tracking, program reporting, standards development, laboratory services, and testing protocols.

\*\*Note: due to issues filling staff vacancies, the Consultation program de-obligated \$189,000 of its federal match in 2015 and the Enforcement program de-obligated \$70,000 of its federal match in 2015.

### **Status**

Illinois OSHA received approval on September 1, 2009. That same day, the Federal Register outlined the developmental program details, as well as the original application. Currently, developmental steps have been initiated which include rules adoption, hiring critical management staff, and developing written programs. The FY 2012 grant application was submitted and approved in August 2011. The FY 2013 grant application was submitted and approved in August 2012. An extension of three years was granted to meet the developmental steps. The hiring element of the State Plan application and the targeted inspection scheduling program are the final steps that need to be completed. Illinois OSHA is currently on an extension to complete its developmental steps, which was granted by OSHA in October 2015, and which runs until September 30, 2016.

## **ACROYNYS & DEFINITIONS**

AFSCME –American Federation of State County and Municipal Employees union

CFR –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, Hugo Chaviano for 2015

DIVISION – refers to the Illinois Department of Labor, Illinois OSHA Division

DEPARTMENT – refers to the Illinois Department of Labor

FY –fiscal year

HVAC –Heating, Ventilation and Air Conditioning System

ILCS –Illinois Compiled Statute

ISP –Illinois State Police

IT - information technology

JCAR –Joint Committee on Administrative Rules

MABAS- Mutual Aid Box Alarm System

NFPA –National Fire Protection Association

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

OSHPA – 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