

**State of Utah**

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*Commissioner*

**Utah Occupational Safety and Health Division**

FLOYD C. JOHNSON

*Division Director*

June 25, 2024

# Re: Response of the Utah Occupational Safety and Health Division to the FY 2023 Comprehensive Federal Annual Monitoring and Evaluation (FAME) Report

Dear Ms. Rous,

Thank you for the opportunity to participate in the FY 2023 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 the Denver Region. This letter will serve as UOSH’s formal response to the specific observations set forth in the FY 2023 FAME.

UOSH has worked effectively and consistently, despite the many challenges brought on by the number of staff retirements and turnover experienced this year, in pursuit of its mission to help ensure a safe and healthy workplace for every worker in the State of Utah. UOSH moved quickly to recruit new qualified and competent staff to fill those vacancies and implemented a rigorous training program to ensure service to the employers and employees of Utah. Additionally, UOSH has continued to address the findings and/ or observations presented in previous FAME audits and believes that many, if not all, of those items will be closed during the FY 2024 follow-up FAME process.

UOSH responds specifically as follows to the Observations presented in the FY 2023 FAME:

**Observation FY 2023-OB-01 (previously FY 2022-OB-01 and FY 2021-OB-03):** *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 Response:

UOSH will review the FTA state statute alongside the FOM to ensure they align properly. UOSH will then reach out to OIS to make sure that the calculations are adjusted accordingly to reflect UOSH’s correct FTA amount.

**Observation FY 2023-OB-02:** *Five of 14 (35.7%) complaints assessed as not valid contained allegations or information that should have resulted in a “valid” assessment or that should have resulted in the State Plan contacting the complainant for further information.*

# UOSH Response:

UOSH management has engaged in dialogue with its compliance supervisors and conducted training pertaining to the subject matter. The specific occurrences referenced by OSHA in this Observation were categorized as low-hazard complaints, for which UOSH lacked sufficient resources at the time to initiate a formal inspection. Nevertheless, UOSH employed the inquiry process to either mitigate the identified concerns or verify their absence. This matter was resolved on March 27, 2024.

***Observation FY 2023-OB-03:*** *Seven health case files reviewed where sampling did not occur contained information about employee exposure to air contaminants. Of those seven case files, three included documentation as to why sampling did not occur. Four of seven (57.1%) case files where employee exposure to an air contaminant was alleged in a complaint or noted during the walk around did not include an evaluation of employee exposure to an air contaminant or documentation explaining why an evaluation did not occur.*

# UOSH Response:

UOSH conducted training sessions for its Industrial Hygiene (IH) CSHOs to emphasize the significance of providing detailed documentation regarding the reason(s) sampling is not conducted. Additionally, IH supervisors will conduct thorough reviews of future sampling cases in conjunction with health CSHOs to reiterate the importance and verify the accuracy of the documentation. This training was completed on March 20, 2024.

***Observation FY 2023-OB-04:*** *Two of five (40.0%) fatality investigation case files contained violation worksheets with inadequate evidence of employer knowledge. Eleven of 45 (24.4%) safety inspection case files contained violation worksheets with inadequate evidence of employer knowledge. Six of nine (66.7%) health inspection case files contained violation worksheets with inadequate evidence of employer knowledge.*

# UOSH Response:

UOSH has recently collaborated with the Assistant Attorney General (AAG) assigned to UOSH to implement an ongoing training initiative in conjunction with bimonthly staff meetings to regularly demonstrate the importance, and ensure comprehensive documentation of, applicable employer knowledge, and employee exposure in all safety and health cases. This training began in March 2024 and will continue for the foreseeable future.

In addition to the corrections listed above, UOSH will continue to work toward consistency and efficiency in its day-to-day operations to provide effective health and safety support and enforcement in the State of Utah.

UOSH requests that this letter be posted on OSHA’s webpage in conjunction with the FY 2023 Comprehensive FAME.

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

Sincerely,

 [Jaceson Maugha](https://utahgov.na1.echosign.com/verifier?tx=CBJCHBCAABAAZrVpA8pCUw0H-eHurepAUGwN4Z0SyI1D)n

[Jaceson Maughan (Jul 2, 2024 10:36 MDT)](https://utahgov.na1.echosign.com/verifier?tx=CBJCHBCAABAAZrVpA8pCUw0H-eHurepAUGwN4Z0SyI1D)

Jaceson R. Maughan Commissioner

Utah Labor Commission