



## **Labor Commission**

JACSON R. MAUGHAN  
*Commissioner*

## **Utah Occupational Safety and Health Division**

FLOYD JOHNSON  
*Division Director*

## **State of Utah**

SPENCER J. COX  
*Governor*

DEIDRE M. HENDERSON  
*Lieutenant Governor*

August 18, 2022

Via U.S. Mail and E-Mail

Jennifer Rous, 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 2021 Comprehensive Federal Annual Monitoring and Evaluation (FAME) Report**

Dear Ms. Rous,

Thank you for the opportunity to participate in the FY 2021 Comprehensive FAME (“FAME”) of the Utah Occupational Safety and Health (“UOSH”) Division of the Utah Labor Commission. It is a pleasure to be working with you and your staff, and UOSH looks forward to continuing our mutually beneficial relationship with Region VIII. As

there were no specific findings in FY 2021, this letter serves as UOSH's formal response to the observations set forth in the FAME.

The mission of UOSH is to help ensure a safe and healthy workplace for every worker in the state of Utah. To this end, UOSH strives to maintain a high level of efficacy while continuing to improve upon our state plan using those findings and observations from previous FAMEs as opportunities for positive improvement.

Utah, as with other states, has seen exponential growth in its population in recent years brought on by many large businesses moving into the state providing new employment opportunities and in turn increasing the demand on UOSH's consultation and compliance officers. UOSH has stepped up to meet the increasing demand by innovating and streamlining its operational processes to become more efficient in handling the increased work load. UOSH's efforts, coupled with these auditing processes, continue to directly contribute to the positive improvements and reduction in findings as evidenced by the FAME.

UOSH responds specifically as follows to the observations in the FAME:

*FY 2021-OB-01 (previously FY 2020-OB-01)*

*The State Plan did not conduct follow-up inspections for fatality inspections that included serious citations.*

*FY 2021-OB-02 (previously FY 2020-OB-02)*

*Of the 27 administratively closed whistleblower case files reviewed in FY 2021, 10 (37%) case files did not contain documentation of a second-level review or approval as part of the intake or screen-out process.*

*FY 2021-OB-03 (new)*

*In FY 2021, two of two (100%) closed inspections resulted in FTA violations, but the penalty amounts for both inspections were significantly below those outlined by the State Plan's FOM for FTA violations.*

UOSH has continued to work with its staff in both the Compliance and Whistleblower programs, and has resolved each of the listed observations. UOSH will continue working toward consistency, efficacy and efficiency as it continues to serve the people of Utah by helping ensure a safe and healthy workplace.

UOSH requests that this letter be posted on OSHA's webpage in conjunction with the FY 2021 Comprehensive 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