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Jennifer S. Rous, Region VIII Regional Administrator
Occupational Safety and Health Administration
Denver Regional Office
César E. Chávez Building Memorial Building
1244 Speer Blvd., Suite 551
Denver, CO 80204-3516

Dear Ms. Rous;

Please accept this letter of response to the FFY 2022 Federal Annual Monitoring and Evaluation (FAME) report received August 4, 2022. Wyoming Occupational Safety and Health (WYOSH) looks forward to continuing to build a mutually beneficial relationship with Region VIII. WYOSH requests this letter be posted with the FAME report as our official response.

The mission of Wyoming OSHA is to help ensure a safe and healthy workplace for every worker in the state of Wyoming. WYOSH has worked diligently in pursuit of that mission. The Program appreciates the positive recognition regarding the metrics of 1) retention of penalties, 2) retention of classification of violations, 3) reduction of time between opening conference and citation issuance and, 4) significant VPP Program success.

WYOSH responds specifically as follows to the findings in the FY 2021 FAME:

Finding FY 2021-01: The State Plan did not obtain complete abatement and review the abatement for phone/fax investigations to ensure timely closure of complaints. Twenty-three of 107 (21.4%) phone/fax investigations that had been open for at least 30 days and remained open at the end of FY 2021 did not

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have complete abatement, with 10 (9.3%) of those investigations being open since FY 2017 through FY 2020.

WYOSH Response: WYOSH management has continued to refine its evaluation of the receipt and review process for abatement to address this finding. WYOSH has implemented processes to regularly review supporting reports in OIS, such as UPA auditing, UPA Tracking and the SIR reports to manage timely closure of complaints, which includes the accountable CSHO and management. As noted in the FAME, the number of affected cases with open abatement decreased from FY 2020 to FY 2021, however the program believes many, if not all of these will be closed during the FY 2023 Comprehensive FAME Audit process.

Finding FY 2021-02: The number of open, non-contested cases with abatement incomplete for more than 60 calendar days has remained significantly high with 56 cases in 2019, 70 cases in 2020, and 49 cases in 2021.

WYOSH Response: WYOSH management has continued to refine its evaluation of the open non-contested cases with abatement incomplete for 60 calendar days to address this finding. WYOSH has implemented processes to regularly review supporting reports in OIS, such as Abatement tracking, SIR, as well as Open Inspection Reports to manage abatement which includes the accountable CSHO and management.. As noted within the finding, the number of affected cases with incomplete abatement has decreased from FY 2019 and FY 2020, as shown in the FY 2021 count. The program believes many, if not all of these will be closed during the FY 2023 Comprehensive FAME Audit process.

The FY 2021 Comprehensive FAME included two observations related to the Compliance program and one observation specific to the Whistleblower program. WYOSH has developed and will be implementing a SIEP for FY 2023. The Program will continue to work with the WYOSH 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 2023 Comprehensive FAME. WYOSH will continue to work towards consistency and efficiency so that it can better serve the people of Wyoming by helping to create a safe and healthy workplace. The response to the findings and observations found in the FY 2021 Comprehensive FAME is summarized in the attached corrective action plan (CAP) WYOSH 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 WYOSH matter, please feel free to contact me.

Respectfully,

Jason Wolfe,
Workforce Standards Administrator
Wyoming Department of Workforce Services

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