



**Audit of Utilities
Hazardous Materials
Safety Program**



**Phil Diamond, CPA
County Comptroller
Orange County, Florida**

www.occompt.com



**Report No. 500
February 2023**

County Audit Division

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Mission

The mission of the Orange County Comptroller's Office is to serve the citizens of Orange County and our customers by providing responsive, ethical, effective, and efficient protection and management of public funds, assets, and documents, as specified in the Florida Constitution and Florida Statutes.

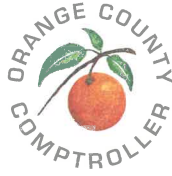
Vision

The vision of the Orange County Comptroller's Office is to be recognized as a highly competent, cohesive team leading the quest for continuing excellence in the effective safeguarding and ethical management of public funds, assets, and documents.



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OFFICE OF THE COMPTROLLER

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February 24, 2023

Jerry L. Demings, County Mayor
And
Board of County Commissioners

We have conducted an audit of the Orange County Utilities Safety Program related to hazardous materials. The program is jointly administered by the Utilities Safety Administrator with support from two Risk Management Safety and Loss Prevention Analysts. The audit was limited to a review of the Safety Team's compliance with internal policy and Occupational Safety and Health Administration regulations relating to the safe storage, handling, and management of hazardous materials. The period audited was January 2020 through October 2020.

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Responses to our Recommendations for Improvement were received from the Director of Utilities and the Director of Risk Management and are incorporated herein.

We appreciate the cooperation of Utilities and Risk Management personnel during the course of the audit.


Phil Diamond, CPA
County Comptroller

c: Byron Brooks, County Administrator
Jon V. Weiss, Deputy County Administrator
Carla Bell Johnson, Deputy County Administrator
Ed Torres, Director, Utilities Department
John Petrelli, Director, Risk Management Department



Why This Audit Is Important

The Utilities Safety Team (Safety) is led by the Utilities Safety Administrator (Safety Administrator) and is responsible for providing a safe work environment for Utilities personnel with support from two Risk Management Safety and Loss Prevention Analysts (Safety Analysts). Safety provides information to Utilities employees on workplace hazards, safe handling of hazardous materials, and appropriate use of personal protective equipment (PPE). Safety also performs safety inspections to ensure compliance with Occupational Safety and Health Administration (OSHA) Standards and internal policy.

The proper storage, handling, and management of hazardous materials is essential to providing a safe working environment for Orange County employees, contractors, and the public. Information, training, PPE, and periodic safety inspections are necessary to identify hazards, monitor safety compliance, and ensure corrective actions are taken to create and maintain a safe workplace.

The Objectives of Our Audit

The objectives of the audit were to ensure the Safety Administrator:

- Reviewed and approved the written hazard communication programs of each applicable Utilities Division, including hazard communication training, for compliance with the OSHA Hazard Communication Standard; and,
- Effectively monitored Safety Analysts to ensure:
 - safety inspections of all facilities that stored, handled, or managed hazardous materials were performed timely in accordance with internal policy; and,
 - inspection results were timely reported to management, follow-up on corrective actions was performed, and an annual statistical analysis of issues was completed.

What We Found

Written Hazard Communication and Related Training Programs Were Not Developed By Divisions Nor Reviewed By the Safety Administrator (Page 9)



The Safety Administrator did not request nor review the written Hazard Communication and related Training Programs for any division to assess completeness and compliance with OSHA's Hazard Communication Standard. Three of the four divisions did not have a written Hazard Communication Program. The remaining division's written programs did not meet the current OSHA standard.

Safety Inspections Were Not Completed For Utilities Facilities That Store Hazardous Materials (Page 11).

18 of the 26 facilities (69%) that were scheduled for inspection that store, handle, or manage hazardous materials were not inspected in 2020. Two of the 18 facilities were scheduled for inspection. However, the two facilities were not operational in 2020 and did not need to be inspected although they were included on the inspection schedule. Six of the facilities were last inspected between 2017 and 2019, and the remaining 10 did not have inspection reports available.

Safety Inspection Checklists Did Not Include All Requirements (Page 13).

The inspection checklist created and used by the Safety Analysts did not confirm that a written hazard communication program is available at the workplace. Additionally, the checklist did not include the completion of employee and contractor interviews to assess job knowledge and understanding of site safety practices as required by internal policy.

Safety Analysts Did Not Complete All Safety Inspection Checklist Items During Inspections (Page 13).

Safety Analysts did not review training records or discuss knowledge with employees to determine whether "employees are trained on the hazards associated with the chemicals they are exposed to" as required by the inspection checklist. Neither the Utilities Safety Administrator nor the Risk Management Safety and Loss Prevention Administrator required Safety Analysts to fill out the inspection checklist, nor did either Administrator review completed checklists to validate all items were completed.

Timely Follow-up Inspections Were Not Performed to Validate Required Corrective Actions were Completed (Page 15).



Neither the Risk Management Safety and Loss Prevention Administrator nor the Utilities Safety Administrator required divisions to provide evidence that corrective actions were completed by the due date indicated on inspection reports. Safety Analysts did not perform follow-up inspections within 30 days to validate all corrective actions were completed.

The Safety Analysts Did Not Perform an Annual Statistical Analysis of Safety Issues Identified (Page 15).

The Safety Analysts did not perform an annual statistical analysis of safety issues to identify jobs/areas with a high incidence of injury.

Overall Evaluation (Page 8)

Based on the current Utilities Health and Safety Plan and results of our testing, the Utilities Department needs to improve controls over the safety program oversight and inspection processes including: reviewing and approving Hazard Communication Programs and related training, inspecting all facilities annually, ensuring corrective actions are performed, and performing an annual statistical analysis of any issues identified.

INTRODUCTION

Background

The Utilities Safety Administrator, with the assistance of two Risk Management Safety Analysts, is responsible for providing a safe work environment for over 1,000 Utilities team members. The Utilities Safety Administrator provides an oversight role by providing the latest safety information and regulatory changes to leadership, working with division management to provide safety training and required PPE to team members, and performing incident trend analyses. Safety Analysts are responsible for inspecting facilities and job sites to ensure proper execution of required safety protocols.



Safety uses OSHA Standards to create internal policies and required safety protocols. OSHA provides a standard approach to classifying chemicals and communicating hazard information on labels and safety data sheets. The standard requires employers to provide employees with a written Hazard Communication Program, information, and training that details:

OSHA Hazard Pictograms*



*OSHA Pictograms are hazard symbols adhered to chemical labels as a warning of the chemical's hazards.

- Description of classified and unclassified hazards in the work area;
- Explanations of labels on shipped containers and the workplace labeling system;
- The safety data sheet, including the order of information and how employees can obtain and use appropriate hazard information;
- Methods and observations that may be used to detect the presence or release of hazardous chemicals in the work area; and
- The measures employees can take to protect themselves from these hazards, such as appropriate work practices, emergency procedures, and personal protective equipment to be used.

In addition, OSHA provides guidance on other types of physical and health hazards, PPE, and safety equipment for the workplace, such as:

- Walking and Working Surfaces (Ladders, Stairways, Fall Protection)

INTRODUCTION

- Hazardous Materials (Compressed Gases, Flammable Liquids, Highly Hazardous Chemicals)
- PPE (Eye and Face Protection, Respiratory Protection)
- General Environmental Controls (Lockout/Tagout, Confined Space Entry)
- Medical and First Aid
- Fire Protection (Portable Fire Extinguishers, Safety Alarm Systems)

The Utilities Health and Safety Plan requires Safety to perform periodic safety inspections of all Utilities facilities. Site safety inspections are designed to evaluate compliance with physical and health hazards, PPE and safety equipment in the workplace. Inspections cover numerous items, including:

- Availability and operability of fire safety and first aid equipment on site;
- Compressed gas cylinder storage/labelling;
- Hazardous chemical identification, labeling, and storage;
- Availability of corresponding safety data sheets; and,
- Verification that no physical hazards are present.



Site Inspection results are documented in a final inspection report and issued to management within five business days after inspection. The report includes a list of all issues noted during the inspection and corresponding deadlines for completion of required corrective actions. Deadlines are based on the severity of findings.

Audit Scope

The audit scope was limited to Safety's oversight, inspection and monitoring procedures over the safe storage, handling, and management of hazardous materials in accordance with the OSHA Hazard Communication Standard and internal policy. The audit period was from January 2020 through October 2020.



INTRODUCTION

Audit Objectives

The objectives of the audit were to ensure the Safety Administrator:

- Reviewed and approved the written hazard communication programs of each applicable Utilities Division, including hazard communication training, for compliance with the OSHA Hazard Communication Standard; and,
- Effectively monitored Safety Analysts to ensure:
 - safety inspections of all facilities that stored, handled, or managed hazardous materials were performed timely in accordance with internal policy; and,
 - inspection results were timely reported to management, follow-up on corrective actions was performed, and an annual statistical analysis of issues was completed.

Audit Methodology

To meet the audit objectives, we performed the following procedures:

- Verified the Safety Administrator reviewed and approved the written hazard communication programs for all applicable Utilities Divisions;
- Assessed the completeness of Safety's inspection schedule to include all facilities managed by Utilities that likely store, handle, or manage hazardous materials;
- Confirmed Safety inspected all Utilities facilities that store, handle, or manage hazardous materials during the audit period or within the last year;
- Ensured safety inspection reports were forwarded to site management within five (5) business days of the safety inspections;
- Assessed the completeness of the inspection checklist used by Safety Analysts to complete annual facility inspections in accordance with OSHA's Hazard Communication Standard and internal policy;
- Evaluated Safety Analysts' procedures for ensuring corrective actions were timely performed; and,
- Verified an annual statistical analysis of issues was performed.



Overall Evaluation

Based on the current Utilities Health and Safety Plan and results of our testing, the Utilities Department needs to improve controls over the safety program oversight and inspection processes including: reviewing and approving Hazard Communication Programs and related training, inspecting all facilities annually, ensuring corrective actions are performed, and performing an annual statistical analysis of any issues identified.



1. Written Hazard Communication and Hazard Training Programs Should Be Developed and Reviewed for Compliance with OSHA's Hazard Communication Standard.

According to OSHA's Hazard Communication Standard, employers are required to develop, implement, and maintain a written hazard communication program at each workplace. The program should describe how labels, safety data sheets, and employee information and training will be provided to employees. Additionally, the Utilities Health and Safety Plan requires the written hazard communication program to be approved by the Safety Administrator.

The Safety Administrator has not required Utilities divisions to have written hazard communication programs (HCP). Additionally, the Safety Administrator hasn't requested such written programs for review. The Solid Waste, Water Reclamation, and Field Services Divisions each use and store hazardous materials. However, none of these divisions had hazard communication programs at the time of the audit. Although the Water Division did have some written hazard communication programs, none fully complied with the current OSHA requirements¹.

Additionally, the Hazard Communication Standard states that employers are required to provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard is introduced into their work area. Employee training must include:

- Methods and observations that may be used to detect the presence or release of a hazardous chemical in the work area (such as monitoring conducted by the employer, continuous monitoring devices, visual appearance or odor of hazardous chemicals when being released, etc.);
- Physical, health, simple asphyxiation, combustible dust, and pyrophoric gas hazards, as well as unclassified hazards, in the work area;
- Measures employees can take to protect themselves from these hazards, including specific procedures the employer has implemented to protect employees from exposure to hazardous chemicals, such as appropriate

¹ OSHA's Hazard Communication Standard (1910.1200) was last updated in 2012. Per 1910.1200(j)(2), employers shall be in compliance with all modified provisions no later than June 1, 2015.

- work practices, emergency procedures, and personal protective equipment to be used; and,
- Details of the hazard communication program developed by the employer, including an explanation of the labels received on shipped containers and the workplace labeling system used by their employer; the safety data sheet, including the order of information and how employees can obtain and use the appropriate hazard information.

The Safety Administrator did not review any of the Division's hazard communication training programs to ensure that all required training elements were included. While the Solid Waste, Water Reclamation, and Field Services Divisions provided hazard communication training, such training was not intended for compliance with the Hazard Communication Standard and was not provided at the required frequencies or to all required employees. The Water Division requires hazard communication training that covers all required elements. However, training attendance records could not be provided for all required employees. For a sample of 25 employees, one training record was available for 2018 and 2019. In 2020, five of the 25 employees (20%) had no evidence they completed the required training.



In order to ensure chemical safety in the workplace, employees should be informed of the hazards of these chemicals. Employees unaware of the hazardous chemicals present in the workplace, or how to protect themselves from exposure to such chemicals, could cause harm to themselves and others.



Recommendation No. 1:

Applicable Utilities Divisions should:

- A) Develop written hazard communication programs for all applicable facilities, to include information on how hazard communication training will be provided to employees and training attendance records will be maintained;
- B) Ensure required employees receive timely training in accordance with the written hazard communication programs and applicable training records are maintained;
- C) Periodically review hazard communication programs to ensure the program is regularly updated and subsequent revisions are submitted to the Safety Administrator.

The Safety Administrator should:

- D) Require each facility that handles hazardous materials to submit a written hazard communication program, to include information on how hazard communication training will be provided to employees and training attendance records will be maintained;
- E) Review and approve hazard communication programs to ensure that the required elements of OSHA's Hazard Communication Standard are included; and
- F) Periodically review hazard communication programs to ensure the program is regularly updated and subsequent revisions are approved

Management's Response:

Concur. See [Appendix](#) for full response.

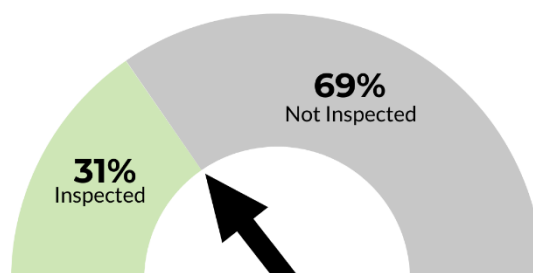
2. Safety Inspections Should Be Performed Annually For All Orange County Utilities Facilities that Store, Handle, and/or Manage Hazardous Materials.

The Utilities Health and Safety Plan requires that all Utilities facilities and job sites should be checked, inspected, or audited for safety hazards at least annually. Safety prepares an inspection schedule every year for all inspections that need to be completed.

Two Safety Analysts from Risk Management are responsible for performing the Utilities site safety inspections. Although the analysts report administratively to Risk Management, the Utilities Safety Administrator is responsible for administering the Utilities Health and Safety Plan. Thus, the Safety Analysts also report inspection results and other Utilities safety concerns to the Utilities Safety Administrator.

As part of our audit, we reviewed whether all required inspections were performed. According to both the Utilities Safety Administrator and Risk Management, 69% (18 of 26) of Utilities facilities that store/manage hazardous materials or that were included on the inspection schedule were not inspected in 2020. Of the 18 facilities not inspected in 2020, two locations were included on the 2020 inspection schedule; however, were not operating in 2020. These locations were under renovation or leased to a third party for almost 20 years. Neither of these two facilities should have been inspected or included in the schedule. Of the remaining 16 facilities not inspected in 2020, only six were inspected between 2017 and 2019. Based on a three year retention policy for inspections, we are unable to determine when the last inspection was performed. However, 10 facilities have not been inspected since 2017 even though they require inspection at least annually.

2020 Site Inspection Progress



As part of the review, we discussed the inspection process with both the Utilities Safety Administrator and Risk Management. Both agreed that the Safety Analysts were responsible for performing inspections; however, the Utilities Health and Safety Plan states the Safety Administrator is ultimately responsible for ensuring safety inspections are completed. Neither Risk Management nor the Safety Administrator could provide the missing inspections.

If facilities are not inspected regularly, unsafe working conditions and unsafe working practices can be left unidentified and uncorrected. That would increase the potential for undue harm to Utilities employees, contractors, and the environment.



Recommendation No. 2:

Utilities management should:

- A) Modify the Utilities Health and Safety Plan to reflect that Risk Management's Safety and Loss Prevention Administrator is responsible for the safety inspection process, and,
- B) Coordinate with the Director of Risk Management to ensure there is agreement on the Safety and Loss Prevention Administrator's roles and responsibilities documented in the Utilities Health and Safety Plan.

After the Utilities Health and Safety Plan is updated, the Safety Administrator should:

- C) Coordinate with Risk Management's Safety and Loss Prevention Administrator to ensure the safety inspection schedule correctly includes or excludes all Orange County Utilities facilities, and,

Risk Management should:

- D) Develop procedures to ensure that all Utilities sites are inspected annually and communicate inspection results with the Utilities Safety Administrator.

Management's Response:

Concur. See [Appendix](#) for full response.

3. Safety Inspection Checklists Should Be Completed by Safety Analysts and Include All OSHA and Internal Policy Requirements.

Risk Management has prepared an inspection checklist to incorporate the required elements of OSHA's Hazard Communication Standard and Utilities internal policy. Although the checklist is designed to cover every required element, the following requirements are not included in the checklist:

- Confirming an OSHA compliant written hazard communication program is maintained at each workplace
- Employee job knowledge interviews
- Contractor employee site safety practice interviews

Safety Analysts might not perform complete inspections if all requirements are not included in the inspection checklist. As a result, unsafe working

conditions/practices might not be identified and corrected. This could increase the potential for harm to Utilities employees, contractors, or the public.



Additionally, Safety Analysts are not performing all inspection steps. For example, the checklist requires Safety Analysts to confirm that “employees are trained on the hazards associated with the chemicals they are exposed to”. However, Safety Analysts are not reviewing training records during site inspections.

The checklist also requires Safety Analysts to validate that Safety Data Sheets are available to employees and that hazardous materials are appropriately labeled. Due to the specialized subject matter of the audit, we hired an environmental health and safety firm to perform independent inspections of Utilities facilities. The firm identified missing or outdated Safety Data Sheets for at least one chemical at every facility inspected. It also identified unlabeled/Illegible labeling of containers at several facilities. This indicates that inspection elements may be missed during inspections.

Neither the Utilities Safety Administrator nor Risk Management requires inspection checklists to be completed during inspections as support for inspection reports. Additionally, the checklists are not reviewed by either. Without reviewing a completed inspection checklist, the Safety Administrator cannot confirm that all required inspection procedures were performed by Safety Analysts at the applicable facilities.

Recommendation No. 3:

Once the Utilities Health and Safety Plan is updated and agreed to with Risk Management per Recommendation No. 2, Risk Management’s Safety and Loss Prevention Administrator should:

- A) Modify the inspection checklist to confirm that a written hazard communication program is maintained at each workplace and that employees and contractors are interviewed to confirm their knowledge of site safety practices;
- B) Periodically review inspection checklists to ensure all items are completed by the Safety Analyst and any OSHA standards changes are incorporated into the checklists;
- C) Require Safety Analyst to complete all inspection checklist steps during each inspection; and,
- D) Retain all completed inspection checklists as evidence of inspections performed and deficiencies identified.



Management's Response:

Concur. See [Appendix](#) for full response.

4. Risk Management Safety Analysts Should Ensure Corrective Actions are Completed and the Utilities Safety Administrator Should Perform Statistical Analysis of Issues.

Inspection reports are prepared after inspections are performed. The reports include documentation of each issue, including:

- Pictures,
- References to unmet standards,
- Hazard class assigned by Safety Analyst,
- Required Action, and
- Corrective action deadlines based on hazard class.

According to the following inspection report excerpt, there are four different hazard classes. The classes require corrections to be made as follows:

HAZARD CLASS	COMPLIANCE SCHEDULE
A – IDLH*	On – site correction
B – Imminent Danger	Immediately
C – Serious	15 Days
D – Non-serious	30 Days

*Immediately Dangerous to Life or Health

Although deficiencies are assigned compliance dates (within 30 days) based on severity, Safety Analysts do not monitor the correction process to confirm that deficiencies have been timely corrected. Instead, the Safety Analysts do not review the corrective actions until the following inspection is performed. As noted in recommendation 2, some facilities were not inspected for over 3 years. As a result, the Safety Analysts could not confirm that the deficiencies were corrected until 3 years later.

In addition, the managers responsible to correct deficiencies aren't required to provide any proof that corrective actions have been completed. Instead, managers must only provide the date that corrective action occurred. No evidence, such as photographs, is included with management's response.

After all of the inspections are performed, the Utilities Health and Safety Plan requires the Safety and Loss Prevention Analyst to develop an annual statistical analysis of inspection deficiencies to identify jobs/areas with a high incidence of



injury. These areas should be emphasized during safety meetings and future inspections to reduce injuries to employees and the public.

The Safety Analysts have not performed any analysis of issues identified, as Risk Management was not aware of this requirement in the Utilities Health and Safety Plan. Without identifying new and recurring issues on inspections, analysts cannot identify facilities, sites or hazards with high incidents or injury potential. Therefore, Utilities cannot prioritize high risk areas. Uncorrected safety hazards or unsafe work conditions identified during inspections could injure Utilities employees. As previously noted, only eight inspection reports from 2020 were provided. Without access to prior inspection reports, an accurate and complete statistical analysis cannot be performed.

Recommendation No. 4:

Utilities Management should:

- A) Update the Utilities Health and Safety Plan to reflect that Risk Management's Safety and Loss Prevention Administrator is responsible for follow-up procedures to confirm safety inspection deficiencies are timely corrected;
- B) Update the Utilities Health and Safety Plan to reflect that the Safety Administrator is responsible for the statistical analysis of safety inspection issues; and,
- C) Coordinate with the Director of Risk Management to ensure there is agreement on the Safety and Loss Prevention Administrator's roles and responsibilities documented in the Utilities Health and Safety Plan.

Once the Utilities Health and Safety Plan is updated, Risk Management's Safety and Loss Prevention Administrator should:

- D) Implement follow-up procedures to confirm safety inspection deficiencies are timely corrected.

Once the Utilities Health and Safety Plan is updated, the Safety Administrator should:

- E) Coordinate with Safety Analysts to create a repository of identified inspection issues and locations to perform an annual statistical analysis of deficiencies identified.

Management's Response:

Concur. See [Appendix](#) for full response.



ACTION PLAN

NO.	RECOMMENDATIONS	MANAGEMENT'S RESPONSE		
		CONCUR	PARTIALLY CONCUR	DO NOT CONCUR
1.	Applicable Utilities Divisions should:			
A)	Develop written hazard communication programs for all applicable facilities, to include information on how hazard communication training will be provided to employees and training attendance records will be maintained;	✓		
B)	Ensure required employees receive timely training in accordance with the written hazard communication programs and applicable training records are maintained; and,	✓		
C)	Periodically review hazard communication programs to ensure the program is regularly updated and subsequent revisions are submitted to the Safety Administrator.	✓		
	The Safety Administrator should:			
D)	Require each facility that handles hazardous materials to submit a written hazard communication program, to include information on how hazard communication training will be provided to employees and training attendance records will be maintained;	✓		
E)	Review and approve hazard communication programs to ensure that the required elements of OSHA's Hazard Communication Standard are included; and,	✓		
F)	Periodically review hazard communication programs to ensure the program is regularly updated and subsequent revisions are approved.	✓		
2.	Utilities management should:			
A)	Modify the Utilities Health and Safety Plan to reflect that Risk Management's Safety and Loss Prevention Administrator is responsible for the safety inspection process, and,	✓		
B)	Coordinate with the Director of Risk Management to ensure there is agreement on the Safety and Loss Prevention Administrator's roles and responsibilities documented in the Utilities Health and Safety Plan.	✓		
	After the Utilities Health and Safety Plan is updated, the Safety Administrator should:			
C)	Coordinate with Risk Management's Safety and Loss Prevention Administrator to ensure the safety	✓		



ACTION PLAN

NO.	RECOMMENDATIONS	MANAGEMENT'S RESPONSE		
		CONCUR	PARTIALLY CONCUR	DO NOT CONCUR
	inspection schedule correctly includes or excludes all Orange County Utilities facilities, and			
	Risk Management should:			
D)	Develop procedures to ensure that all Utilities sites are inspected annually and communicate inspection results with the Utilities Safety Administrator.	✓		
3.	Once the Utilities Health and Safety Plan is updated and agreed to with Risk Management per Recommendation No. 2, Risk Management's Safety and Loss Prevention Administrator should:			
A)	Modify the inspection checklist to confirm that a written hazard communication program is maintained at each workplace and that employees and contractors are interviewed to confirm their knowledge of site safety practices;	✓		
B)	Periodically review inspection checklists to ensure all items are completed by the Safety Analyst and any OSHA standards changes are incorporated into the checklists;	✓		
C)	Require Safety Analyst to complete all inspection checklist steps during each inspection; and,	✓		
D)	Retain all completed inspection checklists as evidence of inspections performed and deficiencies identified.	✓		
4.	Utilities Management should:			
A)	Update the Utilities Health and Safety Plan to reflect that Risk Management's Safety and Loss Prevention Administrator is responsible for follow-up procedures to confirm safety inspection deficiencies are timely corrected;	✓		
B)	Update the Utilities Health and Safety Plan to reflect that the Safety Administrator is responsible for the statistical analysis of safety inspection issues; and,	✓		
C)	Coordinate with the Director of Risk Management to ensure there is agreement on the Safety and Loss Prevention Administrator's roles and responsibilities documented in the Utilities Health and Safety Plan.	✓		
	Once the Utilities Health and Safety Plan is updated, Risk Management's Safety and Loss Prevention Administrator should:			



ACTION PLAN

NO.	RECOMMENDATIONS	MANAGEMENT'S RESPONSE		
		CONCUR	PARTIALLY CONCUR	DO NOT CONCUR
D)	Implement follow-up procedures to confirm safety inspection deficiencies are timely corrected.	✓		
	Once the Utilities Health and Safety Plan is updated, the Safety Administrator should:			
E)	Coordinate with Safety Analysts to create a repository of identified inspection issues and locations to perform an annual statistical analysis of deficiencies identified.	✓		



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January 24, 2023

To: Phil Diamond, Orange County Comptroller

From: Ed Torres, M.S., P.E., LEED AP, Director

Ed Torres, M.S.,
P.E., LEED AP

Digitally signed by Ed Torres,
M.S., P.E., LEED AP
Date: 2023.02.01 17:46:08
-05'00'

John L. Petrelli, AIC, ARM, CPCU, Director

John Petrelli

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Petrelli
Date: 2023.02.02
09:52:14 -05'00'

Subject: Response to Audit of Orange County Utilities Hazardous Materials
Safety Program

In connection with the recent audit of the Orange County Utilities Hazardous Materials Safety Program covering the period of January 2020 through October 2020 conducted by your office, below you will find Orange County Utilities’ responses to the recommendations in the report. We appreciate the independent and third-party review of the Hazardous Material Safety Program, as well as the recommendations for improvements. We have begun implementing the recommendations and look forward to our continued collaboration with your professional staff.

Recommendation No. 1:

Applicable Utilities Divisions should:

- A) Develop written hazard communication programs for all applicable facilities, to include information on how hazard communication training will be provided to employees and training attendance records will be maintained.
- B) Ensure required employees receive timely training in accordance with the written hazard communication programs and applicable training records are maintained.
- C) Periodically review hazard communication programs to ensure the program is regularly updated and subsequent revisions are submitted to the Safety & Systems Administrator.

The Safety & Systems Administrator should:

- D) Require each facility that handles hazardous materials to submit a written hazard communication program, to include information on how hazard communication training will be provided to employees and training attendance records will be maintained.
 - E) Review and approve hazard communication programs to ensure that the required elements of OSHA’s Hazard Communication Standard are included.
 - F) Periodically review hazard communication programs to ensure the program is regularly updated and subsequent revisions are approved.
-



Utilities Response to Recommendation No. 1

Management concurs.

Utilities hired a new Safety & Systems Administrator in September 2022, who is in the process of writing a hazard communication plan specific to Utilities and applicable divisions. The written hazard communication plan will include: OSHA’s Hazard Communication Standard, how the training for the program will be provided, and how attendance records will be maintained. Training for the program will be conducted in a timely manner, and all training records will be maintained by the divisions, according to OSHA requirements. The hazard communication program will be periodically reviewed to ensure that OSHA’s Hazard Communication standard is included and being adhered to, that all subsequent revisions are submitted to the Safety & Systems Administrator, and that the program is regularly updated, and subsequent revisions are approved.

Risk Management concurs with this finding. The two assigned Safety and Loss Prevention Analysts have been instructed, as part of their quarterly inspections, to ensure each facility has a copy of the Hazard Communication Program and that they conduct facility trainings on an annual basis to ensure staff are aware of the program.

Recommendation No. 2:

Utilities Management should:

- A) Modify the Utilities Health and Safety Plan to reflect that Risk Management’s Safety and Loss Prevention Administrator is responsible for the safety inspection process.
- B) Coordinate with the Director of Risk Management to ensure there is agreement on the Safety and Loss Prevention Administrator’s roles and responsibilities regarding safety inspections documented in the Utilities Health and Safety Plan.

After the Utilities Health and Safety Plan is updated, the Safety & Systems Administrator should:

- C) Coordinate with Risk Management’s Safety and Loss Prevention Administrator to ensure the safety inspection schedule correctly includes or excludes all Orange County Utilities facilities.

Risk Management should:

- D) Develop procedures to ensure that all Utilities sites are inspected annually and communicate inspection results with the Utilities Safety Administrator.
-



Utilities Response to Recommendation No. 2

Management concurs.

The Utilities Safety Administrator will ensure the Utilities Health and Safety Plan is modified to reflect that Risk Management’s Safety and Loss Prevention Administrator is responsible for the safety inspection process. The Utilities Safety Administrator will coordinate with the Director of Risk Management to ensure there is agreement on the Safety and Loss Prevention Administrator’s roles and responsibilities documented in the Utilities Health and Safety Plan. After the Utilities Health and Safety Plan is updated, the Safety Administrator will coordinate with Risk Management’s Safety and Loss Prevention Administrator to ensure the safety inspection schedule correctly includes or excludes all Orange County Utilities facilities.

The Risk Management standard is that each facility is inspected on a quarterly basis. Staff have been reminded of this requirement. Additionally, a tracking sheet was created that is housed on our common drive that covers when each facility is inspected.

Recommendation No. 3:

Once the Utilities Health and Safety Plan is updated and agreed to with Risk Management per Recommendation No. 2, Risk Management’s Safety and Loss Prevention Administrator should:

- A) Modify the inspection checklist to confirm that a written hazard communication program is maintained at each workplace and that employees and contractors are interviewed to confirm their knowledge of site safety practices.
- B) Periodically review inspection checklists to ensure all items are completed by the Safety Analyst and any OSHA standards changes are incorporated into the checklists.
- C) Require Safety Analysts to complete all inspection checklist steps during each inspection.
- D) Retain all completed inspection checklists as evidence of inspections performed and deficiencies identified.

Utilities Response to Recommendation No. 3:

Management concurs.

Once the Utilities Health and Safety Plan is updated and agreed to with Risk Management per Recommendation No. 2, Risk Management’s Safety and Loss Prevention Administrator will modify the inspection checklist to confirm that a written hazard communication program is maintained at each workplace and that employees and contractors are interviewed to confirm their knowledge of site safety practices. Risk Management’s Safety and Loss Prevention Administrator will periodically review inspection checklists to ensure all items are completed by the Safety Analyst and any



OSHA standards changes are incorporated into the checklists. Risk Management’s Safety and Loss Prevention Administrator will require Safety Analysts to complete all inspection checklist steps during each inspection and retain all completed inspection checklists as evidence of inspections performed and deficiencies identified.

Recommendation No. 4:

Utilities Management should:

- A) Update the Utilities Health and Safety Plan to reflect that Risk Management’s Safety and Loss Prevention Administrator is responsible for follow-up procedures to confirm safety inspection deficiencies are timely corrected.
- B) Update the Utilities Health and Safety Plan to reflect that the Safety Administrator is responsible for the statistical analysis of safety inspection issues.
- C) Coordinate with the Director of Risk Management to ensure there is agreement on the Safety and Loss Prevention Administrator’s roles and responsibilities documented in the Utilities Health and Safety Plan regarding follow-up procedures.

Once the Utilities Health and Safety Plan is updated, Risk Management’s Safety and Loss Prevention Administrator should:

- D) Implement follow-up procedures to confirm safety inspection deficiencies are timely corrected.

Once the Utilities Health and Safety Plan is updated, the Safety Administrator should:

- E) Coordinate with Safety Analysts to create a repository of identified inspection issues and locations to perform an annual statistical analysis of deficiencies identified.

Utilities Response to Recommendation No. 4:

Management concurs.

The Safety Administrator will update the Utilities Health and Safety Plan to reflect that Risk Management’s Safety and Loss Prevention Administrator is responsible for follow-up procedures to confirm that safety inspection deficiencies are corrected in a timely manner. Utilities Management will update the Utilities Health and Safety Plan to reflect that the Safety Administrator is responsible for the statistical analysis of safety inspection issues. The Safety Administrator will coordinate with the Director of Risk Management to ensure there is agreement on the Safety and Loss Prevention Administrator’s roles and responsibilities documented in the Utilities Health and Safety Plan. Once the Utilities Health and Safety Plan is updated Risk Management’s Safety and Loss Prevention Administrator will implement follow-up procedures to confirm safety inspection deficiencies are corrected in a timely manner. Once the Utilities Health and Safety Plan is updated, the Safety Administrator will coordinate with Safety Analysts to create a



repository of identified inspection issues and locations to perform an annual statistical analysis of deficiencies identified.

The Risk Management process is to follow up with each area 30 days after the inspection to ensure corrective action has been taken. Staff have been reminded of this requirement and are being audited by the Risk Management Safety Administrator for compliance. If corrective action is not taken by the department, staff is to notify the Director of Risk Management of the non-compliance who will then work directly with the Utilities Director for a resolution.

In closing, Orange County Utilities would like to reiterate our current and historic positive working relationship with your staff and commend their efforts on this audit and subsequent report. We consider these independent reviews as an opportunity to strengthen our operations, our service levels to our customers and visitors, and to continuously improve as a premier utility.