

FY 2016 Follow-up Federal Annual Monitoring and Evaluation (FAME) Report

State of Washington
Division of Occupational Safety and Health (DOSH)



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I. Executive Summary

A. State Plan Activities, Trends, and Progress

The purpose of this report is to assess the performance of Washington's Division of Occupational Safety and Health (DOSH) during Fiscal Year (FY) 2016 with regard to activities mandated by the Occupational Safety and Health Administration (OSHA) and to gauge the State Plan's progress toward resolving recommendations from the FY 2015 Comprehensive FAME. This report also assesses the State Plan's achievement of its Annual Performance Plan goals, as well as its progress toward the goals in its Five-Year Strategic Plan.

Over the last five years, DOSH has consistently performed at a high level. The State Plan is well managed and sets reasonable goals, which focus on the key areas that impact worker safety and health, to include high-hazard industries. In addition, the State Plan has broad support of the governor and the Washington state legislature.

The primary issue DOSH faces is the high turnover of staff, which directly impacts the State Plan's ability to meet its inspections goals. As a result, DOSH has experienced a steady decline in the number of inspections conducted in the last three years. It also impacts citation lapse time, timeliness of verifying abatement, and the in-compliance rate. They have submitted adjustment proposals for employee pay packages to the state's Human Resource office and now wait for legislative approval.

DOSH is proactively addressing emerging regulatory issues faced by workers in the state by beginning the process to amend its current rules on temporary worker housing, telecommunications, and cell tower safety.

A review of DOSH's Fall Protection Standard in Residential Construction was completed during the FY 2013 evaluation period. At that time several concerns were identified. A letter was sent requesting DOSH to provide information on the effectiveness of its standard. The State Plan provided a detailed response. Throughout the FY 2014 and FY 2015 evaluation periods, OSHA worked with DOSH and encouraged them to update their standard to be at least as effective as OSHA's. DOSH began the rule making process in July of 2016 and expects to have a proposed rule for review sometime in 2017.

DOSH has not completed corrective actions for the two findings identified in the FY 2015 FAME Report. OSHA continues to work with DOSH to resolve these findings, as well as the two continued observations and one new observation. Appendix C provides the status of the FY 2015 findings in detail. Appendix B provides the status of the observations.

DOSH has increased the number of serious/willful/repeat citations per inspection over FY 2016 improving to 1.81 from 1.69. While their inspection lapse time is lower than the national average for both safety (42.62 days vs 45.16 days) and health (47.14 days vs 57.28 days), it has been trending upward over the last three years.

Of particular note is the increase in average penalties. DOSH successfully worked with the Washington Industrial Safety and Health Act (WISHA) Advisory Committee to develop and implement changes to the penalty rules. The new rules went into effect at the end of FY 2014. This resulted in the average penalties for FY 2016 doubling over FY 2015 and more than doubling from FY 2014. Their average penalty retention after settlement is also higher than the national average, 80.42% vs 69.86%.

Table 1			
Average Current Penalty per Serious Violation			
National Standard or State Plan Negotiated Goal by Employer Size	FY 2016	FY 2015	FY 2014
<u>NATIONAL STANDARD:</u>			
Total	\$2279.03 (+/- 569.76)	Total = \$2154.04	Total = \$1040.97
1-25	\$1558.96 (+/- 389.74)	1-25 = \$1586.22	1-25 = \$800.53
26-100	\$2549.14 (+/- 637.28)	26-100 = \$2316.13	26-100 = \$1134.64
101-250	\$3494.20 (+/- 873.55)	101-250 = \$3141.43	101-250 = \$1729.56
251+	\$4436.04 (+/-1109.01)	251+ = \$4219.47	251+ = \$2373.48
			Total = \$866.67
			1-25 = \$710.32
			26-100 = \$841.09
			101-250 = \$1429.83
			251+ = \$1926.75

B. State Plan Introduction

The State of Washington, under an agreement with OSHA, operates an occupational safety and health program through its Department of Labor and Industries, Division of Occupational Safety and Health (DOSH). The Washington Industrial Safety and Health Act (WISHA) was established in accordance with Section 18 of the Occupational Safety and Health Act of 1970. The State Plan’s enabling legislation, the WISH Act, took effect in 1973, and the Secretary of Labor certified in 1982 that the State Plan had completed all of the required developmental steps in the plan.

The director of the Washington Department of Labor and Industries is appointed by the governor, and serves as the official State Plan designee. An assistant director is appointed by the director and is in charge of DOSH; the assistant director directs central office and regional operations. The current director is Joel Sacks; the assistant director is Anne Soiza.

DOSH establishes policy, provides technical guidance, writes standards, develops internal and external training, monitors and evaluates programs, conducts inspections, investigates allegations of workplace safety and health related retaliation, and provides consultation services. All on-site consultation (both state and local government and private) in the state of Washington is provided through 23(g) or 100% state funding. There is no 21(d) consultation component.

DOSH exercises jurisdiction over state and local government workplaces and private sector employers not covered by OSHA. OSHA’s inspection authority is limited to private employers at national parks and military installations, maritime activities on the navigable waters, and federal government employers. OSHA also covers establishments on Indian lands that are

tribally-owned, as well as employers who are enrolled tribal members working on reservations or on trust lands.

Over the years, DOSH has adopted a number of safety and health standards, which differ from their federal counterparts. Examples include the State Plan's rules for crane safety, respiratory protection, aerial lifts, and agriculture. DOSH has also adopted a number of state-initiated rules for which there are no federal counterparts, including requirements for written safety and health programs, safety committees, and heat-related illnesses.

During FY 2016, DOSH was staffed with 387 positions, which included 116 compliance officers and 44 consultants. The program covers approximately 3 million workers employed in over 237,644 establishments statewide. Washington's federally-approved state OSHA program was funded at about \$45.34 million, \$7.02 million of which were federal funds. There were 224 DOSH positions funded entirely by the state.

C. Data and Methodology

OSHA has established a two-year cycle for the FAME process. This is the follow-up year, and as such, OSHA did not perform the level of case file review associated with a comprehensive FAME. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME.

Monitoring of the State Plan consisted of a variety of methods and tools. The opinions, analyses, and conclusions described herein are based on information obtained from these sources:

- Analysis and monitoring of the FY 2015 DOSH Corrective Action Plan, which provides the State Plan's status and response to the FY 2015 FAME (Appendix C);
- Statistical reports comparing State Plan performance to federal performance;
- State Activity Mandated Measures (SAMM) Report data (Appendix D);
- The FY 2016 Mandated Activities Report for Consultation (MARC);
- State Information Report data (SIR);
- The FY 2016 State OSHA Annual Report (SOAR) prepared by DOSH, which contains details of the State Plan's achievements with respect to its annual goals;
- Grant assurances; and
- Quarterly monitoring meetings between OSHA and the State Plan.

D. Findings and Observations

In FY 2015, OSHA made two recommendations for program improvement: one related to the continued decline in DOSH's inspection goals, and one related to their residential fall protection rule. As noted in the report below, DOSH has made strides to address both findings. As they are

large in scope, and dependent in part on outside agencies, they have not been completed and OSHA considers them open. Both findings will be continued into the next evaluation period.

Two observations were noted in the FY 2015 FAME Report. DOSH is still struggling with a high turnover rate of their inspection and consultation staff. Also, they did not meet their goal of verifying abatement of 95% of hazards identified within 14 days of the abatement date. These two observations will continue to be monitored.

There is one new observation for the evaluation period. DOSH was outside the further review level for in-compliance rate for safety inspections (SAMM 9). The State Plan's percent in-compliance rate of 40.18% for safety inspections is above the further review level of 34.62% (+20% of the national average of 28.85%). This measure has been trending upwards over the last three years. OSHA believes that this result is related to the program's high turnover rate.

II. Assessment of State Plan Performance

A. Major New Issues

Maximum Penalty Increase

With the passage of the Bipartisan Budget Bill on November 2, 2015, OSHA raised its maximum penalties effective August of 2016 and again increased penalties according to the Consumer Price Index (CPI) in January of 2017. As required by law, OSHA will continue to raise maximum penalties each year according to the CPI. State Plans are required to adopt both the catch-up increase and annual increase.

B. Assessment of State Plan Progress in Achieving Annual Performance Goals

DOSH established a Five-Year Strategic Plan for the period from October 1, 2015 (FY 2016) through September 30, 2020 (FY 2020). These goals included short- and long-range objectives aimed at improving safety and health for Washington's workers. Each year, DOSH develops and submits its Annual Performance Plan as part of its application for federal funds.

The FY 2016 DOSH Annual Performance Plan is divided into two goal categories – (A) strategic and (B) direct service. In support of the Five-Year Strategic Plan, DOSH developed ten goals in its Annual Performance Plan, along with seven direct service goals. The following is OSHA's assessment of DOSH's performance compared to its FY 2016 annual goals:

Strategic Goal 1

Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.

Annual Performance Goal A1: Develop and implement WISHA 10 Agriculture Train-the-Trainer program in English and Spanish by September 30, 2016

Results – The WISHA-10 Agriculture train-the-trainer program was conducted once during FY 2016.

OSHA Assessment – The State Plan met this goal.

Annual Performance Goal A2: Establish and convene Agriculture Safety Forum by September 30, 2016

Results – A third Agriculture Safety Forum meeting was held in October 2016.

OSHA Assessment – The State Plan met this goal.

Annual Performance Goal A3: Distribute Agriculture safety pocket guide by September 30, 2016

Results – DOSH issued a first printing of 10,000 copies in English and 5,000 in Spanish. Partnership with the Washington State Farm Bureau bolstered the development and dissemination of the AG safety guide.

OSHA Assessment – The State Plan met this goal.

Annual Performance Goal A4: Increase percentage of inspections in Logging from FY 2014 with preference on non-LSI (Logger Safety Initiative) employers.

Results – DOSH indicated in the FY2016 SOAR that they increased the percentage of total logging inspections conducted with non-LSI employers by 11% from FY 2014. While they did meet their annual performance goal, the total number of logging inspections between FY2014 and FY2016 decreased by 37%, from 150 logging inspections in FY 2014 to 94 logging inspections in FY 2016. The number of inspections conducted with non-LSI employers decreased by 21, from 85 inspections with non-LSI employers in FY 2014 to 64 inspections with non-LSI employers in FY2016.

OSHA Assessment – The State Plan met this goal, in that they increased the percentage of total logging inspections that were conducted with non-LSI employers between FY2014 and FY2016.

Annual Performance Goal A5: 100% of Logging Safety Initiative (LSI) employers (as of 10/1/15) receive a follow-up (Tier 3) consultation visit by September 30, 2016.

Results – Eighty three of 89, or 93%, of LSI employers received a follow-up consultation visit. Of those not visited, two were scheduled at the time of this report and four were no longer active work sites.

OSHA Assessment – OSHA considers that this goal was met by the State Plan, as all eligible LSI employers were either visited, scheduled, or no longer active at the time of this report.

Annual Performance Goal A6: Cell tower rules will be adopted by September 30, 2016

Results – DOSH was required to focus their efforts on other higher priority rules and was not able to meet this goal. The final draft was forwarded for an economic analysis and is expected to be complete by early 2017. Public hearings will follow in the spring of 2017, with a tentative adoption in May or June 2017.

OSHA Assessment – The State Plan did not meet this goal. While circumstances beyond the control of the State Plan prevented completion of this goal, the State Plan moved forward with the rule making process and expects completion mid-year in FY 2017.

Annual Performance Goal A7: Develop training and outreach plan to support cell tower rules by September 30, 2016

Results – DOSH Education and Outreach has developed the training and a plan is ready to deliver it once the new rules have been finalized.

OSHA Assessment – The State Plan met this goal.

Strategic Goal 2

Reduce the risk of catastrophic releases of hazardous chemicals in Washington State.

Annual Performance Goal A8: Conduct 20 safety or health inspections or consultations at facilities covered by Process Safety Management (PSM) requirements by September 30, 2016

Results – DOSH conducted 22 visits at PSM covered facilities. DOSH has four full-time compliance safety and health officer (CSHO) positions dedicated to doing PSM inspections.

OSHA Assessment – The State Plan met this goal.

Annual Performance Goal A9: Establish Refinery Safety Advisory Group, hold at least one meeting and schedule a 2nd meeting by September 30, 2016

Results – DOSH formed the Process Safety Management (PSM) Advisory Committee last year in response to a request from the United Steelworkers union. It is comprised of representatives from both labor and management from each of the five refineries in Washington. The PSM Advisory Committee held its first meeting in September 2015 and met three more times in 2016 including January, April, June, and September.

The PSM Advisory Committee established a Rule Review Taskforce to work collaboratively on the first major review of the Washington State PSM rule since 1992. This taskforce will meet seven times between October 2016 and April of 2017 to review the PSM rule and identify areas where existing PSM requirements can be improved.

OSHA Assessment – The State Plan met this goal.

Strategic Goal 3

Recruit and retain technically skilled safety and health professionals, including qualified bilingual professionals

Annual Performance Goal A10: Identify, implement, and monitor action for at least one A3 counter measure from the Lean Retention and Recruitment project

Results – Due to significant turn-over levels, the State Plan worked with the department’s Office of Human Resources to develop Classification & Compensation packages requesting significant salary increases at all levels of the Safety & Health Specialist and Industrial Hygienist job classification series. These packages were submitted to Washington State’s HR Office in September of 2015, and were considered during collective bargaining negotiations during May-September 2016. Modest salary increases were included in the proposed contract, which was ratified by union members. In order for it to take effect, it must now be approved by the Washington State Legislature.

The State Plan did not get assignment pay for staff that hold professional certification, or for high-cost geographic locations, but the tentative agreement does include a provision for hazard pay in some cases when using PPE.

OSHA Assessment – The State Plan met this goal.

Annual Performance Goal B1: Reduce deaths from work-related injuries in support of the 2015 goal of no more than 2.0 deaths per 100,000 full-time workers

Results – Final data from the Census of Fatal Occupational Injuries (CFOI) showed that in calendar year 2015, the most recent year available, the fatal injury rate in the state of Washington was 2.1 per 100,000 full time workers.

OSHA Assessment – The State Plan did not meet their goal. However, since 1996, DOSH has consistently been at or below the national average for this indicator. In 2015, the state of Washington saw the lowest fatality rate in the nation for construction (4.2 per 100,000 full time workers) and the second lowest rate overall in the nation. OSHA will continue to monitor this goal in FY 2017.

Annual Performance Goal B2: Conduct at least 2,060 on-site consultations.

Results – The consultation program conducted a total of 2,145, or 104% of its goal.

OSHA Assessment – The State Plan met this goal.

Annual Performance Goal B3: Conduct at least 5,000 compliance inspections.

Results – DOSH completed 4,049 compliance inspections for FY 2016, which is 81% of the goal. High staff turnover continues to be a challenge for the State Plan.

OSHA Assessment – The State Plan did not meet this goal, and this was noted as Finding FY 2016-01. The number of inspections conducted has been trending downward for the last three years. OSHA has discussed DOSH’s enforcement performance in FY 2016 during quarterly meetings. See Annual Performance Goal A10 for the state’s efforts to address employee retention.

Annual Performance Goal B4: Ensure that 100% of serious hazards are corrected and that 95% are verified by Consultants within 14 days of the abatement date.

Results – DOSH consultation ensured that 100% of serious hazards were corrected and verified the correction of 96% (4,903/5,099) serious hazards within 14 days of the abatement dates.

Note: Data is produced through the Washington Labor and Industries Data Warehouse, rather than the MARC Report. This allows DOSH to monitor performance on a more frequent basis and accommodates the reduction in the measurement period from 30 days to 14 days.

OSHA Assessment – This goal was met. The State Plan has an effective system to ensure that serious hazards are abated and verified by consultants within 14 days.

Annual Performance Goal B5: Ensure that 100% of serious violations are corrected and that 95% are verified by inspectors within 14 days of the abatement date.

Results – DOSH inspectors ensured that 100% of serious violations were abated and verified the correction of 92% (2,017/2,188) serious hazards within 14 days of the abatement dates.

OSHA Assessment – The State Plan did not meet the verification requirement of this goal, and this was noted as Observation FY2016-OB-02. On-going recruitment, retention, and vacancy issues resulting in a diminished number of fully trained and experienced CSHOs contributed to not meeting this goal.

Annual Performance Goal B6: Maintain health citation lapse time at or below the current national average of 64.9 calendar days (for citations with violations, from opening conference to issuance date).

Annual Performance Goal B7: Maintain safety citation lapse time at or below the current national average of 51.9 calendar days (for citations with violations, from opening conference to issuance date).

Results – According to the FY2016 Appendix D SAMM report, the lapse time for safety inspections was 42.62 days and the lapse time for health inspections was 47.14 days. DOSH also calculates their lapse times independently using the L&I Data Warehouse, WISHA Information Network (WIN). This allows them to monitor their own performance on a more frequent basis.

In their 2016 SOAR report, DOSH listed the final lapse time for safety violations as 52.8 days and the final lapse time for health inspections as 63.7 days.

OSHA Assessment – The State Plan met the lapse time goal for health citations. The lapse time for safety inspections has been trending upward for the last three years, which may be another result of the high CSHO turnover that was highlighted in the executive summary of this report. OSHA will continue to monitor this trend in the upcoming review period. That being said, using the FY2016 Appendix D SAMM data the State Plan met their goal for safety inspection lapse time. Even when using the State Plan’s WIN data from the 2016 SOAR report, they were still within 2% of meeting their annual performance goal. OSHA considers the safety lapse time goal to have been met in FY2016.

C. Highlights from the State Activity Mandated Measures (SAMM)

Average Current Penalty Per Serious Violation

Washington OSHA’s average current penalty per serious violation in private sector (SAMM 8: 1-250+ workers) was \$2,154.04 in FY 2016. The Further Review Level (FRL) is -25% of the National Average (\$2,279.03) which equals \$1,709.27. Penalties are one component of effective enforcement, and State Plans are required to adopt penalty policies and procedures that are “at least as effective” (ALAE) as those contained in OSHA’s FOM, which was revised on August 2, 2016, to include changes to the penalty structure in Chapter 6 – Penalty and Debt Collection. OSHA will continue to explore ALAE analysis of State Plan penalty structures to include evaluation of average current penalty per serious violation data.

Generally, DOSH does well on its SAMMs. Though there are some deviations from the national average indicated in the data, where deviations or outliers are identified, the data is closely monitored by OSHA and discussed with the State Plan at quarterly meetings. Those measures, which are noted to have deviations or outliers during this evaluation period, are explained below:

SAMM 2A – Time to Initiate Complaint Investigations STATE formula

The average complaint and referral response time for DOSH was 5.29 days, which is higher than the negotiated further review level of 5 days. The State Plan’s difficulty in meeting this metric may be due to the high vacancy rate among enforcement staff that is a symptom of the State Plan’s high turnover rate. However, the State Plan has improved on this metric compared to FY 2015, when the average response time was 8.06 days. Because the State Plan was within less than one day from operating within the further review level for this metric and has improved their time from the previous year, OSHA does not consider this to be a significant issue.

SAMM 7 – Safety & Health Inspections

DOSH did not meet this goal, and this was noted as Finding FY 2016-01. The State Plan conducted 4,099 inspections, falling short of the goal set forth in their grant application of 5,005 inspections by 18%. The number of inspections conducted has been trending downward for the last three years, and this may be related to the high turnover rate of State Plan employees. See

Annual Performance Goal A10 for more information about the state's efforts to address employee retention.

SAMM 9- Percent in Compliance

DOSH had a percent in-compliance rate for safety inspections of 40.18%. The national average for in-compliance rate for safety inspections was 28.85% and the further review level was 34.62%. As the State Plan's rate was higher than the further review level for this measure, this item will be monitored in FY 2017 as Observation FY2016-OB-03. This measure has been trending upwards over the last three years and may be a result of the State Plan's high employee turnover rate. The high turnover rate has resulted in less experienced staff conducting inspections, and less experienced staff may have more difficulty identifying hazards.

The State Plan's percent in-compliance rate for health inspections was 29.10%, which was lower than the national percent in-compliance rate for health inspections of 35.68% (and further review level of 42.82%). One reason for the discrepancy between safety and health in-compliance rates may be that the State Plan has experienced a lower level of turnover among their health staff than their safety staff.

SAMM 10 – Percent of Work-Related Fatalities Responded to in One Working Day

DOSH responded to 80.77% of the work-related fatalities within one working day. The further review level was 100% (fixed further review level for all State Plans). For each outlier, the State Plan provided a reasonable explanation as to why the response took greater than one day. In most cases, the State Plan was onsite the day of the accident, but was unable to open with the employer due to circumstances beyond its control, e.g. a police investigation, distraught owner unable to talk at the time, or lack of representation onsite. Therefore, OSHA did not deem this to be a significant issue within the State Plan.

SAMM 13 – Percent of Initial Inspection with Worker Walk Around Representation

Workers were represented during the walk around in 92.95% of the inspections the State Plan conducted. The national standard is 100%. DOSH was able to adequately justify why they did not meet the national standard, as they sometimes open inspections with small employers where a worker representative is not available.

Appendix D provides complete SAMM results for FY 2016.

III. Assessment of State Plan Corrective Actions

This section summarizes the findings and observations for the previous evaluation period and the State Plan's progress in taking corrective action towards addressing these items. DOSH had a total of two findings and two observations in the FY 2015 FAME. DOSH is working to correct both findings. Both are contingent on agencies outside of DOSH to complete, and, as such, they remain open and will continue to be monitored in FY 2017. The two observations are still open, and will continue to be monitored in FY 2017.

Finding FY 2015-01: DOSH has consistently missed their inspection goals over each of the last three years. This struggle is due primarily to staffing vacancies resulting from a high turnover rate and retirements.

Recommendation FY 2015-01: The State Plan should continue efforts to understand and address its high turnover rate and fill staff vacancies in order to reach inspection goals.

Status: In its response to the FY 2016 FAME Report, the State Plan submitted proposals for adjustments to employee pay packages to the state's Human Resource office. A version of the proposals was approved by the collective bargaining unit and is now waiting for approval by the state Legislature. As the proposal has yet to be accepted by the legislature and its effect on the State Plan's ability to meet their inspection goal has yet to be determined, this finding has not yet been completed. Details of any corrective actions taken for this item will be discussed in the next comprehensive FAME Report in FY 2017. This item remains open and continued as Finding FY 2016-01.

Finding FY 2015-02: DOSH's standards and enforcement program for fall protection in residential construction is not at least as effective as that of OSHA's. The failure to adopt an equivalent standard leaves Washington state workers exposed to fall hazards.

Recommendation FY 2015-02: The State Plan should implement a fall protection standard at least as effective as the federal standard.

Status: A review of the State Plan's Fall Protection Standard in Residential Construction was completed during the FY 2013 evaluation period. At that time, several concerns were identified. A letter was sent requesting the State Plan provide information on the effectiveness of its standard. The State Plan provided a detailed response. Throughout the FY 2014 and FY 2015 evaluation periods, OSHA worked with the State Plan and encouraged them to update their standard to be at least as effective as OSHA's. The State Plan began the rule making process in July of 2016 and expects to have a proposed rule for review sometime in 2017. As the final rule has not yet been promulgated, this finding has not yet been completed. Details of any corrective actions taken for this item will be discussed in the next comprehensive FAME Report in FY 2017. This item remains open and continued as Finding FY 2016-02.

Observation FY 2015-OB-01: DOSH has a problem with a high turnover rate of inspectors and consultants. The rate of turnover directly contributes to the State Plan struggling to meet both its enforcement and consultation goals. To better understand the turnover rate, in 2012, the State Plan began conducting exit interviews of employees leaving the program; of the 66 inspectors or consultants leaving DOSH, 41 (or 62%) reported salary disparity as the primary factor. The reported disparity has been as much as 75%.

Status: The State Plan is still experiencing a high turnover rate and continues working to address the pay disparity that has been identified as a major contributing factor. OSHA will continue to monitor this observation as FY 2016-OB-01.

Observation FY 2015-OB-02: DOSH did not meet their goal of having 95% of serious hazards verified abated within 14 days of the abatement date. Additionally, the average percentage of violations verified abated within 14 day of the abatement date has decreased over the last five years.

Status: This could be attributed to the high turnover rate and new inexperienced staff. OSHA will continue to monitor this observation in light of the efforts to improve employee pay and retention. Further discussion will be conducted during FY 2017. This observation will be carried forward as FY 2016-OB-02.

Appendix A – New and Continued Findings and Recommendations

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FY 20XX-#	Finding	Recommendation	FY 20XX-# or FY 20XX-OB-#
FY 2016-01	DOSH has consistently missed their inspection goals over each of the last three years. This struggle may be attributed to staffing vacancies resulting from a high turnover rate and retirements.	The State Plan should continue efforts to understand and address its high turnover rate and fill staff vacancies in order to reach inspection goals.	FY 2015-01
FY 2016-02	DOSH's standards and enforcement program for fall protection in residential construction is not at least as effective as that of OSHA's. The failure to adopt an equivalent standard leaves Washington state workers exposed to fall hazards.	The State Plan should implement a fall protection standard at least as effective as the federal standard.	FY 2015-02

Appendix B – Observations Subject to New and Continued Monitoring

FY 2016 Washington Follow-up FAME Report

Observation # FY 20XX-OB-#	Observation# FY 20XX-OB-# or FY 20XX-#	Observation	Federal Monitoring Plan	Current Status
FY 2016-OB-01	FY 2015-OB-01	The State Plan has a problem with a high turnover rate of inspectors and consultants. The rate of turnover directly contributes to the State Plan struggling to meet both its enforcement and consultation goals. To better understand the turnover rate, in 2012, the State Plan began conducting exit interviews of employees leaving the program; of the 66 inspectors or consultants leaving DOSH, 41 (or 62%) reported salary disparity as the primary factor. The reported disparity has been as much as 75%.	Region X will continue to monitor and support the State Plan in an attempt to remedy compensation disparity for inspectors and consultants pay.	Continued
FY 2016-OB-02	FY 2015-OB-02	DOSH did not meet their goal of having 95% of serious hazards verified abated within 14 days of the abatement date. Additionally, the average percentage of violations verified abated within 14 day of the abatement date has decreased over the last five years.	OSHA will emphasize the importance of compliance personnel being familiar with the abatement verification goal and the importance of abatement verification in quarterly meetings.	Continued
FY 2016-OB-03		The state did not meet their in-compliance rate goal. The state's rate of 40.18% in-compliance inspections is above the further review level of 34.62%. This measure has also been trending upwards over the last three years.	OSHA will emphasize the importance of hazard identification and ensure that the state is providing adequate training for their new employees during the quarterly meetings.	New

Appendix C - Status of FY 2015 Findings and Recommendations

FY 2016 Washington Follow-up FAME Report

FY 20XX-#	Finding	Recommendation	State Plan Response/Corrective Action	Completion Date	Current Status and Date
FY 2015-01	DOSH has consistently missed their inspection goals over each of the last three years.	The State Plan should continue efforts to understand and address its high turnover rate and fill staff vacancies in order to reach inspection goals.	The State Plan worked with Labor & Industries' Office of Human Resources to develop classification & compensation packages requesting significant salary increases at all levels of the Safety & Health Specialist and Industrial Hygienist job classification series. Package proposal were submitted to the state's HR department and must now be approved by the Washington State Legislature during the current session.	Ongoing	Ongoing
FY 2015-02	DOSH's standards and enforcement program for fall protection in residential construction is not at least as effective as that of OSHA's. The failure to adopt an equivalent standard leaves Washington state workers exposed to fall hazards.	The State Plan should implement a fall protection standard at least as effective as the federal standard.	DOSH is in the early stages of the rulemaking process. An initial stakeholder meeting was held on July 11, 2016. Subsequent meetings were held on August 29, 2016 and December 13, 2016. DOSH gathered input and discussed their proposed changes at these meetings. A draft of the new rule will be sent out for comments during the first quarter of the new year. Changes will be made after the comment period closes and the rule submitted to OSHA for review. No firm dates were given.	Ongoing	Ongoing

Appendix D – FY 2016 State Activity Mandated Measures (SAMM) Report

FY 2016 Washington Follow-up FAME Report

Fiscal Year 2016 is the first year since the transition from the NCR (OSHA’s legacy data system) began that all State Plan enforcement data has been captured in OSHA’s Information System (OIS). All State Plan and federal whistleblower data continues to be captured in OSHA’s WebIMIS System. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report and State Plan WebIMIS report run on November 14, 2016, as part of OSHA’s official end-of-year data runs. The further review levels for SAMMs 5, 8, 9, 11, 12, 15, and 17 have been negotiated to rely on a three-year national average. However, due to the recent transition to OIS, the further review levels for these SAMMs will rely on a one-year national average for one more year.

Appendix D – FY 2016 State Activity Mandated Measures (SAMM) Report
 FY 2016 Washington Follow-up FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Washington – DOSH			FY 2016	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	11.66	15 days for serious hazards; 30 days for other than serious hazards	Further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	11.66	N/A	This measure is for informational purposes only and is not a mandated measure.
2a	Average number of work days to initiate complaint investigations (state formula)	5.29	5	Further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	5.29	N/A	This measure is for informational purposes only and is not a mandated measure.
3	Percent of complaints and referrals responded to within one workday (imminent danger)	100%	100%	Further review level is fixed for all State Plans.
4	Number of denials where entry not obtained	0	0	Further review level is fixed for all State Plans.

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5	Average number of violations per inspection with violations by violation type	SWRU: 1.81	+/- 20% of SWRU: 1.87	Further review level is based on a one-year national rate.
		Other: 1.88	+/- 20% of Other: .99	
6	Percent of total inspections in state and local government workplaces	4.32%	+/- 5% of 5.09%	Further review level is based on a number negotiated by OSHA and the State Plan through the grant application.
7	Planned v. actual inspections – safety/health	S: 3,077	+/- 5% of S: 3,900	Further review level is based on a number negotiated by OSHA and the State Plan through the grant application.
		H: 1,022	+/- 5% of H: 1,105	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$2,154.04	+/- 25% of \$2,279.03	Further review level is based on a one-year national rate.
	a. Average current serious penalty in private sector (1-25 workers)	\$1,586.22	+/- 25% of \$1,558.96	Further review level is based on a one-year national rate.
	b. Average current serious penalty in private sector (26-100 workers)	\$2,316.13	+/- 25% of \$2,549.14	Further review level is based on a one-year national rate.
	c. Average current serious penalty in private sector (101-250 workers)	\$3,141.43	+/- 25% of \$3,494.20	Further review level is based on a one-year national rate.
	d. Average current serious penalty in private sector (greater than 250 workers)	\$4,219.47	+/- 25% of \$4,436.04	Further review level is based on a one-year national rate.
9	Percent in compliance	S: 40.18%	+/- 20% of S: 28.85%	Further review level is based on a one-year national rate.

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		H: 29.10%	+/- 20% of H: 35.68%	
10	Percent of work-related fatalities responded to in one workday	80.77%	100%	Further review level is fixed for all State Plans.
11	Average lapse time	S: 42.62	+/- 20% of S: 45.16	Further review level is based on a one-year national rate.
		H: 47.14	+/- 20% of H: 57.28	
12	Percent penalty retained	80.42%	+/- 15% of 69.86%	Further review level is based on a one-year national rate.
13	Percent of initial inspections with worker walk around representation or worker interview	92.95%	100%	Further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	95%	100%	Further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	16%	+/- 20% of 24%	Further review level is based on a three-year national average.
16	Average number of calendar days to complete an 11(c) investigation	73	90	Further review level is fixed for all State Plans.
17	Percent of enforcement presence	2.90%	+/- 25% of 1.26%	Further review level is based on a one-year national rate.