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and Health Division**  
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State of Utah

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*Lieutenant Governor*

July 14, 2021

Via U.S. Mail and E-Mail

Nancy Hauter, Acting Regional Administrator, Region VIII  
Occupational Safety and Health Administration  
Denver Regional Office  
Cesar E. Chavez Memorial Building  
1244 Speer Boulevard, Suite 551  
Denver, CO 80204

**Re: Response of the Utah Occupational Safety and Health Division to the FY 2020 Follow-Up Federal Annual Monitoring and Evaluation (FAME) Report**

Dear Ms. Hauter,

Thank you for the opportunity to participate in the FY 2020 Follow-Up FAME of the Utah Occupational Safety and Health (UOSH) Division of the Utah Labor Commission. It is a pleasure working with you and your staff, and UOSH looks forward to continuing to build a mutually beneficial relationship with Region VIII. This letter will serve as UOSH's formal response to the specific findings and observations set forth in the FY 2020 Follow-Up FAME.

The mission of UOSH is to help ensure a safe and healthy workplace for every worker in the state of Utah. UOSH has worked effectively and consistently, despite the many challenges brought on by the COVID-19 pandemic, in pursuit of that mission. UOSH moved quickly to implement remote work in March of 2020, and due to the great success that resulted from this change, UOSH

staff will continue to do remote work moving forward. UOSH has adapted well to the challenges brought on by the pandemic, and has continued to work on the findings and observations in previous FAMES. UOSH believes that many, if not all, of these items will be closed during the FY 2021 Comprehensive FAME process.

UOSH responds specifically as follows to the findings in the FY 2020 Follow-Up FAME:

*Finding FY 2020-01 (previously FY 2019-01): In FY 2019, UOSH did not ensure that non-management employees were provided an opportunity to participate in the inspection process, through interviews or other means, in 11 of the 102 (10.8%) case files.*

UOSH Response: UOSH management has continued to refine its internal procedures for the Compliance Safety and Health Officers (CSHOs) to address this finding. It should be noted, that prior to the FY 2019 Comprehensive FAME, OSHA never clarified that the definition of “worker” was intended to mean solely non-managerial employees. SAMM Measure 13 was understood literally to mean the “percent of initial inspections with employee walk around representation or employee interview” as stated in the State Plan Policies and Procedures Manual (SPPPM). The language was changed in the FY 2019 Comprehensive FAME to specify non-managerial employees being provided an opportunity to participate in the inspection. UOSH has been working since that time to ensure better documentation in UOSH case files in order to correct this finding.

The FY 2020 Follow-Up FAME included four observations related to the Compliance program and one observation specific to the Whistleblower program. UOSH has continued to work with the UOSH staff in both the Compliance and Whistleblower programs, and believes that many of these issues have already been, or will be resolved by the FY 2021 Comprehensive FAME.

UOSH will continue to work towards consistency and efficiency so that it can better serve the people of Utah by helping to create a safe and healthy workplace.

The response to the findings and observations found in the FY 2020 Follow-Up FAME will be summarized in the corrective action plan (CAP) which UOSH will provide by July 31, 2021.

UOSH requests that this letter be posted on OSHA’s webpage in conjunction with the FY 2020 Follow-Up FAME.

If you have any comments or concerns regarding this response or any UOSH matter, please feel free to contact me.

Sincerely,

Jacson R. Maughan  
Commissioner  
Utah Labor Commission