

# **FY 2019 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report**

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



**Evaluation Period: October 1, 2018 – September 30, 2019**

Initial Approval Date: January 26, 1973  
State Plan Certification Date: February 9, 1982  
Final Approval Date: N/A

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## I. Executive Summary

The purpose of this report is to assess the Washington State Plan's performance for Fiscal Year (FY) 2019, and its progress in resolving outstanding findings from previous Federal Annual Monitoring Evaluation (FAME) Reports. As part of this comprehensive evaluation, an on-site review was conducted of the Washington, Division of Occupational Safety and Health's (DOSH) enforcement, consultation, and workplace retaliation case files.

The Washington State Plan continued to reduce the number of worker fatalities this year. A workplace fatality rate that was 1.1% below the national average for 100,000 workers was achieved in 2018, and has been below the national average for 23 years. An example of the State Plan's initiative was its response following a crane collapse that resulted in four worker and public fatalities, where traditional enforcement efforts were supplemented by issuing a Hazard Alert Letter (HAL) to immediately assist other employers in the industry. Additionally, steps were taken to promulgate a new crane standard to address the disassembly of tower cranes to prevent similar accidents. The issuance of HALs was also used to spread the word on emerging safety issues such as fall protection lifelines, risks of silica, and concrete pump truck blowouts. The focused attention on inspecting high hazard industries in the state like agriculture and logging, also resulted in exceeding inspection goals by 56% and 140%, respectively. Process Safety Management (PSM) rulemaking is also in progress to update requirements to current industry practices, and a new compliance PSM group was created and DOSH exceeded the goal of conducting 30 safety or health inspections or consultations at facilities covered by PSM by over 250%.

All public and private consultation is provided under 100% state funding. The consultation program provided effective services to employers in Washington. During this evaluation period a total of 2,964 consultation visits were conducted with a total of 183 consultation visits to state and local government agencies and 2,781 visits conducted in the private sector. The State Plan focused its efforts on employers with less than 250 employees and ensuring prompt abatement of hazards.

Education and outreach efforts focused on workplace injury and illness prevention continue to have a significant and growing impact. An example of these efforts is the Washington Industrial Safety and Health Act (WISHA)-10 hour Agriculture Worker Safety certification program where agriculture workers can earn a certification card by successfully completing ten hours of basic safety and health training through the WISHA 10 for Agriculture Worker Training Program. The goal to have 550 employees trained in FY 2019, was exceeded with 634 cards issued, 54 of which included train the trainer certifications.

Finally, the issue of lead exposure was addressed through proposed changes to the existing standard. The revised Lead standard would include changing Permissible Exposure Levels (PELs) based on scientific data, updating "housekeeping" standards, including personal protective equipment and ventilation requirements for employers operating in areas where there is increased lead exposure, and updating reporting requirements for employers.

DOSH made significant progress in addressing challenges with high staff turnover and the inability to meet projected inspection goals for the past six years. Salary disparities between staff and the private sector was the primary cause of high turnover and necessary steps were taken to increase compensation. In the 2017-19 budget, safety and health specialists, and industrial hygienists received a 10% pay increase in addition to three 2% cost of living increases. A 10% hazard pay increase was also provided under certain conditions. An approved 2019-21 budget proposal included two 3% pay increases, and a 5% geographic pay increase for employees working in King County (Seattle and surrounding cities). These efforts were focused on staff retention to ensure meeting planned performance goals.

A total of four findings and five observations were identified during this evaluation period. Three findings were new and one was continued. Four findings from FY 2018 were completed. Seven observations from FY 2018 were closed. Four FY 2019 observations are new and one was continued. Appendix A describes new and continued findings, and recommendations. Appendix B describes observations subject to continued monitoring, and the related federal monitoring plan. Appendix C describes the status of previous findings with associated completed corrective actions.

## **II. State Plan Background**

### **A. Background**

The State of Washington, under an agreement with OSHA, operates an occupational safety and health program through its Department of Labor and Industries (L&I), Division of Occupational Safety and Health (DOSH). The Revised Code of Washington (RCW), Title 49, Chapter 49.17, Washington Industrial Safety and Health Act (WISHA), was established in accordance with Section 18 of the Occupational Safety and Health Act (OSH Act) of 1970 and took effect in 1973. The Secretary of Labor certified that the State Plan had completed all of the required developmental steps in 1982.

The Director of the Washington State Department of Labor and Industries, Joel Sacks, was appointed by the governor, and served as the State Plan designee. The L&I Assistant Director, Anne Soiza, was designated by statute under Chapter 43.22.040 RCW as the Supervisor of Industrial Safety and Health, and is in charge of DOSH. The Assistant Director has authority and responsibility for administration of Washington's occupational safety and health program, and directs both central office and regional operations.

DOSH establishes policy, provides technical guidance, writes standards, develops and provides internal and external training, monitors and evaluates programs, conducts inspections, and provides consultation services in addition to non-OSHA public safety activities. All on-site consultation (both public and private) services are provided through 100% state funding. There are no consultation services under a Section 21(d) cooperative agreement. DOSH includes its consultation program under a Section 23(g) grant agreement, but no 23(g) grant funding is used for those services.

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, and employers enrolled as tribal members working on reservations, or on trust lands.

Over the years, a number of safety and health standards have been adopted that differ from the federal counterpart. Examples include rules for crane safety, respiratory protection, aerial lifts, and agriculture. In addition, a number are state initiated, such as requirements for written safety and health programs, safety committees, and heat-related illnesses.

The initial base award to fund the program was \$7,157,100 in federal funds. An amendment increased the federal share of the grant by \$212,993. The state matched the federal funds and provided an additional \$35,827,639 for a total grant allocation of \$50,567,825. The grant supported a total of 391 positions that included 126 enforcement compliance positions (89 safety and 37 health), and 44 consultant positions (28 safety and 16 health).

## **B. New Issues**

None.

# **III. Assessment of State Plan Progress and Performance**

## **A. Data and Methodology**

OSHA established a two-year cycle for the FAME process. This FY 2019 FAME is a comprehensive report, where OSHA conducted an on-site evaluation of the program. OSHA conducted on-site file reviews of the enforcement, whistleblower protection, and consultation programs. The enforcement and workplace retaliation case file reviews were conducted from November 5-7, 2019, by a six-person team. The consultation program review was conducted from November 18-21, 2019. The review was conducted on-site at the Tumwater headquarters office. Case files were randomly selected from closed inspections and investigations, consultation visits, and Safety Through Achieving Recognition Together (START) evaluations conducted between October 1, 2018, through September 30, 2019.

The selected population of 105 inspection case files included:

- Five (5) fatality inspection files
- Forty (40) complaint inspection files
- Sixty (60) programmed inspection files

In addition, the selected population of consultation and START files included:

- Thirty-six (36) private sector consultation files
- Seventeen (17) public sector consultation files

- Six (6) START safety and health files

Section 49.17.160 of the Revised Code of Washington provides for whistleblower protection equivalent to that provided by OSHA. A random selection of completed and administratively closed investigation files were chosen for review according to the percentage each category made up of the total. This resulted in 79 case files which consisted of:

- Seven (7) withdrawn
- Twenty-three (23) dismissed
- Five (5) settled
- Two (2) settled other
- Forty-two (42) administratively closed

The analysis and conclusions described in this report are based on information obtained from a variety of sources, including:

- State Activity Mandated Measures (SAMM, dated 11/12/19) (Appendix D)
- State Information Report (SIR, dated 11/12/19)
- State OSHA Annual Report (SOAR) (Appendix E)
- FY 2019 Mandated Activities Report for Consultation (MARC, dated 11/12/19)
- State Plan Grant Application
- OSHA Information System (OIS)
- Web Integrated Management Information System (Web IMIS)
- Washington Industrial Safety and Health Act Information Network (WIN)
- Quarterly monitoring meetings between OSHA and the State Plan
- Case file review

Each SAMM has an agreed-upon Further Review Level (FRL), which can be either a single number, or a range of numbers above and below the national average. SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan's FY 2019 SAMM report and includes the FRL for each measure.

## **B. Review of State Plan Performance**

### **1. PROGRAM ADMINISTRATION**

#### **a) Training**

The internal training program for safety and health enforcement staff followed the approved directive, DOSH Directive 40.0, equivalent to the requirements of the OSHA directive, TED 01-00-019 Mandatory Training Program for OSHA Compliance Personnel. In addition, they collaborated with the Hazardous Materials Management and Emergency Response (HAMMER) Training Facility in Richland, Washington by coordinating classes.

DOSH added a chapter to the DOSH Discrimination Investigations Manual as an alternative to the Mandatory Training Program for OSHA Whistleblower

Investigators, TED 01-00-020. This alternative training program is under OSHA's review.

Consultants are trained according to procedures outlined in the DOSH Consultation Manual, which is DOSH's alternative to OSHA CSP 02-00-003, Consultation Policies and Procedures Manual. The DOSH Consultation Manual was approved by OSHA on September 7, 2016.

DOSH has been seeking legislative approval and funding to build a new IH Lab and Training Center for a number of years. During this evaluation period the Washington State Legislature approved funding for the project. Planning and design work is now underway with anticipated completion in the spring of 2022. The new Training Center will include both indoor and outdoor facilities for staging a wide variety of workplace safety and health training activities and will be a major asset that will further enhance DOSH's internal training program.

b) OSHA Information System (OIS)

DOSH maintains its own data collection system through the WISHA Information Network (WIN), which is set-up to transfer data to OIS. The WIN system is a web based application that allows for the creation of electronic case files. The system integrates all the resources for Compliance Safety and Health Officers and managers to track various aspects of an inspection from inception through completion. Management used the WIN system to generate reports to track and evaluate the effectiveness of their enforcement programs. For the whistleblower protection program, the State Plan utilized OSHA's WebIMIS. No issues were noted with data input.

c) State Internal Evaluation Program Report

The internal audit program provided effective oversight of the State Plan programs. This was achieved by the identification of high risk areas within the program and focusing on addressing issues before they became a problem. An audit was conducted of the program to determine if the internal control measures were effective and if additional new controls were needed.

d) Staffing

The issue of high staff turnover was addressed in FY 2019 through job classification and compensation changes and has started to impact the number of vacancies. However, the number of vacancies still appears high as the State Plan received 23 new legislatively funded compliance inspector positions spanning the period from July 2017 through June 2021. The positions have been funded on a phased in basis spread over four years, so not all of the new positions can be filled as of yet due to the funding schedule. Midyear, the on-board staffing was at 79% of the state authorized compliance positions and 94% for authorized consultation positions, both of which were consistent with the last three years. Ninety-five safety compliance positions were authorized, of which 76 were filled, and for health compliance 36 were authorized and 27 filled. In consultation, 32 safety positions were authorized, of which 31 were filled, and for health consultation 17 positions

were authorized and 15 positions were filled.

## 2. ENFORCEMENT

### a) Complaints

The section in DOSH's Field Operations Manual (FOM) that defines a formal complaint is identical to OSHA's definition. However, there are differences in the definition for non-formal complaints; specifically, the classification of a referral which affects the handling of allegations from some sources.

A four-tiered criterion for measuring complaint responsiveness is utilized: imminent danger complaint inspections must be initiated within one workday; serious complaint inspections must be initiated within 15 working days; other-than-serious complaint inspections must be initiated within 30 working days; and phone/fax responses must be initiated within five working days. The SAMM report does not separate the results based on these tiers. The results, as reported in the SOAR, were as follows:

- 97.62% (41 of 42) of imminent danger complaints and referrals were responded to within one working day. SAMM 3 showed there was one imminent danger referral that was not investigated within one day, this was noted as a coding issue in that the inspection should have been listed as unprogrammed related, and not linked to the referral itself. The inspection that was linked to the referral was inspected within one day. Therefore, the state achieved 100% timeliness for this SAMM measure.
- The average number of work days to initiate complaint inspections was 9.06 days (SAMM 1a). This was better than the negotiated goal for complaints addressing both serious (15 working days), and other-than serious hazards (30 working days).
- 231 phone/fax investigations were conducted with an average response time of 3.23 days (SAMM 2a), better than the negotiated goal of 5 days for average number of work days to initiate complaint investigations.

There were no denials of entry where entry was not obtained (SAMM 4).

### b) Fatalities

According to Appendix D SAMM 10, there were 14 workplace fatalities reported in FY 2019, and all (100%) were inspected within one working day. Due to a variety of factors, all fatality data was not transferred from the WIN system into OIS in FY 2019. OSHA and DOSH will work together at quarterly meetings to determine the cause of this discrepancy.

OSHA reviewed five closed fatality case files during the on-site review. All (100%) of the investigations were well-documented and clearly explained the events leading up to the incident. The documentation supported findings and citations, where appropriate. In addition, all (100%) of the five case files included



the initial final determination letters to the next of kin. Therefore, **Observation FY 2018-OB-01** was closed.

c) Targeting and Programmed Inspection

The percent of enforcement presence (SAMM 17) describes the number of safety and health inspections conducted compared to the number of employer establishments in the state. The State Plan had a percent enforcement presence of 3.22%, which was more than double the high end of the FRL range of 0.92% to 1.54%. A high enforcement presence indicates that the State Plan is reaching more employers with enforcement activity than the national average.

Several factors were used to identify high hazard workplaces, such as OSHA's high hazard list, employer's workers' compensation data, and the size of the employer. Targeting lists were generated with this information and the focus was on small employers with less than 100 employees as they were unlikely not to have an inspection. Employers who received a comprehensive inspection within the last five years were removed from the targeting list. Construction is designated as a high hazard industry in the entire state and inspections are conducted at will.

The inspection case file review indicated that citations were issued for all apparent violations, and all violations were adequately supported. In addition, the use of willful and repeat citations was appropriate.

The FY 2019 annual performance plan goal was established to conduct 5,000 enforcement inspections. According to the SAMM report, 3,951 safety and 902 health inspections were conducted (SAMM 7). The number of safety inspections was within the FRL range of 3,705 to 4,095; however, the number of health inspections was nearly 14% below the FRL range of 1,045 - 1,255. The total of 4,853 inspections was 2.9% below its target compared to FY 2018 when DOSH was 15% below its inspection goal. Therefore, **Finding FY 2018-02** was completed. OSHA will continue to review compliance inspections during quarterly meetings.

The State Plan had previously identified a high turnover rate of staff as a detriment to the program, which impacted its ability to achieve performance plan goals. DOSH has worked closely with Washington State Human Resources to address the salary disparity compared to the private sector. The classification and compensation packages were changed, resulting in salary increases at all levels for Safety and Health Specialists and Industrial Hygienists. Therefore, **Finding FY 2018-01** was completed.

The safety in-compliance rate of 34.76% was within the FRL range of 24.24% - 36.36%, but is still high and will be discussed during quarterly meetings. The health in-compliance rate of 26.75% was below the FRL range of 28.90% - 43.35% (SAMM 9). The in-compliance rate for both safety and health inspections was within or below the FRL in FY 2019 and does not need further review; therefore, **Observation FY 2018-OB-02** was closed.

DOSH issued citations in a timely manner with an average safety lapse time of 32.86 days, which was better than the FRL range of 38.08 - 57.13. The average health lapse time of 49.91 days was within the FRL range of 45.78 - 68.68 (SAMM 11).

There were four significant cases with citations issued where total penalties were over \$100,000. They consisted of the following:

- A construction tower crane collapse resulted in four worker and public fatalities. The investigation involved citations issued to five companies, of which three received penalties that exceeded \$107,000. A crane hazard alert was issued, stressing the proper procedures for assembling and disassembling cranes.
- A company that specialized in excavation and trenching was cited for multiple violations of the trenching standard that resulted in penalties of \$126,400.
- An employer who performed asbestos work was cited for violations of the asbestos standard and a penalty of \$789,200. The owner had established multiple LLCs to hide ownership of the property and business of work performed. As a result, citations were issued to all involved businesses.
- A retailer was cited for seven willful and five serious violations related to blocked and locked emergency exits with one of the largest penalties of \$503,200.

d) Citations and Penalties

The average number of serious, willful, repeat, and/or unclassified (SWRU) violations cited per inspection was 1.54 and was within the FRL range of 1.43 - 2.15. The average number of other-than-serious violations cited per inspection was 1.97, which was above the FRL range of 0.78 - 1.16 (SAMM 5). The case file review revealed that classification of violations was in accordance with policies and procedures. Additionally, during the on-site review, OSHA reviewed case files with other-than-serious violations and determined a major contributing factor for the high average of other-than-serious violations was DOSH's ability to cite employers for deficiencies in their written safety and health programs, which are classified as other-than-serious.

The average current penalty per serious violation in private sector was \$1,765.17, below the lower end of the FRL range of \$2,153.97. Table 1 shows the average current penalty per serious violation based on the number of workers controlled by an establishment (SAMM 8). Since the State Plan was below the lower end of the FRL range for all employer sizes, OSHA will continue to review this metric during quarterly meetings. Table 1 summarizes the State Plan's average penalties compared to the three year national average and the FRL.

**Table 1**  
**Average Current Serious Penalty in Private Sector (SAMM 8)**

<b>Number of Workers</b>	<b>WA DOSH FY 2019</b>	<b>3 Year National Average</b>	<b>FRL</b>
<b>1-250+</b>	\$1,765.17	\$2,871.96	\$2,153.97 to \$3,589.95
<b>1-25</b>	\$1,293.39	\$1,915.86	\$1,436.89 to \$2,394.82
<b>26-100</b>	\$2,180.38	\$3,390.30	\$2,542.73 to \$4,237.88
<b>101-250</b>	\$2,690.23	\$4,803.09	\$3,602.31 to \$6,003.86
<b>250+</b>	\$3,639.31	\$5,938.59	\$4,453.94 to \$7,423.23

e) Abatement

The policies and procedures in the FOM ensured that reasonable abatement dates were set, abatement was tracked, and proper documentation was obtained. All case files reviewed contained appropriate documentation of abatement. Follow-up inspections were conducted as necessary. The annual performance goal of having 95% of serious hazards verified abated within 14 days of the abatement date was not met. Rather, 90.4% (3,062 of 3,389) of serious violations were abated and verified within 14 days of the abatement dates.

**Observation FY 2019-OB-01:** In FY 2019, 90.4% of serious violations were abated and verified within 14 days of the abatement date, which did not meet the annual performance goal of 95%.

**Federal Monitoring Plan FY 2019-OB-01:** OSHA will monitor during quarterly meetings.

f) Worker and Union Involvement

The FOM requires that workers are given the opportunity to participate either through interviews, or by having worker representatives accompany CSHOs during the inspection. Workers are also afforded the opportunity to privately express their views about the workplace. In addition, inspection results are provided to the union, or other labor representatives and complainants. In 90.95% of initial inspections, a worker representative participated in the walk around inspection, and/or the compliance officer conducted and documented worker interviews. This was lower than the FRL of 100% (SAMM 13). This metric was discussed in quarterly meetings throughout the review period, and it was determined that the lower percent of initial inspections with worker walk around and/or interview was due in part to data entry errors. However, OSHA will continue to review this metric during quarterly meetings.

### 3. REVIEW PROCEDURES

#### a) Informal Conferences

The procedures for informal and formal review of appealed Citation and Notices (C&N) are known as the Reassumptions Program. The Reassumptions Program is similar to OSHA's informal conference with the exception of the timeframes, which are different. Once a citation is delivered to an employer, the employer has 15 working days to file an appeal. If the case is appealed and DOSH reassumes jurisdiction, the Corrective Notice of Redetermination (CNR) must be issued in 30 working days. However, with the agreement of both parties, the CNR can be extended an additional 45 working days. The additional time allows more cases to be resolved by the department, instead of having to send them to the Board of Industrial Insurance Appeals (BIIA) when the maximum number of days is reached. The administrative rules allow for the electronic filing of appeals.

Under the reassumption process, an informal conference is held with the employer, and modifications to the C&N are documented in the CNR. When a reassumption hearing is held, the proceedings are documented in a written narrative that explains the hearings officer's decision, and supports any changes made to the citations.

The enforcement case file review did not reveal any issues or deficiencies related to informal settlement proceedings. There were ten inspections found that resulted in a reassumption hearing. In each case where penalties were reduced or violations reclassified, the reasons were well documented in the narrative of the reassumption hearing officer's findings. The percent penalty retained during reassumption (those not appealed to BIIA) was 84.27%, greater than the high end of the FRL range of 56.42% - 76.33% (SAMM 12).

#### b) Formal Review of Citations

The Administrative Rules and Administrative Manual outline procedures that afford employers the right to administrative and judicial review of alleged violations, initial penalties, and abatement periods. Workers and their representatives are provided the opportunity to participate in review proceedings, and to contest citation abatement dates.

If it is decided not to reassume a citation and notice, the appeal is sent directly to the BIIA. Employers can also file a second level appeal of a CNR to the board. The BIIA is a separate state agency that hears the contested cases of the department. The department is represented by the Attorney General's Office. If a settlement agreement is not reached during mediation, the case will be assigned to an Industrial Insurance Appeals Judge who will hear the case, and issue a decision on contested issues.

Citations and penalties were upheld during the formal review process. The enforcement case file review did not reveal any issues or deficiencies related to formal settlement proceedings. For FY 2019, 10% of violations were vacated after

a contest was filed, below the national average of 14% (SIR 5B); 4% of violations were reclassified after the contest, below the national average of 12% (SIR 6B). The penalty retention rate following a contest was 68% versus the national average of 62% (SIR 7B).

#### **4. STANDARDS AND FEDERAL PROGRAM CHANGE (FPC) ADOPTION**

##### **a) Standards Adoption**

The rulemaking process may be initiated by OSHA, the State Plan, or rule petition. When a rulemaking project is undertaken, the state has provisions for expedited, emergency, and permanent rulemaking.

Expedited rulemaking is available when the rules specifically apply only to internal government operations, incorporates federal or state law or other agency rules, correction of typographical errors, the rule is explicitly and specifically dictated by statute, or was developed through negotiated or pilot rulemaking.

In the expedited process, the agency files the proposed rule with the Code Reviser for publication in the Register and sends the notice to interested parties, but no hearing is scheduled. If any person objects to the expedited process within 45 days of publication, the agency considers the notice to be the same as the proposal notice used in the basic rulemaking process

The emergency rulemaking process may be used when a rule is needed before the standard rulemaking process can be completed. To use this process, the state must find, with good cause that the immediate adoption, amendment, or repeal of a rule is necessary for the preservation of public health, safety or general welfare, or that state or federal law or rule, or a federal deadline for receipt of funds, requires immediate adoption of a rule. Emergency rules do not require public notice or hearing. They usually take effect when filed with the Code Reviser. Emergency rules can remain in effect for up to 120 days after filing. An agency can re-file the emergency rule if the agency has started the permanent rulemaking process.

The permanent rulemaking process is as follows<sup>1</sup>:

Stage 1	A Preproposal Statement of Inquiry (CR-101 form) is filed with the Code Reviser's Office. Substantial stakeholder input occurs at this time.
Stage 2	A Proposed Rulemaking (CR-102 form) and the proposed rule language are filed with the Code Reviser's Office. Notice of the public hearing date and comment period are provided on the CR-102 form. If required, a Small Business Economic Impact Statement (SBEIS) and/or a Preliminary Cost Benefit Analysis will be available to review.
Stage 3	A Rulemaking Order of Adoption (CR-103 form) and the final rule language are filed with the Code Reviser's Office. The agency responds to public comments in the Concise Explanatory Statement. If required, a Final Cost Benefit Analysis will be available for review.
Stage 4	The rule becomes effective 30 days after filing the CR-103 form with the Code Reviser's Office unless a later date is stated on the CR-103 form.

### **Residential Fall Protection**

On December 17, 2019 a proposed unified fall protection standard was issued that contained an update to the fall protection standard. The rule was open for public comments through March 10, 2020 and adoption is projected by March 31, 2020, with an effective date of June 1, 2020. The initial review of this proposed rule revealed that there were still concerns that the new standard was not at least as effective as the OSHA standard. Due to continued concerns regarding residential construction fall protection rules, this issue remained a finding in FY 2019.

**Finding FY 2019-01 (FY 2018-03):** DOSH's standards for fall protection in residential construction are not at least as effective as that of OSHA's.

**Recommendation FY 2019-01:** DOSH should implement a fall protection standard that is at least as effective as the federal standard.

OSHA issued two standards that required adoption from FY 2018 to FY 2019: the 2019 Annual Adjustment for Civil Penalties and Final Rule on Crane Operator Certification Requirements. DOSH updated 296-900 WAC on December 18, 2018, to adopt OSHA maximum penalties, and included a provision in the update to automatically make penalty updates consistent with Washington State Law and OSHA's annual implementation of adjustments to civil penalties for inflation. DOSH has not adopted the Crane Operator Certification Requirements but is undergoing rulemaking. In addition, the Walking Working Surfaces rule, that was pending adoption in the FY 2017 Comprehensive FAME report, has not been adopted, but DOSH is in the final stages of rulemaking. Lastly, three rules that were pending adoption in the FY 2017 Comprehensive FAME report have been adopted.

<sup>1</sup> <http://www.ini.wa.gov/LawRule/ruleProcess.asp>

Table 2 provides the status of standards issued by OSHA for FY 2019, 2018 and any outstanding items from previous FAME reports.

**Table 2**  
**Status of FY 2019 Federal Standards Adoption**  
*(May include any outstanding standards from earlier fiscal years)*

<b>Standard:</b>	<b>Response Due Date:</b>	<b>State Plan Response Date:</b>	<b>Intent to Adopt:</b>	<b>Adopt Identical:</b>	<b>Adoption Due Date:</b>	<b>State Plan Adoption Date:</b>
Final Rule on the Standards Improvement Project - Phase IV 1904,1910,1915,1926 (5/14/2019)	7/13/2019	7/9/2019	Yes	No	11/14/2019	Not yet adopted
Final Rule on the Implementation of the 2019 Annual Adjustment to Civil Penalties for Inflation 29 CFR 1902,1903 (1/23/2019)	3/23/2019	2/27/2019	Yes	Yes	7/23/2019	2/27/2019
Final Rule on Crane Operator Certification Requirements 29 CFR Part 1926 (11/9/2018)	1/9/2019	1/8/2019	Yes	No	5/9/2019	Not yet adopted
Final Rule on Occupational Exposure to Beryllium 1910, 1915, 1926 (1/9/2017)	3/9/2017	3/8/2017	Yes	No	7/9/2017	12/12/2018 Pending OSHA Review
Final Rule on Walking- Working Surfaces and Personal Protective Equipment (Fall Protection Services) Part 1910 11/18/2016	1/18/2017	1/18/2017	Yes	No	5/18/2017	Not yet adopted
Final Rule to Improve Tracking of Workplace Injuries and Illnesses Part 1902, 1904 (5/12/2016)	7/12/2016	7/12/2016	Yes	No	11/14/2016	Promulgated 8/20/2019, Effective 1/1/2020 Pending OSHA Review
Final Rule for Confined Spaces in Construction Part 1926 (5/4/2015)	7/4/2015	6/18/2015	Yes	No	2/4/2016	1/8/2019 Pending OSHA Review

b) Federal Program Change (FPC) Adoption

DOSH submitted timely responses for all six (100%) of federal program changes (FPCs) that required an intent response in FY 2018 and FY 2019. Six FPCs required identical or equivalent adoption in FY 2018 and 2019, and DOSH responded timely and submitted comparison documents for all six (100%). Table 3 below details the State Plan's intent and adoption status.

**Table 3**  
**Status of FY 2019 Federal Program Change (FPC) Adoption**  
*(May include any outstanding FPCs from earlier fiscal years)*

<b>FPC Directive/Subject:</b>	<b>Response Due Date:</b>	<b>State Plan Response Date:</b>	<b>Intent to Adopt:</b>	<b>Adopt Identical:</b>	<b>Adoption Due Date:</b>	<b>State Plan Adoption Date:</b>
<i>Adoption Required</i>						
National Emphasis Program on Trenching and Excavation CPL 02-00-161 (10/1/2018)	11/30/2018	11/19/2018	Yes	No	4/1/2019	4/1/2019 Under OSHA Review
<i>Equivalency Required</i>						
Confined and Enclosed Spaces and Other Dangerous Atmospheres in Shipyard Employment CPL 02-01-061 (5/22/2019)	7/21/2019	7/10/2019	Yes	Yes	11/7/2019	10/16/2019
Shipyard Employment "Tool Bag" Directive CPL 02-00-162 (5/22/2019)	7/21/2019	7/10/2019	No	No	N/A	N/A Under OSHA Review
Enforcement Guidance for Personal Protective Equipment (PPE) in Shipyard Employment CPL 02-01-060 (5/22/2019)	7/21/2019	7/9/2019	No	No	N/A	N/A Under OSHA Review
Site-Specific Targeting 2016 (SST-16) CPL 02-18-01 (10/16/2018)	12/15/2018	12/10/2018	No	N/A	N/A	N/A Under OSHA Review
<i>Adoption Encouraged</i>						
Alternative Dispute Resolution (ADR) Processes for Whistleblower Protection Programs CPL 02-03-008 (2/4/2019)	4/5/2019	3/20/2019	No	N/A	N/A Adoption not required	N/A



Table 4 details State Initiated Changes from 2019 and 2018.

**Table 4  
State Plan Initiated Changes**

<b>Rulemaking (State Plan Initiated Changes)</b>	<b>Effective Date</b>	<b>Concurrence Date</b>
Tower Crane Erection and Dismantling Violations	11/4/2019	Under OSHA Review
Electric Power Generation, Transmission, and Distribution	6/18/2019	Under OSHA Review
Focused Inspections at Construction Worksites	7/31/2019	Under OSHA Review
Channelizing Device Placement Operations	7/10/2019	Under OSHA Review
Pre-Commercial Thinning	5/28/2019	Under OSHA Review
Grain Handling Facilities	5/15/2019	Under OSHA Review
Discrimination Manual	3/25/2019	Under OSHA Review
Emergency Response Technical Specialist	3/22/2019	Under OSHA Review
Fall Protection and Grain Inspectors	1/30/2019	Under OSHA Review
DOSH Compliance Manual	11/1/2018	Under OSHA Review
Rescinding five DOSH Directives	12/20/2018	Under OSHA Review
Internal Audit Policy	11/1/2018	Under OSHA Review
WISHA 10 Training for Agriculture	10/8/2018	Under OSHA Review
Chemical Facility Process Safety Management NEP	5/4/2018	Under OSHA Review
Working Around Overhead Energized Transit System Power Supply (OETSPS) Lines Below 800 Volts DC	3/26/2018	Under OSHA Review

**5. VARIANCES**

Each employer requesting a variance from the written code is required to propose an alternative means of protection that is at least as effective. If the employer’s variance application does not propose an alternative method to protect workers or does not provide the needed information throughout the process in a timely manner, the variance

will be denied; however, the employer can resubmit a request to be evaluated with the required information.

There were 14 permanent variances granted during FY 2018 and FY 2019. Six permanent variance requests were denied, two were withdrawn, and an additional five requests are still being considered. There were no requests for temporary variances during this time period.

#### 6. STATE AND LOCAL GOVERNMENT WORKER PROGRAM

Penalties and sanctions are imposed on employers in state and local government agencies in an identical manner as the private sector industry. In FY 2019, 2.99% (145 of 4853) of inspections were conducted in state and local government workplaces, which was below the FRL range of 4.75% to 5.25% (SAMM 6).

**Observation FY 2019-OB-02:** DOSH conducted 2.99% (145 of 4,853) of inspections in state and local government workplaces, which was below the FRL range.

**Federal Monitoring Plan FY 2019-OB-02:** OSHA will monitor the number of inspections conducted in state and local government workplaces during quarterly meetings.

#### 7. WHISTLEBLOWER PROGRAM

Claims of workplace retaliation for reporting occupational safety and health issues are investigated under Section 49.17.160 of the WISHA. During FY 2019, the whistleblower protection program was staffed by one supervisor and four investigators. Investigators attended several mandatory and recommended classes during the first three years of employment, as outlined in the Discrimination Investigations Manual (DIM).

Based on a case file review, OSHA's Whistleblower Investigations Manual policies and procedures are outlined in the State Plan's DIM and was generally followed. The average number of days to complete a workplace retaliation investigation was 70 days (SAMM 16), lower than the national average of 299 days, and below the FRL of 90 days. One hundred percent of the retaliation investigations were completed within 90 days (SAMM 14), which met the FRL of 100% and was better than the national average of 31%.

DOSH's merit rate fluctuated between 11% - 29% over the last three years (Table 5). In FY 2019, the merit rate was 16% (SAMM 15), which was below the FRL range of 18.40% - 27.60%. OSHA will continue to review retaliation metrics during quarterly meetings with the State Plan.

**Table 5**

	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2019 National Average</b>	<b>Further Review Level</b>
Completed Within 90 Days (SAMM 14)	89%	98%	100%	34%	100%
Merit Cases (SAMM 15)	29%	11%	16%	23%	18.40% to 27.60%
Average Number of Calendar Days to Complete Investigation (SAMM 16)	70	71	70	284	90

In 95.7% (22 of 23) of the case files reviewed, OSHA determined that proper analysis of prima facie elements and pretext testing were conducted, which closed **Observation FY 2018-OB-04**. OSHA reviewed one work refusal and found that it was properly investigated as a retaliation complaint, which closed **Observation FY 2018-OB-05**.

During the retaliation case file review, OSHA noted that filing dates were not accurately entered into WebIMIS. In 46 of 79 case files, the date entered in WebIMIS was the date the retaliation unit received the complaint, rather than the date the complaint was originally filed, if received at a different location, or the postmarked date. The DIM, on page 7, section C.3.a, requires that the original filing date or the postmarked date be used. It is important to ensure the correct filing date is being used to avoid administratively closing a complaint for being untimely.

**Finding FY 2019-02:** In 58% (46 of 79) of retaliation case files, accurate filing dates were not entered into WebIMIS.

**Recommendation FY 2019-02:** DOSH should ensure accurate filing dates are entered into WebIMIS.

When a Respondent’s position statement is received, the DIM, Pages 19-20, Section 14, requires that Complainants shall be contacted to resolve discrepancies or rebut the Respondent’s defense. There were 15 cases where no evidence was found that complainants were contacted to resolve discrepancies and rebut respondents’ defense.

**Finding FY 2019-03:** In 41% (15 of 37) of retaliation case files, there was insufficient evidence in the case file to confirm complainants were given the opportunity to resolve discrepancies and rebut respondents’ defense.

**Recommendation FY 2019-03:** DOSH should ensure case files are documented to show that complainants were given the opportunity to resolve discrepancies and rebut respondent’s defense.

When calculating dates to determine whether or not complaints are filed timely, the

DIM, Page 7, Section C.3.a., states the first day of the time period is the day after the alleged retaliatory decision is both made and communicated to the complainant, and if the last day of the statutory filing period falls on a weekend or a federal holiday, or if the relevant OSHA office is closed, then the next business day will count as the final day. In two cases, evidence indicated complaints were filed timely under this guidance, but were administratively closed. In one case, DOSH started counting on the day of the adverse action not the day after. In addition, for both cases the last day of the statutory filing date fell on a weekend or holiday causing the next business day to be the last filing date. Both Complainants filed their complaints on the next business day therefore the complaints were timely per the DIM. Due to the fact that these cases directly affect the Complainants right it will be listed as a finding.

**Finding FY 2019-04:** In 5% (two of 42) of administratively closed case files, complaints were improperly closed for untimeliness; however, both complaints were filed timely.

**Recommendation FY 2019-04:** DOSH should ensure that DIM guidance for calculating filing dates of complaints is followed.

Through the on-site case file review and interviews, it was determined that injury reporting was recognized as a protected activity. An Interagency Agreement between DOSH and the Discrimination and Claim Suppression Investigation Unit (IID), regarding complaints alleging retaliation for injury reporting and/or filing workers' compensation claims was put into effect October 1, 2018. The agreement states that DOSH is responsible for investigating discrimination against an employee for exercising any rights afforded by WISHA, under RCW 49.17.160; IID is responsible for investigating discrimination against filing or communicating the intent to file a claim for workers' compensation. As a result, **Observation FY 2018-OB-03** was closed.

WAC, Title 296, Chapter 296-27 contains rules to record work-related injuries and illnesses and rules to report any work-related fatality, inpatient hospitalization, amputation, or loss of an eye. In respect to worker injuries, the Interagency Agreement between DOSH and IID indicates generally, that DOSH investigates claims of retaliation for reporting a workplace injury, and IID investigates claims of retaliation for filing a worker's compensation claim based on a workplace injury. However, during the retaliation case file review, it was unclear if there is a process in place to make this determination within DOSH or IID and ensure the right cases are going to the appropriate agencies, or being investigated jointly as necessary. In addition, for all of these types of cases alleging workplace injuries, it was also unclear whether complainants were notified of their OSHA dual file rights.

**Observation FY 2019-OB-03:** There is no clear evidence that DOSH investigates retaliation for reporting workplace injuries and illnesses or notifies those complainants of their dual file rights, but rather refers the complainants to the Discrimination and Claim Suppression Investigation Unit (IID).

**Federal Monitoring Plan FY 2019-OB-03:** During quarterly meetings, OSHA will

monitor that complaints of retaliation due to reporting of workplace injuries and illnesses are investigated under the 23(g) grant.

## **8. COMPLAINT ABOUT STATE PROGRAM ADMINISTRATION (CASPA)**

There was one new CASPA submitted and investigated in FY 2019. There were no CASPAs in FY 2018. The complaint WA CASPA FY 2019-01 was related to enforcement staff using the WIN system to access confidential consultation information with no management oversight. The State Plan acknowledged that this was problematic and immediately updated the WIN system to remove access to basic consultation information from non-DOSH agency and DOSH enforcement staff. The State Plan's response to this CASPA was timely.

## **9. VOLUNTARY COMPLIANCE PROGRAM**

Employers with outstanding occupational safety and health management systems were recognized through the DOSH Voluntary Protection Program (VPP). At the end of FY 2019, there were 32 approved VPP sites in DOSH's jurisdiction, which is consistent with the numbers of sites from previous years. There are currently no backlogged applications or sites awaiting an evaluation.

## **10. STATE AND LOCAL GOVERNMENT 23(g) ON-SITE CONSULTATION PROGRAM**

Consultation visits provided in state and local government workplaces are conducted by 100% state-funded consultants. This is unique in that the consultation program is under the Section 23(g) grant agreement, but no 23(g) grant funding is used for these services.

A total of 183 consultation visits were conducted in state and local government agencies. Of the 183 visits conducted, 172 (98%) were in smaller businesses with fewer than 250 employees (MARC 2A) and 151 visits (86%) were conducted in establishments with fewer than 500 employees (MARC 2B). In all consultation visits, the consultant conferred with employees 100% of the time (MARC 3).

During this evaluation period, 266 serious hazards were identified and 99% of serious hazards were corrected in a timely manner. A total of 75 serious hazards were corrected on-site, 177 within the original time, and 12 within 14 days of the latest correction date. Of these, 95% were corrected within the original timeframe or on-site, exceeding the goal of 65%. No employers were referred to enforcement (MARC 4A-4D). Overall, the consultation program provided effective services for state and local government employers in Washington.

## 11. PRIVATE SECTOR 23(g) ON-SITE CONSULTATION PROGRAM

Private sector consultation visits, similar to visits in state and local government agencies, are conducted by 100% state-funded consultants. There are no consultation services under a Section 21(d) cooperative agreement. The consultation program is under the Section 23(g) grant agreement, but no 23(g) grant funding is used for these services.

Of the 2,781 visits conducted in private sector establishments, 2,643 (98%) were in businesses with fewer than 250 employees (MARC 2A) and 2,612 visits (97%) were conducted in establishments with fewer than 500 employees (MARC 2B). In all consultation visits, the consultant conferred with employees 100% of the time (MARC 3).

During this evaluation period, 5,620 serious hazards were identified and 99% of serious hazards were corrected in a timely manner. A total of 2,585 serious hazards were corrected on-site, 2,645 within the original time, and 340 within 14 days of the latest correction date. Of these, 93% were corrected within the original timeframe or on-site, exceeding the goal of 65%. No employers were referred to enforcement (MARC 4A-4D).

On November 18-21 2019, an on-site review was conducted in the Tumwater Office. The purpose of the visit was to assess the quality of the program's services and its internal quality assurance program. This is in accordance with CPPM (Directive CSP 02-00-003) and 29 Code of Federal Regulations (CFR) Part 1908 – Consultation Agreements. OSHA found that overall the program managers and staff were providing appropriate consultative services and advice to the employers they served.

OSHA reviewed six START case files and in all six (100%) determined that previous concerns related to correction of hazards, documentation of injury and illness rates, interim year self-evaluations, and documentation from employers on the completion of items in achievement plans, were addressed and completed. Therefore, **Findings FY 2018-04** and **FY 2018-05** were completed, and **Observations FY 2018-OB-06** and **FY 2018-OB-07** were closed.

The consultation program uses Form 16 to evaluate employers' safety and health management systems rather than using a Form 25 referenced in the DOSH Consultation Manual. The DOSH Consultation Manual explained when and how to use the Form 25, which is no longer relevant, but it did not explain Form 16. The DOSH Consultation Manual should be updated so that it can be a resource to consultants and employers utilizing Form 16.

**Observation FY 2019-OB-04:** Consultants use Form 16 to evaluate employer safety and health management systems, but the use of Form 16 is not explained in the DOSH Consultation Manual.

**Federal Monitoring Plan FY 2019-OB-04:** OSHA will monitor DOSH to ensure that the DOSH Consultation Manual is updated to explain the use of Form 16.

Eleven written consultation reports, as well as two reports for START sites, were not sent to employers within the mandated 15 calendar days, per the DOSH Consultation Manual, Chapter 7, Section B.1. This will be continued as an observation.

**Observation FY 2019-05:** 23.4% (11 of 47) of written reports and 33.3% (two of six) of START reports were not sent to employers within the required timeframe of 15 calendar days.

**Federal Monitoring Plan FY 2019-OB-05:** OSHA will monitor DOSH to ensure that written START and consultation reports are issued within the required timeframe.

## Appendix A – New and Continued Findings and Recommendations

### FY 2019 Washington DOSH Comprehensive FAME Report

FY 2019-#	Finding	Recommendation	FY 2018-# or FY 2018-OB-#
FY 2019-01	DOSH’s standards for fall protection in residential construction are not at least as effective as that of OSHA’s.	DOSH should implement a fall protection standard that is at least as effective as the federal standard.	FY 2018-03
FY 2019-02	In 58% (46 of 79) of retaliation case files, accurate filing dates were not entered into WebIMIS.	DOSH should ensure accurate filing dates are entered into WebIMIS.	
FY 2019-03	In 41% (15 of 37) of retaliation case files, there was insufficient evidence in the case file to confirm complainants were given the opportunity to resolve discrepancies and rebut respondents’ defense.	DOSH should ensure case files are documented to show that complainants were given the opportunity to resolve discrepancies and rebut respondent’s defense.	
FY 2019-04	In 5% (two of 42) of administratively closed case files, complaints were improperly closed for untimeliness; however, both complaints were filed timely.	DOSH should ensure that DIM guidance for calculating filing dates of complaints is followed.	



**Appendix B – Observations Subject to New and Continued Monitoring**  
 FY 2019 Washington DOSH Comprehensive FAME Report

Observation # FY 2019-OB-#	Observation# FY 2018-OB-# or FY 2018-#	Observation	Federal Monitoring Plan	Current Status
	FY 2018-OB-01	In FY 2017, DOSH did not include next of kin notification and final determination letters in all fatality case files. Next of kin notification letters were not found in 46% (6/13) of the fatality case files reviewed, and next of kin final determination letters were not found in 38% of the fatality case files reviewed		Closed
	FY 2018-OB-02	In FY 2017, the State Plan’s safety in-compliance rate (SAMM 9) was 41%, which was 6% higher than the acceptable range of the FRL. In FY 2018, the safety in-compliance rate was 37%, which was 1% higher than the acceptable range of the FRL.		Closed
	FY 2018-OB-03	In FY 2017, in 100% (2/2) retaliation cases reviewed that involved a complainant reporting an injury, DOSH did not identify the injury report as a protected activity.		Closed
	FY 2018-OB-04	In FY 2017, 15% (five of 34) of retaliation case files reviewed, DOSH did not adequately test relevant evidence prior to closing the case. Specifically, in five FY 2017 retaliation investigations, the determination reached was not based on sound legal reasoning and substantive evidence in the case file. In eight of the 34		Closed

## Appendix B – Observations Subject to New and Continued Monitoring

### FY 2019 Washington DOSH Comprehensive FAME Report

		retaliation case files reviewed, 24%, including the ones identified in the previous sentence, the report of investigation did not properly assess and evaluate the prima facie elements of retaliation, pretext testing and/or resolving factual discrepancies key to making a determination.		
	FY 2018-OB-05	In FY 2017, 67% (two of three) of retaliation case files reviewed that involved a complainant’s work refusal, DOSH did not investigate whether the work refusal was protected under the act.		Closed
	FY 2018-OB-06	In FY 2017, in 64% (7/11) of START files reviewed, DOSH did not have evidence of an interim year self-evaluation for continued participation in the program.		Closed
	FY 2018-OB-07	In FY 2017, 54% (6/11) of START files reviewed DOSH did not have evidence to show that START employers had submitted information regarding the completion of item(s) set forth in their achievement plan to improve their safety and health management system.		Closed
FY 2019-OB-01		In FY 2019, 90.4% of serious violations were abated and verified within 14 days of the abatement date, which did not meet the annual performance goal of 95% .	OSHA will monitor during quarterly meetings.	New

## Appendix B – Observations Subject to New and Continued Monitoring

### FY 2019 Washington DOSH Comprehensive FAME Report

FY 2019-OB-02		DOSH conducted 2.99% (145 of 4,853) of inspections in state and local government workplaces, which was below the FRL range.	OSHA will monitor the number of inspections conducted in state and local government workplaces during quarterly meetings.	New
FY 2019-OB-03		There is no clear evidence that DOSH investigates retaliation for reporting workplace injuries and illnesses or notifies those complainants of their dual file rights, but refers the complainants to the Discrimination and Claim Suppression Investigation Unit (IID).	During quarterly meetings, OSHA will monitor that complaints of retaliation due to reporting of workplace injuries and illnesses are investigated under the 23(g) grant.	New
FY 2019-OB-04		Consultants use Form 16 to evaluate employer safety and health management systems, but the use of Form 16 is not explained in the DOSH Consultation Manual.	OSHA will monitor DOSH to ensure that the DOSH Consultation Manual is updated to explain the use of FORM 16.	New
FY 2019-OB-05	FY 2018-OB-08	23.4% (11 of 47) of written reports and 33.3% (two of six) of START reports were not sent to employers within the required timeframe of 15 calendar days.	OSHA will monitor DOSH to ensure that written START and consultation reports are issued within the required timeframe.	Continued

## Appendix C - Status of FY 2018 Findings and Recommendations

### FY 2019 Washington DOSH Comprehensive FAME Report

FY 2018-#	Finding	Recommendation	State Plan Corrective Action	Completion Date (if Applicable)	Current Status (and Date if Item is Not Completed)
FY 2018-01	The State Plan has a problem with a high turnover rate of inspectors. The rate of turnover directly contributes to the State Plan struggling to meet its enforcement goals.	The State Plan should continue efforts to understand and address its high turnover rate and fill staff vacancies.	<p>DOSH is working closely with Washington State Human Resources to address the issue. A multi-pronged approach is being used:</p> <ul style="list-style-type: none"> <li>• Classification and compensation packages requesting salary increases at all levels of the Safety &amp; Health Specialist and Industrial Hygienist job series were developed, submitted to and approved by the 2017 Washington State Legislature. While the increases are less than what we hoped for and requested, they represent movement in the right direction toward more equitable compensation for our safety and health professionals.</li> <li>• DOSH requested assignment pay for staff who hold or earn professional certification relevant to their position, for high-cost geographic locations, and for hazard pay (for affected hours when using PPE). Two of the requests have been approved – hazard pay for inspectors when certain criteria are met and geographic pay for King County.</li> <li>• DOSH is continuing to work with L&amp;I's Office of Human Resources and the Director's Office to analyze and pursue additional opportunities to increase compensation for safety and health staff and reduce turnover rates.</li> </ul>	<p>July 2017</p> <p>July 2017</p> <p>On-going</p>	Completed

## Appendix C - Status of FY 2018 Findings and Recommendations

### FY 2019 Washington DOSH Comprehensive FAME Report

FY 2018-02	In FY 2018, DOSH was 15% below its goal of 5,000 inspections.	DOSH should continue efforts to understand and address its high turnover rate and fill staff vacancies in order to reach inspection goals.	The state completed enough inspections that it did not meet the requirements for further review.	11/05/2019	Completed
FY 2018-03	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 employees exposed to fall hazards.	The State Plan should implement a fall protection standard at least as effective as the federal standard.	Currently, the fall protection rules for Washington reside in multiple standards within the Washington Industrial Safety and Health Act (WISHA). A unified fall protection standard is being created; a first draft is expected in September 2018.	Not Applicable	Open 8/19/2019
FY 2018-04	In FY 2017, DOSH did not require the correction of all hazards, including general hazards by START employers.	The State Plan to require the correction of all hazards by START employers.	DOSH now requires verifying correction of general hazards and serious hazards for START employers. The corrective action plan was completed and is pending verification.	11/05/2019	Completed

## Appendix C - Status of FY 2018 Findings and Recommendations

### FY 2019 Washington DOSH Comprehensive FAME Report

FY 2018-05	In FY 2017, in 45% (5/11) of files reviewed, DOSH did not maintain documentation of the START employer's injury and illness rates.	DOSH should maintain documentation of the START employer's injury and illness rates.	DOSH now documents START employer's injury and illness rates. The corrective action plan was completed and is pending verification.	11/05/2019	Completed
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## Appendix D - FY 2019 State Activity Mandated Measures (SAMM) Report

FY 2019 Washington DOSH Comprehensive FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Washington – DOSH			FY 2019	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
<b>1a</b>	Average number of work days to initiate complaint inspections (state formula)	9.06	15 days for serious hazards; 30 days for other than serious hazards	The further review level is negotiated by OSHA and the State Plan.
<b>1b</b>	Average number of work days to initiate complaint inspections (federal formula)	9.06	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>2a</b>	Average number of work days to initiate complaint investigations (state formula)	3.23	5	The further review level is negotiated by OSHA and the State Plan.
<b>2b</b>	Average number of work days to initiate complaint investigations (federal formula)	3.23	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>3</b>	Percent of complaints and referrals responded to within one workday (imminent danger)	97.62%	100%	The further review level is fixed for all State Plans.

## Appendix D - FY 2019 State Activity Mandated Measures (SAMM) Report

### FY 2019 Washington DOSH Comprehensive FAME Report

<b>4</b>	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
<b>5</b>	Average number of violations per inspection with violations by violation type	SWRU: 1.54	+/- 20% of SWRU: 1.79	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.43 to 2.15 for SWRU and from 0.78 to 1.16 for OTS.
		Other: 1.97	+/- 20% of Other: 0.97	
<b>6</b>	Percent of total inspections in state and local government workplaces	2.99%	+/- 5% of 5.00%	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 4.75% to 5.25%.
<b>7</b>	Planned v. actual inspections – safety/health	S: 3,951	+/- 5% of S: 3,900	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 3,705 to 4,095 for safety and from 1,045 to 1,155 for health.
		H: 902	+/- 5% of H: 1,100	
<b>8</b>	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,765.17	+/- 25% of \$2,871.96	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,153.97 to \$3,589.95.
	<b>a.</b> Average current serious penalty in private sector (1-25 workers)	\$1,293.39	+/- 25% of \$1,915.86	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,436.89 to \$2,394.82.
	<b>b.</b> Average current serious penalty in private sector (26-100 workers)	\$2,180.38	+/- 25% of \$3,390.30	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,542.73 to \$4,237.88.



## Appendix D - FY 2019 State Activity Mandated Measures (SAMM) Report

### FY 2019 Washington DOSH Comprehensive FAME Report

	<b>c.</b> Average current serious penalty in private sector (101-250 workers)	\$2,690.23	+/- 25% of \$4,803.09	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,602.31 to \$6,003.86.
	<b>d.</b> Average current serious penalty in private sector (greater than 250 workers)	\$3,639.31	+/- 25% of \$5,938.59	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$4,453.94 to \$7,423.23.
<b>9</b>	Percent in compliance	S: 34.76%	+/- 20% of S: 30.30%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 24.24% to 36.36% for safety and from 28.90% to 43.35% for health.
		H: 26.75%	+/- 20% of H: 36.12%	
<b>10</b>	Percent of work-related fatalities responded to in one workday	100%	100%	The further review level is fixed for all State Plans.
<b>11</b>	Average lapse time	S: 32.86	+/- 20% of S: 47.61	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 38.08 to 57.13 for safety and from 45.78 to 68.68 for health.
		H: 49.91	+/- 20% of H: 57.23	
<b>12</b>	Percent penalty retained	84.27%	+/- 15% of 66.38%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 56.42% to 76.33%.
<b>13</b>	Percent of initial inspections with worker walk around representation or worker interview	90.95%	100%	The further review level is fixed for all State Plans.
<b>14</b>	Percent of 11(c) investigations completed within 90 days	100%	100%	The further review level is fixed for all State Plans.
<b>15</b>	Percent of 11(c) complaints that are meritorious	16%	+/- 20% of 23%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 18.40% to 27.60%.

## Appendix D - FY 2019 State Activity Mandated Measures (SAMM) Report

### FY 2019 Washington DOSH Comprehensive FAME Report

<b>16</b>	Average number of calendar days to complete an 11(c) investigation	70	90	The further review level is fixed for all State Plans.
<b>17</b>	Percent of enforcement presence	3.22%	+/- 25% of 1.23%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.92% to 1.54%.

NOTE: The national averages in this report are three-year rolling averages. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report in OIS and the State Plan WebIMIS report run on November 12, 2019, as part of OSHA's official end-of-year data run.

*Keep Washington Safe and Working*

**SUMMARY OF DOSH ACCOMPLISHMENTS**  
**State OSHA Annual Report**  
**Washington State**

Federal Fiscal Year 2019  
October 1, 2018 – September 30, 2019

Strategic Management Plan  
2016-2020

Prepared by the Division of Occupational Safety and Health  
Department of Labor and Industries  
State of Washington  
December 2019



# Appendix E - FY 2019 State OSHA Annual Report (SOAR)

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## Appendix E - FY 2019 State OSHA Annual Report (SOAR)

### Introduction

Washington State's workplace safety and health program is authorized by the Washington Industrial Safety and Health Act of 1973 (WISHA – Chapter 49.17 RCW) and administered by the Division of Occupational Safety and Health (DOSH) within the Department of Labor and Industries (L&I). The federal Occupational Safety and Health Administration (OSHA) monitors and partially funds Washington's occupational safety and health program, which must be at least as effective as federal OSHA.

In the last five years, an average of 75 Washington state workers died due to work-related exposures and an estimated 149,655 workers suffered on-the-job injuries annually. Our mission is to protect the safety and health of Washington's workers by ensuring that employers provide safe and healthful working conditions. Our strategic goals help us to accomplish our mission by focusing on prevention and protection.

According to the FY 2019 On-Site Consultation Program Performance Summary<sup>1</sup>, OSHA conducted 26,213<sup>2</sup> on-site consultation visits and identified 137,885 hazards across the country. In the same timeframe, Washington State DOSH conducted 11% (2,823) of all on-site consultation visits in the United States and identified 9.4% (12,889) of the nation's worksite hazards.

The DOSH Enforcement Program currently has 116 compliance field inspectors (1 per 2,087 worksites<sup>3</sup>). In FFY 2019, our compliance inspectors were able to inspect 4,084 employer worksites and conduct 4,928 safety and health inspections, 730 more than FFY 2018.

In partnership with OSHA, our ultimate goal is for every worker to go home whole and healthy every day. While we have made progress in reducing injuries, illness and fatalities, our work is not done. Like trying to describe a world to our children where computers did not exist, not to mention smart phones, social media, and video games, we will not be satisfied until it's extremely difficult to remember or imagine a time when each year, many workers in Washington lost their life in the course of doing their job.

<sup>1</sup>Numbers from the *FY 2019 On-Site Consultation Program Performance Summary.pptx* found on the OSHA Intranet website at [https://extranet.osha.gov/dcsp/LAP/dcsp/consultation/index.html#performance\\_measures](https://extranet.osha.gov/dcsp/LAP/dcsp/consultation/index.html#performance_measures)

<sup>2</sup> Numbers from the *FY 2019 On-Site Consultation Program Performance Summary.pptx* pages 2 and 9

<sup>3</sup> Based on the number of Washington State establishments listed in the U.S. Department of Labor, Bureau of Labor Statistics, *Employment and Wages: Annual Averages, 2017*

\* FFY 2014-2018 Average number of total received claims (L&I BIC Claims Data Cube)

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### Summary of 2016- 2020 Strategic Management Plan Goals

This report summarizes DOSH’s efforts and results for the 2019 reporting year (October 1, 2018 – September 30, 2019), which is the fourth of five years in the 2016 – 2020 strategic management plan.

Strategic Goal	5 year Performance Goals
<p>Reduce fatalities* and hospitalization** rates in the most hazardous industries compared to the previous 5-year period</p> <p>*Reduce fatality rate from 2.7 per 100,000 full time workers to 2.5 per 100,000 full time workers (by 2020)</p> <p>**Reduce hospitalization rate from 35 per 100,000 full time workers to 26 per 100,000 full time workers (by 2020)</p>	<p><b>1.</b> Focus DOSH resources in these chosen most hazardous industries</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p><b>2.</b> Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries</p>
<p>Reduce the risk of catastrophic releases of hazardous chemical in Washington state</p>	<p>By 2020, DOSH will have conducted safety or health inspections or consultations at at-least half (approximately 145) of known facilities covered by PSM requirements in Washington State.</p>
<p>Recruit and retain technically skilled safety and health professionals, including qualified bilingual professionals</p>	<p>Increase the average number of months that newly hired safety and hygiene professionals stay in DOSH</p>

DOSH also set goals in support of mandated activities and to further ensure meeting the ultimate goal – every worker goes home safe and sound at the end of a workday.

- Reduce deaths from work-related injuries
- Reduce workplace injuries and illnesses
- Conduct onsite consultations and inspections
- Ensure timely abatement of serious hazards
- Maintain hygiene and safety citation lapse times below the national average

### SUMMARY OF GOAL RESULTS

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### Strategic Plan Goals

<b>Goal A-1:</b>	<b><u>Rule: Lead</u></b> <b>DOSH will have proposed rule language completed and a CR-102 filed by March 31, 2019</b>
<b>Results:</b>	The Lead rule is on track for CR-102 filing April 2020.
<b>Comment:</b>	Extensive stakeholdering, along with clarification of draft rule language has delayed the filing.
<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.
<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>

<b>Goal A-2:</b>	<b><u>Rule: Fall Protection</u></b> <b>DOSH will have proposed rule language completed and a CR-102 filed by March 31, 2019.</b>
<b>Results:</b>	The Fall Protection rule is scheduled for a December 17, 2019 filing date.
<b>Comment:</b>	An additional round of stakeholder meetings has delayed the filing date.
<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.
<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>
<b>Goal A-3:</b>	<b><u>Rule: Process Safety Management (PSM)</u></b> <b>By June 30, 2019 an updated PSM rule will be filed and public hearing dates will be set.</b>

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<b>Results:</b>	The PSM rule is scheduled for a May 2020 filing date.
<b>Comment:</b>	Extensive stakeholder meetings, along with clarification of draft rule language has delayed the filing.
<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.
<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>

<b>Goal A-4:</b>	<b>DOSH will focus on fatalities in construction in an effort to be among the 10 lowest states for construction fatality rates in the nation.</b>				
<b>Results:</b>	<p><b>Goal Met.</b> Washington was ranked 2<sup>nd</sup> lowest in the nation in the construction industry according to the 2018 CFOI.</p> <p>Washington was ranked 4<sup>th</sup> lowest nationwide overall with a 2.4 fatality rate.</p>				
<b>Comment:</b>	<p><b>Washington State was ranked 6<sup>th</sup> lowest in the nation in the construction industry according to the 2017 CFOI.</b></p> <p><b>Source:</b> Source: U.S. Bureau of Labor Statistics, Current Population Survey, Local Area Unemployment Statistics, Census of Fatal Occupational Injuries and <a href="https://www.bls.gov/iif/oshwc/cfoi/staterate2017.htm">https://www.bls.gov/iif/oshwc/cfoi/staterate2017.htm</a></p>				
<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.				
<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>				
<b>Goal A-5:</b>	<b>Reassumptions: 80% of all non-financial settlement agreements will include safety or health strategies beyond the minimum rule requirements.</b>				
<b>Results:</b>	<b>Qtr 1</b>	<b>Qtr 2</b>	<b>Qtr 3</b>	<b>Qtr4</b>	<b>TOTAL</b>
	3/3 100%	5/5 100%	9/10 90%	3/3 100%	20/21 Annual 95%



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<b>Comment:</b>	<b>Goal exceeded</b> with an annual total of <b>20/21</b> or <b>95%</b> , which is <b>15%</b> above the goal.
<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.
<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>

<b>Goal A-6:</b>	<b>Agriculture:</b> DOSH will collectively have 550 WISHA-10 employee certification cards issued by September 30, 2019.
<b>Results:</b>	Goal exceeded with 634 cards issued, 54 of which include train the trainer certifications as well.
<b>Comment:</b>	<b>Goal exceeded by 15%</b>
<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.
<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>

<b>Goal A-7:</b>	<b>Agriculture:</b> DOSH will ensure that at least 250, or 5%, of all inspections conducted will be in the agriculture industry.
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<b>Results:</b>	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <th style="width: 16.6%;">Qtr 1</th> <th style="width: 16.6%;">Qtr 2</th> <th style="width: 16.6%;">Qtr 3</th> <th style="width: 16.6%;">Qtr 4</th> <th colspan="2" style="width: 23.6%;">TOTAL</th> </tr> <tr> <td>74 / 6.1%</td> <td>81 / 6.5%</td> <td>115 / 9%</td> <td>120 / 10.2%</td> <td colspan="2">390 / 8%</td> </tr> </table>						Qtr 1	Qtr 2	Qtr 3	Qtr 4	TOTAL		74 / 6.1%	81 / 6.5%	115 / 9%	120 / 10.2%	390 / 8%	
	Qtr 1	Qtr 2	Qtr 3	Qtr 4	TOTAL													
	74 / 6.1%	81 / 6.5%	115 / 9%	120 / 10.2%	390 / 8%													
	<b>Agriculture Inspections by Special Tracking Selection</b>																	
	Ag Industry	136	Joint Ag Inspections	13	PSM	1												
	Amputation	1	Marijuana Grow	26	Other or No Emphasis	187												
Chemical NEP	33	Outdoor Heat Exposure	28															
H2A Ag Visa	6	Temp Worker Housing	1															
<b>Comment:</b>	<b>Goal exceeded by 56%</b>																	
<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.																	
<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>																	
<b>Goal A-8:</b>	<b>Logging: DOSH will conduct at least 65 logging inspections by September 30, 2019.</b>																	
<b>Results:</b>	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <th style="width: 16.6%;">Qtr 1</th> <th style="width: 16.6%;">Qtr 2</th> <th style="width: 16.6%;">Qtr 3</th> <th style="width: 16.6%;">Qtr 4</th> <th colspan="2" style="width: 23.6%;">TOTAL</th> </tr> <tr> <td>26</td> <td>33</td> <td>45</td> <td>52</td> <td>156</td> <td>240%</td> </tr> </table>						Qtr 1	Qtr 2	Qtr 3	Qtr 4	TOTAL		26	33	45	52	156	240%
	Qtr 1	Qtr 2	Qtr 3	Qtr 4	TOTAL													
26	33	45	52	156	240%													
<b>Comment:</b>	<b>Goal exceeded by 140%</b>																	
<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.																	
<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>																	
<b>Goal A-9:</b>	<b>Conduct at least 30 safety or health inspections or consultations at facilities covered by PSM requirements by September 30, 2019.</b>																	

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<b>Results:</b>	<b>Qtr 1</b>	<b>Qtr 2</b>	<b>Qtr 3</b>	<b>Qtr 4</b>	<b>TOTAL</b>
	<b>Consultation</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>26</b>
	<b>Compliance</b>	<b>15</b>	<b>22</b>	<b>27</b>	<b>79</b>
	<b>Totals</b>	<b>22</b>	<b>30</b>	<b>36</b>	<b>105</b>
<b>Comment:</b>	<u>Goal exceeded by 250% over the set goal with 105 PSM inspections and consultations.</u>				
<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.				
<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>				
<b>Goal A-10:</b>	<b>DOSH will monitor and track the percentage of new hire safety and health professionals who remain in DOSH after they have graduated new hire training.</b>				
<b>Results:</b>	Continuously monitored and updated periodically. As of FFY 2019, it is still too early to tell if the compensation increases are having an impact.				
<b>Comment:</b>	This goal is being continuously monitored using a database of new hire graduates starting with the first class that graduated after the July 2017 compensation increases went into effect, and tracking the percentage that still work for DOSH each time we update the report. Each successive class of new hires is added and tracked.				
<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.				
<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>				

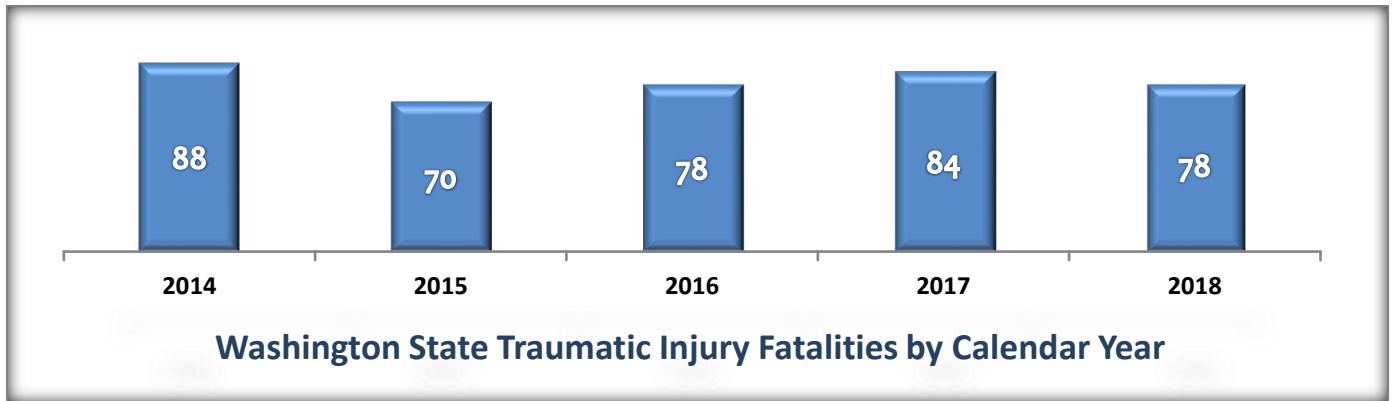
### Mandated Activity Goals

<b>Goal B-1:</b>	<b>Reduce deaths from work-related injuries in support of the 2020 goal of no more than 2.5 deaths per 100,000 full-time workers</b>
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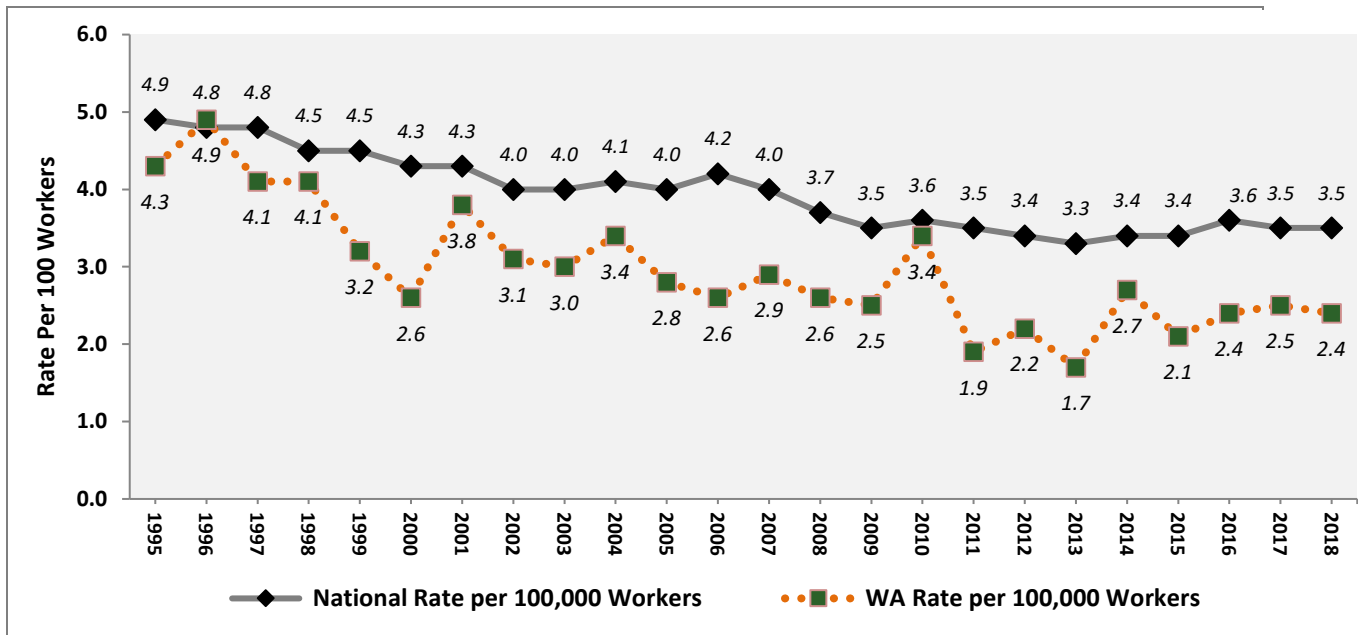
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<b>Results:</b>	<b>Goal Met.</b> 2.4 per 100,000 full-time equivalent workers.
<b>Comment:</b>	Washington's workplace fatality rate for 2018 is 2.4 which is over a full point less than the national average of 3.5, and down from 2.5 in 2017. Washington's fatality rate has been below the national average and among the ten lowest states for 22 consecutive years.

*Data Source: Washington's Fatality Assessment and Control Evaluation (FACE) system administered by L&I's Safety and Health Assessment and Research for Prevention (SHARP) program and annual CFOI Fatality Reports.*



### Washington Workplace Fatality Rate Compared to National Fatality Rate



*Data Source: Census of Fatal Occupational Injuries (CFOI), Bureau of Labor Statistics, U.S. Department of Labor; and, Washington State Employment Security Report*

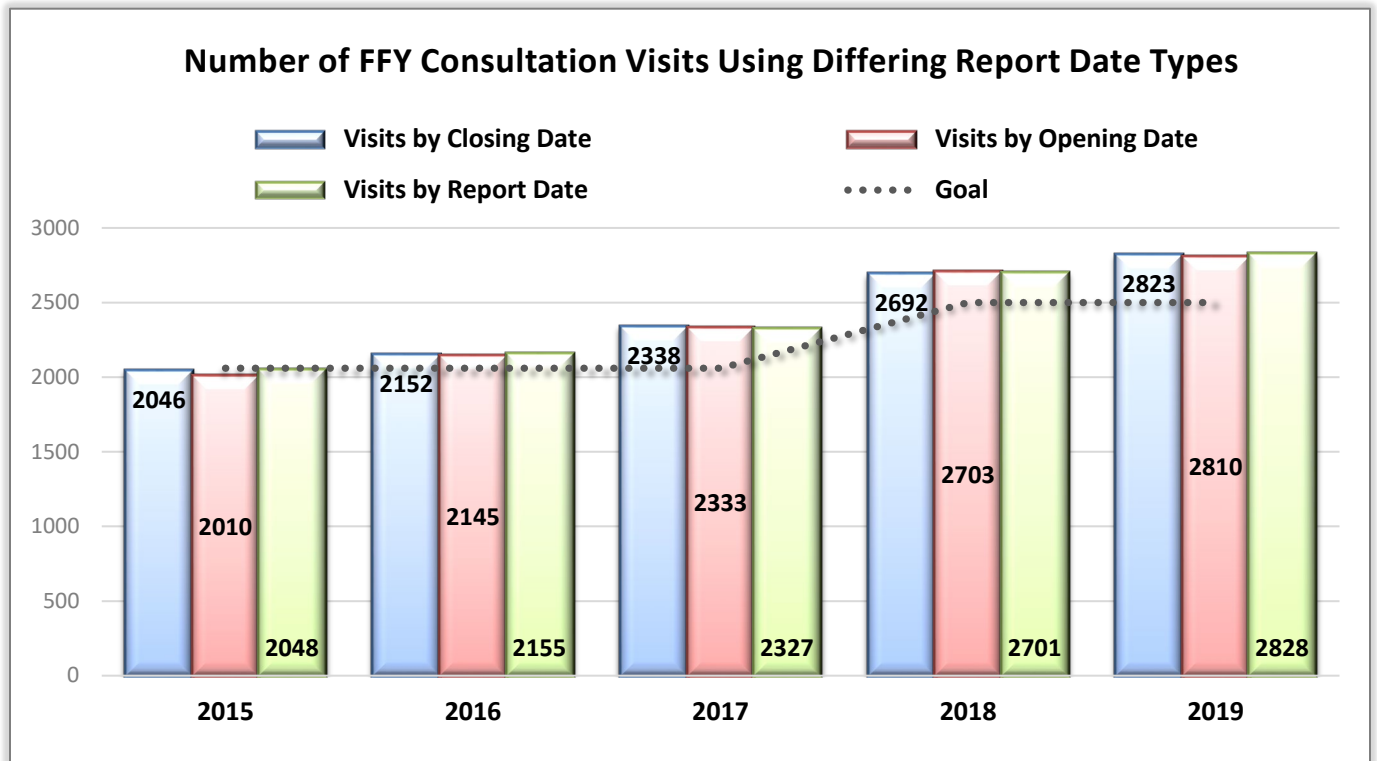
<b>Goal B-2:</b>	<b>Conduct at least 2,500 onsite consultations.</b>
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<b>Results:</b>	Qtr 1		Qtr 2		Qtr 3		Qtr 4		Total	
	<b>690</b>	27.6%	<b>658</b>	26.5%	<b>791</b>	31.6%	<b>684</b>	27.4%	<b>2823</b>	<b>113%</b>
<b>Comment:</b>	<p><b>Goal exceeded by 323 visits or 13% of the set goal.</b> This is the 4<sup>th</sup> consecutive year DOSH has exceeded the consultation visits goal, even after raising the goal last year.</p>									

**Indicator:** Number of onsite consultation visits with a closing conference date in the current period.  
 Consultation activity reports prepared and distributed weekly.

**Data Source:** L&I Data Warehouse and WISHA Information Network (WIN)



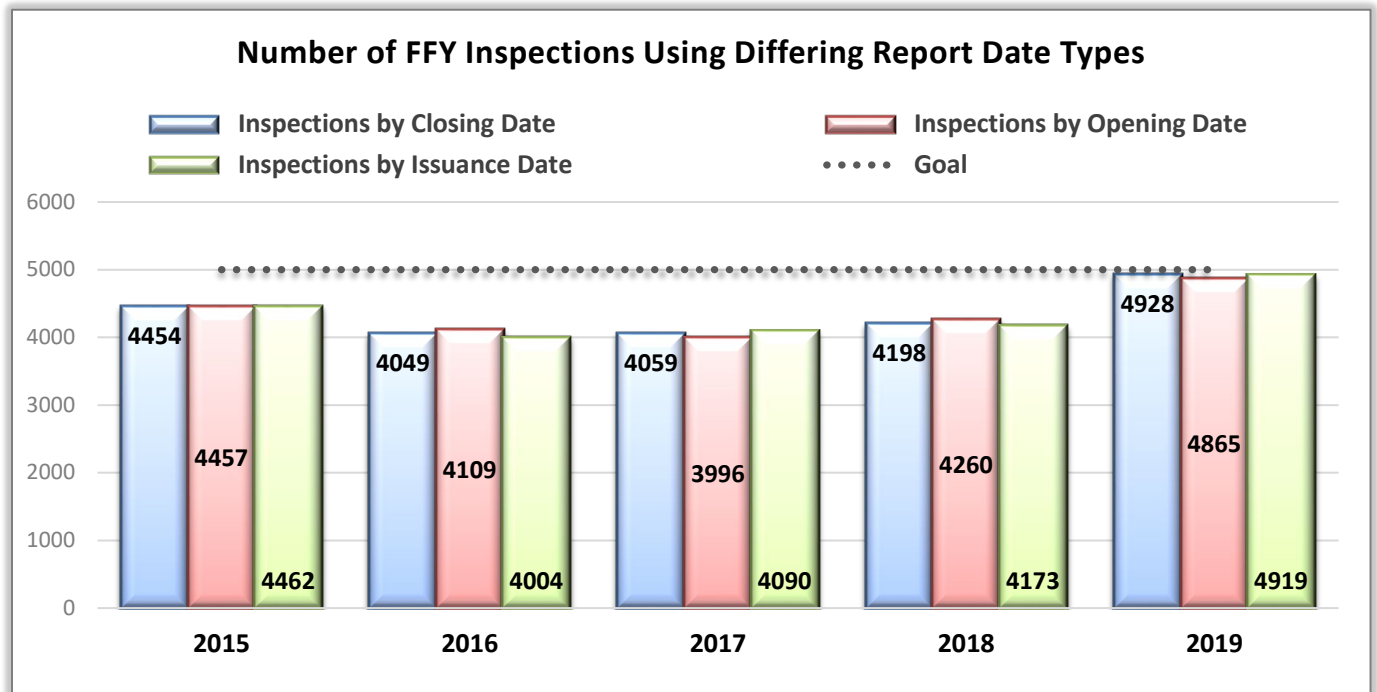
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<b>Goal B-3:</b>	<b>Conduct at least 5,000 compliance inspections.</b>									
<b>Results:</b>	<b>Qtr 1</b>		<b>Qtr 2</b>		<b>Qtr 3</b>		<b>Qtr 4</b>		<b>Total</b>	
	1214	24.3%	1246	25%	1283	26%	1180	23.6%	4928	98.4%
	<b>Comment:</b> <span style="color: red;">Goal NEARLY met!</span>									

***Indicator:** Number of compliance inspections with a closing conference date in the current period. Compliance activity reports prepared and distributed weekly.*

***Data Source:** WISHA Information Network (WIN) Performance Report*

Inspections per FFY Using Opening Conference and Inspection Description	2015	2016	2017	2018	2019
Inspections with Violations	2956	2658	2482	2770	3225
No Violation Inspections	1501	1451	1514	1490	1640
<b>Total Inspections</b>	<b>4457</b>	<b>4109</b>	<b>3996</b>	<b>4260</b>	<b>4865</b>
No Inspection Inspections	186	182	196	194	163
<b>Total Inspections</b>	<b>4643</b>	<b>4291</b>	<b>4192</b>	<b>4454</b>	<b>5028</b>



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<b>Goal B-4:</b>	<b>Ensure that 100% of serious hazards are corrected and that 95% are verified by consultants within 14 days of the abatement date.</b>									
<b>Results:</b>	<b>Qtr 1</b>		<b>Qtr 2</b>		<b>Qtr 3</b>		<b>Qtr 4</b>		<b>Final</b>	
	1604 of 1650	<b>97%</b>	1398 of 1429	<b>98%</b>	1887 of 1904	<b>99%</b>	1626 of 1678	<b>97%</b>	<b>6515 of 6661</b>	<b>98%</b>
<b>Comment:</b>	<b><u>Goal exceeded by 3%</u></b>									

**Indicator:** At least 95% of serious hazards with abatement due during the period have abatement verified as completed.

**Data Source:** WISHA Information Network (WIN) Performance Report.

### Getting Serious Hazards Corrected Faster

When DOSH assures the timely correction of serious hazards, Washington workers are therefore exposed to significantly fewer hazards that cause serious injuries, illnesses, or fatalities. Hazard abatement timeliness is currently at the highest it has been in years.

<b>Consultation Hazard Abatement History</b>		
	<b># Serious Hazards Abated</b>	<b>% Timely w/in 14 days</b>
<b>2019</b>	<b>6515 of 6661</b>	<b>97.8%</b>
2018	6271 of 6408	97.9%
2017	5498 of 5662	97.1%
2016	4903 of 5099	96.1%
2015	4724 of 4910	96.2%
2014	5,666 of 5,874	96.5%
2013	6,014 of 6,174	97.4%

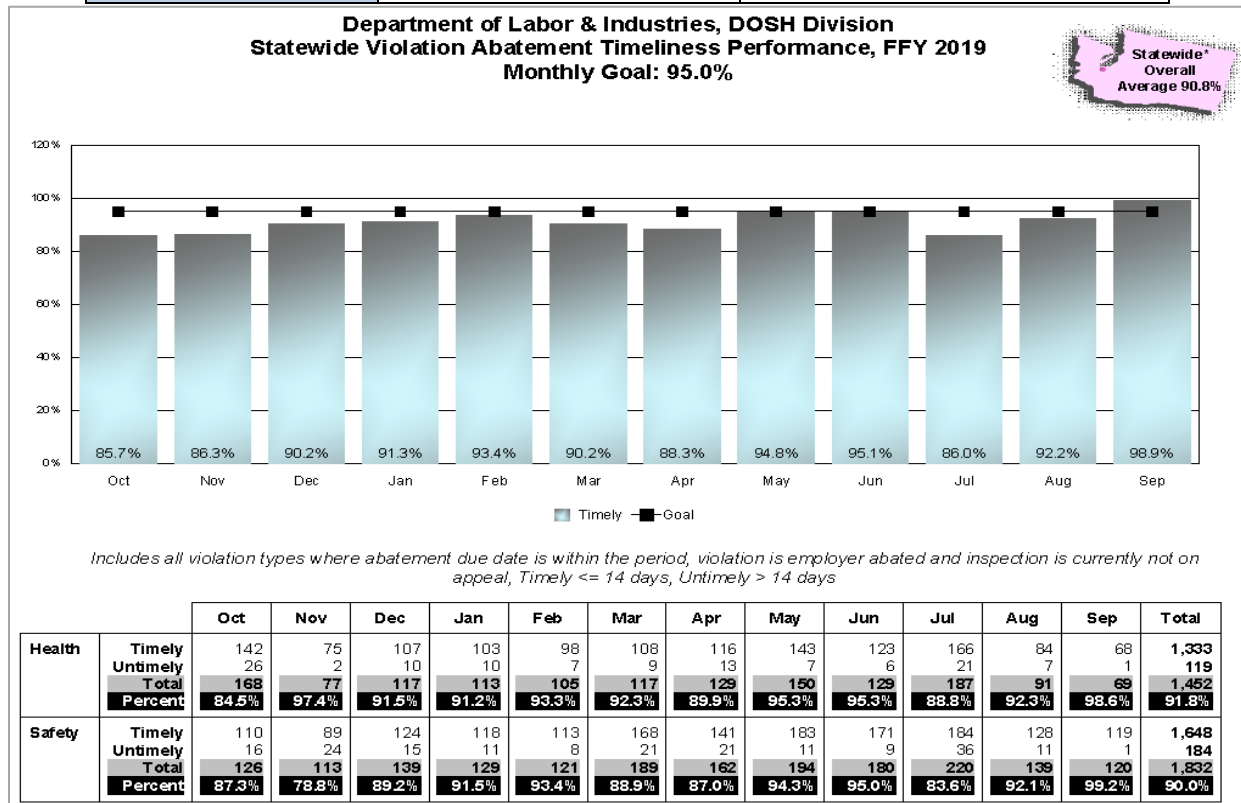
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<b>Goal B-5:</b>	<b>Ensure that 100% of serious violations are abated and 95% of them are verified as such by inspectors within 14 days of the abatement date.</b>																				
<b>Results:</b>	<table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <tr> <th colspan="2">Qtr 1</th> <th colspan="2">Qtr 2</th> <th colspan="2">Qtr 3</th> <th colspan="2">Qtr 4</th> <th colspan="2">Final</th> </tr> <tr> <td>652 of 748</td> <td><b>87%</b></td> <td>709 of 775</td> <td><b>92%</b></td> <td>891 of 963</td> <td><b>93%</b></td> <td>810 of 903</td> <td><b>90%</b></td> <td><b>3062 of 3389</b></td> <td><b>90%</b></td> </tr> </table>	Qtr 1		Qtr 2		Qtr 3		Qtr 4		Final		652 of 748	<b>87%</b>	709 of 775	<b>92%</b>	891 of 963	<b>93%</b>	810 of 903	<b>90%</b>	<b>3062 of 3389</b>	<b>90%</b>
Qtr 1		Qtr 2		Qtr 3		Qtr 4		Final													
652 of 748	<b>87%</b>	709 of 775	<b>92%</b>	891 of 963	<b>93%</b>	810 of 903	<b>90%</b>	<b>3062 of 3389</b>	<b>90%</b>												
<b>Comment:</b>	<b>Goal not met.</b> We are adding more staff to address heavy workloads, which will help with verifying and closing out pending abatements. This measure is being affected by ongoing retention issues.																				

**Indicator:** At least 95% of serious violations with abatement due during the period have abatement verified as completed.

**Data Source:** L&I Data Warehouse and WISHA Information Network (WIN).

	Compliance Violation Abatement History	
	# Serious Violations Abated	% Timely w/in 14 days
<b>2019</b>	<b>3062 of 3389</b>	<b>90.4%</b>
2018	2028 of 2263	89.6%
2017	2273 of 2438	93.2%
2016	2,017 of 2,188	92.2%
2015	3,177 of 3,508	90.6%
2014	2,730 of 2,848	95.8%



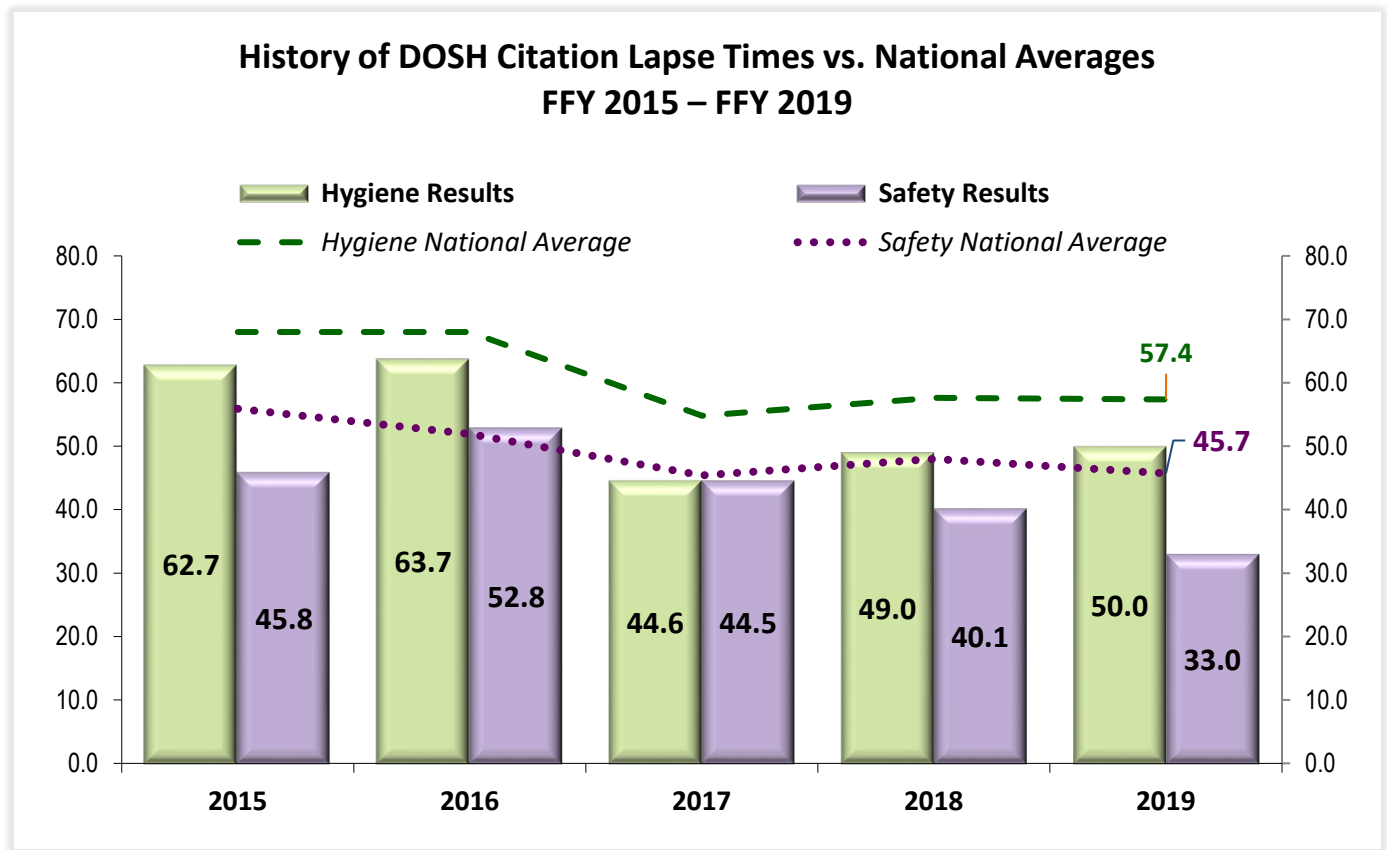


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<b>Goal B-6:</b>	Maintain <b>HYGIENE</b> citation lapse time at or below the current national average of calendar days (for citations with violations, from opening conference to issuance date).																																																							
<b>Goal B-7:</b>	Maintain <b>SAFETY</b> citation lapse time at or below the current national average calendar days (for citations with violations, from opening conference to issuance date).																																																							
<b>B-6 and B-7 Results:</b>	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th colspan="2">Qtr 1</th> <th colspan="2">Qtr 2</th> <th colspan="2">Qtr 3</th> <th colspan="2">Qtr 4</th> <th colspan="2">TOTAL</th> </tr> <tr> <th></th> <th>DOSH</th> <th>NAT'L</th> <th>DOSH</th> <th>NAT'L</th> <th>DOSH</th> <th>NAT'L</th> <th>DOSH</th> <th>NAT'L</th> <th>DOSH</th> <th>NAT'L</th> </tr> </thead> <tbody> <tr> <td style="background-color: #e0e0e0;"><b>Safety</b></td> <td>36.93</td> <td>51.74</td> <td>33.88</td> <td>35.26</td> <td>27.79</td> <td>45.81</td> <td>33.46</td> <td>50.01</td> <td style="background-color: #e0e0e0;"><b>33.02</b></td> <td>45.71</td> </tr> <tr> <td style="background-color: #e0e0e0;"><b>Health</b></td> <td>48.69</td> <td>61.12</td> <td>52.55</td> <td>50.94</td> <td>44.35</td> <td>55.81</td> <td>54.34</td> <td>61.51</td> <td style="background-color: #e0e0e0;"><b>49.98</b></td> <td>57.35</td> </tr> <tr> <td style="background-color: #e0e0e0;"><b>Average</b></td> <td><b>42.8</b></td> <td>56.4</td> <td><b>43.3</b></td> <td>43.1</td> <td><b>36.1</b></td> <td>50.8</td> <td><b>43.9</b></td> <td>55.8</td> <td style="background-color: #e0e0e0;"><b>41.5</b></td> <td>51.5</td> </tr> </tbody> </table>		Qtr 1		Qtr 2		Qtr 3		Qtr 4		TOTAL			DOSH	NAT'L	DOSH	NAT'L	DOSH	NAT'L	DOSH	NAT'L	DOSH	NAT'L	<b>Safety</b>	36.93	51.74	33.88	35.26	27.79	45.81	33.46	50.01	<b>33.02</b>	45.71	<b>Health</b>	48.69	61.12	52.55	50.94	44.35	55.81	54.34	61.51	<b>49.98</b>	57.35	<b>Average</b>	<b>42.8</b>	56.4	<b>43.3</b>	43.1	<b>36.1</b>	50.8	<b>43.9</b>	55.8	<b>41.5</b>	51.5
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**Indicator:** Average number of days between opening conference date and citation issuance date for all hygiene/safety citations with violations issued during the period.

**Data Source:** Quarterly & year-end SAMM reports from OIS. Current national average taken from fiscal year-end SAMM.



### Significant Accomplishments

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#### Rulemaking

##### PSM

We are currently working on rulemaking to create several new sections in our Process Safety Management (PSM) rules that will only apply to petrochemical refining facilities. In addition, without introducing any new requirements, we will update existing language throughout the chapter regarding Process Safety Management (PSM) to ensure it is clear these rules apply to all other PSM regulated facilities. These rules are currently outdated, not having been updated in over 20 years and do not reflect current industry practices. Other housekeeping amendments may also be proposed in this chapter.

Since 1998, 13 workers in Washington State have tragically died in two catastrophic events at oil refineries. These incidents have led to discussions about what could have been done to prevent these tragedies. The PSM Advisory Committee was formed in 2015 to ensure stakeholders have a place to discuss ways to improve workplace safety and health at refineries. The PSM Rules Review Committee was formed in 2016 to review the current PSM rules, and have held several meetings to date, moving toward a shared goal of providing employers and their employees a safe and healthy work environment.

The need for such changes stems from previous incidents at petroleum refineries in the state of Washington. In 2010, seven workers lost their lives at the Tesoro refinery in Anacortes when a heat exchanger used in the refining process exploded. Two other incidents in 1998 at the Equilon refinery in Anacortes and Advanced Silicon Materials in Moses Lake claimed the lives of eight workers.

California and their Division of Occupational Safety and Health (CalOSHA) recently implemented new rules for process safety management for oil refineries. DOSH worked with CalOSHA and local Washington refineries, among other stakeholders, to draft similar regulations for process safety management in oil refineries for those in the State of Washington. These changes are needed to ensure that employers and employees are safe while working in the refineries as processes and technology in the industry advance over time.

The PSM rule is currently in the economic analysis phase with a survey being conducted. It is anticipated that this survey will be complete and the next filing package for the proposed rule changes will be in late spring 2020. In addition to PSM rulemaking efforts, DOSH has also hired a Compliance Manager for a newly formed PSM group and is in the process of recruiting for PSM specific inspectors.

##### Lead

In light of increasing evidence of the hazards associated with occupational lead exposure, DOSH has been working with stakeholders to assess ways that we can update existing lead standards in both general industry and construction, many aspects of which were written over twenty years ago, to better protect Washington workers.

DOSH initially denied a public petition in November of 2013 requesting that we update our lead rules because at the time we wanted to gather more information and stakeholder input. After a series of preliminary stakeholder meetings ending in February 2016 we have decided that there is enough

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interest and support for working with stakeholders representing various interests to determine areas of concern and find solutions collaboratively.

As we are still in the early stages of the rulemaking process the scope and extent of rulemaking was uncertain, but areas of focus have included such things as changing Permissible Exposure Levels (PELs) based on scientific data, updating “housekeeping” standards including Personal Protective Equipment (PPE) and ventilation requirements for employers operating in areas where there is increased lead exposure, and updating reporting requirements for employers.

We recognize that rulemaking is only one part of a comprehensive plan to eliminate or reduce occupational lead exposure to levels roundly agreed to be safe among scientific experts. To that end, the rulemaking staff will work closely with other business areas within DOSH such as Compliance and Outreach to share information that is gathered.

The lead rule has recently completed its extensive stakeholdering, the draft is under review and preparing for the economic analysis to be conducted. It is anticipated that this survey will be complete and the next filing package for the proposed rule changes will be in late spring 2020.

### **Fall Protection**

This proposed rulemaking is federally initiated. The Department is responding to correspondence that the Division of Occupational Safety and Health (DOSH) received from the Federal Occupational Safety and Health Administration (OSHA) stating that DOSH’s fall protection requirements were not at least as effective as OSHA’s fall protection requirements. The Department is conducting rulemaking specifically related to fall protection requirements and references included in eighteen (18) different chapters and work industries.

In June of 2013, DOSH received a letter from OSHA outlining concerns that OSHA had with DOSH’s fall protection rules. OSHA advised DOSH to submit a detailed analysis comparing Washington’s fall protection standards and enforcement policies that apply to residential construction, to OSHA’s Compliance Guidance for Residential Construction and Subpart M of 29 CFR 1926. DOSH was to identify each of the differences between the two rules and provide an explanation of why the state provision should be considered at least as effective as OSHA’s.

In October of 2015, DOSH received another letter from OSHA advising DOSH that Washington’s fall protection requirements cannot be considered at least as effective as OSHA’s requirements. The specific areas of concerns are:

- In most cases, Washington’s trigger heights are lower than OSHA’s as fall protection is normally required at four feet, however there is an exemption for work being done on low pitch roofs and leading edges where the trigger height for fall protection is 10 feet;
- Alternatives to conventional fall protection, such as the safety watch system and catch platforms;
- Warning line criteria; and
- Certain language in Washington’s standard which may make the requirements to use fall protection ambiguous.

Additionally, in 2013, the Washington State Legislature adopted Substitute Senate Bill 5679 (SSB 5679). SSB 5679 directed the Department to establish and perform, within existing funds, a formal rules review process of its existing rules every five years. One goal of this review process was to reduce the number of rules, simplifying the regulatory burden on businesses. Currently, fall protection requirements are located in several chapters under DOSH’s authority and this proposed

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rulemaking would minimize the burden on employers doing work that encompasses several industry specific standards.

Through a series of public meetings held in the Fall of 2016 through 2018, the Department found widespread support from our partner organizations representing both business and labor. These stakeholders made it evident to the Department that a single, unified fall protection standard that applied to all industries statewide would be easier to implement and help protect workers from fall hazards. Stakeholders have been and will continue to be involved with each aspect of this rulemaking, working as a team to come to consensus on the proposed language.

Chapter 296-880 WAC, Unified Safety Standards for Fall Protection is a new chapter incorporating fall protection language from a large number of vertical standards. By creating a unified fall protection rule, some existing requirements will be changed to ensure alignment and consistency with OSHA, and references to the existing requirements are being updated.

The following industries will have consistent fall protection rules:

- Construction, all types, residential and commercial
- Longshore, Stevedore and waterfront related operations
- Ship repairing, ship building and ship breaking
- Ski area facilities and operations
- Sawmills and woodworking operations
- Pulp, paper and paperboard mills and converters
- Material storage and disposal
- Textile industry
- Cranes and crane operation
- Excavation and trenching operations
- Steel erection
- Limited areas of Agriculture work
- Forklifts, powered platforms and powered industrial trucks
- Scaffold erection and dismantle
- Window cleaning

The fall protection rule is currently in the draft review stage. It is anticipated that this filing package for the proposed rule changes will be in December 2019.

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## Significant Inspections

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### Seattle Crane Collapse

DOSH's nearly six-month investigation of a tower crane collapse in Seattle on April 27, 2019, that resulted in four fatalities determined that the crane collapse was caused by the companies not following the manufacturer's procedures for dismantling the structure, including prematurely removing nearly all of the pins and sleeves that helped hold the crane together. This resulted in three companies being cited for more than \$100,000 in violations and penalties. With the pins removed, the tower was significantly weakened, making it susceptible to the 45-plus miles per hour wind gust that toppled it. When the pins are in place, tower cranes can withstand much stronger gusts. Four people were killed when the crane fell, including two workers who were at the top of the crane, and two people in cars below.

L&I investigators spent hundreds of hours interviewing workers and company representatives, examining the wreckage and working to understand what went wrong. The agency has taken steps to increase crane safety and prevent similar incidents from happening in the future.

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### **Crane hazard alert issued**

On June 11, L&I's Division of Occupational Safety and Health (DOSH) issued a hazard alert stressing proper procedures for assembling and dismantling tower cranes. The alert says crane companies must follow manufacturers' procedures. It also reinforces that pins and other connectors should only be removed for the individual crane segment that is being lifted. Some states and countries have used L&I's alert as a model to draft their own crane hazard alerts.

DOSH has also asked companies to report when they are assembling or disassembling tower cranes. Several have done so, and the agency has performed a number of spot inspections as a result.

"When crane safety regulations are not followed in this industry, it can be catastrophic," said Anne Soiza, L&I's assistant director in charge of DOSH. "Cranes are safe when manufacturers' procedures and our rules are followed. We're sharing the lessons learned from this tragic incident and are already seeing signs that it's increasing safety in the industry."

### **Three companies cited for violations**

L&I investigated five companies and has cited and fined three of them a total of \$107,200 for multiple violations. The tower crane is owned by Morrow Equipment LLC and was leased by GLY Construction for the construction project. Northwest Tower Crane Services provided the crew dismantling the crane.

Morrow Equipment, LLC was cited for one willful serious violation for not following the crane manufacturer's procedures, which directly contributed to the collapse. In a willful violation, an employer either knowingly ignored a legal requirement or was indifferent to employee safety. Morrow approved the removal of the pins. As the crane equipment supplier, they had the highest amount of expertise at the jobsite. The manufacturer's procedures say not to remove pins other than the ones for each individual section being dismantled. Morrow was fined \$70,000.

L&I cited GLY Construction for three serious violations, including not having a qualified supervisor and other personnel on site at all times during the disassembly operations; not ensuring the manufacturer's procedures were followed, and not accounting for weather conditions. GLY was fined \$25,200.

Northwest Tower Crane Services was cited for three serious violations, including not following the manufacturer's procedures, not ensuring workers understood their assigned duties, and inadequate training of workers. They face \$12,000 in fines. Two other companies, Seaburg Construction and Omega Rigging and Machinery, were not cited for any violations.

### **Vancouver firm given large fine for multiple trenching and excavation violations**

In October 2018 we cited a Vancouver, Washington construction company that specializes in excavation and trenching \$126,400 for multiple safety violations. Colf Construction was a subcontractor on the 10th Street Bridge project in Ridgefield, Washington when we opened the inspection in March of this year. We conducted eight site visits during the inspection and found trenching violations during five of those visits. The company was cited with six willful and serious violations. The violations included not ensuring workers were protected from cave-ins, not performing daily excavation inspections, not removing workers from hazardous areas, employees working under suspended loads, no safe access or exit available from excavations, and lack of fall protection. The employer knew the dangers and had been warned before. Not only were the workers not protected from cave-in hazards with trench boxes or other methods, there were no easy entry and exit paths from the trenches.

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### **Multiple serious and willful asbestos violations result in nearly \$800,000 in penalties**

Improper and unsafe handling of asbestos at a Seattle area home-flipping site put workers and neighbors at risk and left two business owners and their companies facing numerous citations and hundreds of thousands of dollars in penalties. Although we opened separate investigations into four different employer entities (James Thorpe, Northlake Capital & Development, 3917 Densmore LLC, and Chris Walters), they were all owned by two individuals who shifted responsibility from LLC to LLC, and from person to person to create a legal web of confusion over who was responsible. Last month we cited each business individually for 11 willful and serious violations. In total, the penalties for the four separate investigations add up to \$789,200.

The two men endangered their workers and people who live nearby the project, including children. We opened the inspection following a referral from an alert neighbor living near a residential renovation project on Densmore Road in Lynnwood. Several workers were improperly removing exterior asbestos tiles from the home over a weekend. When two neighbors confronted Chris Walters, the man who said he was the homeowner, Walters promised to remove the asbestos correctly. However, the neighbors took videos that showed the workers committing several violations. An extensive investigation revealed that Walters was actually part of a complex corporate partnership created to renovate and flip the residence. The home was initially purchased by a Seattle company, Northlake Capital & Development, owned by James Thorpe.

Northlake is a real property company that primarily focuses on house flipping. After the purchase, Thorpe created 3917 Densmore LLC and established Walters, a Northlake employee, as the sole member of the new corporation, claiming that Walters was the homeowner, and that he intended to live in the home. During the investigation neither Walters nor Thorpe accepted responsibility for the violations. Eventually we cited both men and the companies they oversee for the same violations. The penalties varied, primarily due to the number of workers each entity was responsible for. Thorpe and Northlake were each cited with \$214,100 in penalties, and Walters and 3917 Densmore were each cited for \$180,500. The violations included using uncertified workers to remove asbestos; not using a certified asbestos supervisor; and not obtaining an asbestos good faith survey prior to beginning work. They were also cited for not using water and not keeping the shingles intact during removal (the workers were breaking the tiles with hammers); for the lack of proper personal protective equipment for workers; not monitoring the air during removal; and for not having a written accident prevention program.

### **Dollar Tree faces one of largest-ever DOSH penalties for repeated safety violations**

In May 2019, we issued a new citation to Dollar Tree with over \$503,200 in penalties for 7 willful and 5 serious violations. The November 2018 inspection found locked emergency exit routes, unsafe ladder use and improper stacking of merchandise at a Vancouver, Washington, location. We found the same safety hazards at the store during multiple visits. The violations continued even after the company was informed of the safety hazards during earlier visits by a DOSH inspector, and after they were provided specific instructions on how to improve employee safety at the store and avoid further violations. "Even after multiple large fines, it appears this company has not gotten the message to ensure their safety and health system is working in every Washington store location," said L&I Assistant Director Anne Soiza. "This citation is one of the largest we've issued and we will apply pressure to Dollar Tree until its leadership takes sustained, comprehensive steps to prevent serious hazards."

This is the third substantial citation with penalties involving Dollar Tree in just over a year. Since the beginning of 2017, we have completed 15 inspections at Dollar Tree stores after complaints

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and referrals about unsafe working conditions. The Virginia-based company has dozens of stores throughout Washington. Prior to this most recent case, Dollar Tree had been cited with penalties of nearly \$593,000 since 2013. Last year, we cited a store in Bonney Lake for three willful violations with \$166,000 in penalties. We also cited a Dollar Tree in Kelso with \$140,000 in penalties for violations similar to the ones found at the Vancouver store in this recent inspection. Dollar Tree's corporate office controls inventory for local stores, and shipments arrive frequently. Challenges with too much inventory and not enough storage space lead to high stacks of boxes, often leaning over, which cause blocked and impeded pathways and other hazards. Improperly stored merchandise can fall, resulting in serious injuries or death if the boxes strike employees or cause employees to fall, or if exits are blocked during an emergency. Lifting heavy boxes onto over-the-head stacks is also likely to cause strains and sprains or serious back injuries. In the Vancouver store, workers were also climbing on shelving units, which can result in falls. The company has now been placed in our Severe Violator Enforcement Program (SVEP), and its stores are now subject to inspections at any time.

### Asbestos and lead safety violations result in large fine for Bellingham firm

In September 2019 we cited a Bellingham-based property management firm for 33 serious and 6 general safety and health violations, most of which involve improper handling of asbestos and lead. As a result of the violations, Daylight Properties is facing penalties totaling \$185,600. The highest single penalty was \$48,000 for failure to obtain a good faith inspection before beginning asbestos removal work. The amount was based on a \$600 per day penalty over an 80-day time period. Other violations include not having asbestos removal certification, not having an asbestos competent person on site, workers not being certified for asbestos work, and not sufficiently wetting asbestos-containing materials during removal.

"Improper and unsafe lead and asbestos removal is a serious problem in Washington," said Anne Soiza, L&I Assistant Director for the Division of Occupational Safety and Health. "This company renovates old buildings which often have asbestos and lead-containing materials. There are laws in place, and we expect them to be followed to prevent exposing workers, tenants and the general public to these hazardous materials." Asbestos is extremely hazardous and can cause potentially fatal diseases like asbestosis, mesothelioma and lung cancer. Lead exposures have serious and permanent health effects on children and adults. Only a certified contractor who follows the specific related safety and health rules may remove and dispose of lead and asbestos-containing materials. It's all-too-common for contractors to conduct asbestos removal activities without the required certification, proper training, processes and equipment.



## Program Accomplishments

### Employee Recognition

DOSH has several different types of challenge coins in circulation that have been awarded to staff for a variety of accomplishments. They include the Keystone Leadership coin, the New Hire coin, and Anne Soiza's Assistant Director recognition coin. In Spring of 2019, five new coins were minted for staff who have reached Milestone numbers of Inspections or Consultations conducted. They include 100, 250, 500, 750 and 1000 interventions. Each silver coin with copper nickel highlights features an iconic Washington State geographic or industry scene. Every summer, the DOSH Senior

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Management Team takes to the road for a series of visits with our field staff. Each senior manager provides an update on what is happening in their program area. We also discuss agency initiatives and the results of the annual employee survey. It's a chance to ask our staff what's on their mind and to find out about problems that we can help solve to make their work easier. This year was extra special as we awarded the new challenge coins to all staff who have conducted inspections or consultations at any point in their DOSH career. We

have some longtime staff who received all five coins. It was immediately obvious that the coins had a profound impact on those who received them. Even some who earned valued challenge coins during military service told us how meaningful these coins are to them. We're now designing coins for 1500 interventions, and have several staff who have already achieved those milestones!

### **New Industrial Hygiene Laboratory and DOSH Safety and Health Technical Training Center**

After over 15 years working on getting approval and funding to build a new Lab and Training Center, we are now finally moving ahead on the project! A design firm has been selected, and soon we'll select a general contractor. The new building will be located adjacent to our existing central office building in Tumwater. The new training center will have two state of the art 40-person classrooms as well as a large graveled outdoor demonstration area, and an enclosed high bay warehouse space where we can provide realistic mock-ups representing a variety of industrial settings. Having a new industrial hygiene lab configured specifically to meet our needs will help streamline analytical processes and reduce turnaround time. The projected completion and move in date for the new facility is the spring of 2022.

***Our Central Office campus is in the upper right quadrant of this aerial view. The building and parking lot directly below it within the orange border is the Department of Corrections headquarters. Our Lab and Training Center will be built inside the orange border on the wooded plot to the right of the I-5 freeway on ramp.***

CONCEPTUAL SITE PLAN



Additionally, the results of a multi-year LEAN effort at the Lab are now coming to fruition. We recently implemented our new LIMS (Lab Information Management System) which enables us to complete analyses more quickly and to build in new



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workflow efficiencies. The next step is to implement a mobile phone app that industrial hygienists can use to transmit sample data to the lab directly from the field.

### **Discrimination Investigations Program**

In the last Federal Fiscal Year, the DOSH Discrimination Program completed 100% of all cases within 90 days, which puts us at the top when compared to all other Whistleblower programs nationwide. In addition, we averaged 70 days to complete our investigations placing us first in the nation for this category as well.

In addition, the Discrimination program accomplished the following:

- Settled = 6: 4<sup>th</sup> place in nation of all State Plans
- Settled Other = 5: 4<sup>th</sup> place in the nation of all State Plans
- Reinstatement = 1: 3<sup>rd</sup> place in the nation of all State Plans
- Total Merit cases= 15: 4<sup>th</sup> place in the nation of all State Plans
- Total dollars returned to employees for damages = \$75,870.21: 6<sup>th</sup> place in the nation of all State Plans

The Discrimination supervisor gave a presentation to the International Longshore and Warehouse Union over the summer in Vancouver and provided brochures and complaint forms for their members. The presentation was an informal question and answer forum to inform ILWU members about DOSH's jurisdiction and their rights under RCW 49.17.160.

### **Internal Audit**

In FFY 2019 the DOSH Internal Audit staff completed four engagements. All work was done in accordance with international internal auditing standards. Topics included assessing:

- Readiness of compliance case files to meet public disclosure requirements.
- Comparison of official compliance case files with the WIN records.
- Rates and patterns of no-violation inspections.
- Rates and patterns of supervisory spot checks, accompanied visits, etc. to evaluate CSHO performance.

We are currently working on three engagements:

- Developing a system to track non-IH field equipment issued to CSHOs.
- Assessing controls in the Appeals program.
- Assessing controls in the Explosives licensing program

### **DOSH Internal Training**

Washington DOSH has a robust internal training program. This past year we trained 43 new hires from the Consultation and Compliance Programs. We utilize trainers from our other programs and offer a Train-the-Trainer class to ensure all trainers are utilizing the most current training techniques.

In addition, DOSH offered training in Firefighting Standards, Disaster Worker Hazards, Advanced Agriculture, Accident Investigation, D2000 Excavation and Trenching and Reid Investigational Interviewing and Positive Persuasion. In coordination with Oregon OSHA, we brought four OSHA training classes out—Industrial Crane Inspection, Process Safety Management (3400), Accident Investigation and Investigative Interviewing. In collaboration with the Department of Health (DOH) and Regional Homeland Security we had CSHOs trained in HSEEP (Homeland Security Exercise Evaluation Program), ICS (Incident Command System) 300/400, FEMA (Federal Emergency

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Management Agency) Position Specific Safety Officer Training. Soft skills training included sessions on Verbal Aikido, Win/Win collaboration and Time Management.

### Safe Workplace Initiatives

#### WISHA-10 for Agriculture Workers + Training of Trainers (TOT)

DOSH is out in front nationally with the only 10-hour certified worker safety and health training course for agriculture workers. The agriculture worker safety and health training parallels the OSHA-10 certified training courses for construction and general industry. DOSH also has a 30-hour TOT training for those who wish to conduct the WISHA-10 for Agriculture worker trainings.

To date, DOSH has trained a total of 634 workers: 580 agricultural workers; 54 of those also received the 30-hour TOT training. The WISHA-10 for Agriculture Workers Instructor's Guide (1st edition, 2019) is now used in the classes and as a tool in agricultural work. DOSH is creatively partnering with other entities to promote WISHA-10 training. These entities include: The University of Washington Department of Environmental and Occupational Health and Sciences; the Washington Farm Bureau; The Washington State Dairy Association; and the Washington State Office of Superintendent of Public Instruction, among others. WISHA-10 training is scheduled for Spring 2020 at Mabton and Royal City School Districts as well as the Office of the Superintendent of Public Instruction. The training will reach both parents and students.

#### Safety and Health Resources

Over the past several months, DOSH has issued the following Hazard Alerts regarding:

**Fall Protection Lifelines Cut By Exposed Edges** (English and Spanish versions) –

<https://lni.wa.gov/safety-health/preventing-injuries-illnesses/hazardalerts/FallProtectionLifelinesCut.pdf>

**Silicosis Risk for Workers** (English and Spanish versions) - <https://lni.wa.gov/safety-health/preventing-injuries-illnesses/hazardalerts/SilicaDustStoneFabricationIndustry.pdf>

**Roles, responsibilities, and procedures during the erection and dismantling of tower cranes** (updated) - <https://lni.wa.gov/safety-health/preventing-injuries-illnesses/hazardalerts/towercranes.pdf>

**Concrete Pump Truck Blowouts** - <https://lni.wa.gov/safety-health/preventing-injuries-illnesses/hazardalerts/ConcretePumpTruckBlowouts.pdf>

**Managing Silica at Construction Sites** is a brand new guide for businesses who would like to use checklists to evaluate jobsite exposure controls and respirator use based on Table 1 specifications of the Crystalline Silica Rule, Chapter 296-840 WAC. **This tool was created specifically for mobile devices, including cell phones and tablets.** The guide was made possible by the vision and contributions of Washington State's construction industry business and labor representatives, including the Associated General Contractors (AGC) of Washington, and by the Washington State Department of Labor & Industries staff. The prevention of debilitating occupational disease is going to be positively impacted by both our newly adopted rule and the products and services our staff are providing on this hazard. Please feel free share this tool with others in your Safety and Health network!

[https://www.lni.wa.gov/safety/trainingprevention/online/courseinfo.asp?P\\_ID=257&utm\\_medium=email&utm\\_source=govdelivery](https://www.lni.wa.gov/safety/trainingprevention/online/courseinfo.asp?P_ID=257&utm_medium=email&utm_source=govdelivery)

#### Safe + Sound Week

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L&I is a proud partner of federal OSHA's Safe + Sound Campaign. This campaign provides a way for employers to strengthen their required written accident prevention program. We encourage every workplace to take a proactive approach to identify and manage workplace hazards before they cause injury or illness. During Safe + Sound Week businesses nationwide can host events and activities to help initiate or energize safety and health programs. Education and Outreach partnered with two workplace safety and health influencers to develop video messages to promote workplace safety culture and invite Safe + Sound Week participation.

Here are two 1-minute DOSH videos from the Safe + Sound Campaign that showcase workplace safety culture from two Washington businesses:

- **Cascades Sonoco** in Lakewood, WA <https://www.youtube.com/watch?v=1jofwelzqmA>
- **Superfeet** in Ferndale, WA <https://www.youtube.com/watch?v=foY9qBn9SdQ>

### **Safety & Health Investment Projects (SHIP)**

The SHIP grant program created by the Legislature in 2007 funds projects directed at preventing workplace injuries, illnesses, and fatalities. In 2011, the legislature made the SHIP grant program permanent. 25% of the grants fund innovative and effective return-to-work programs for injured workers, 25% fund projects addressing the needs of small businesses, and the remaining grants (50%) fund safety and health projects for priorities identified by L&I in partnership with the WISHA Advisory Committee and the Workers' Compensation Advisory Committee. Funding priority is given to proposals that involve cooperation between employers and employees or their representatives. In 2019, SHIP funded several grants that seek to raise the capacity for occupational safety and health in traditionally underserved employer and employee populations. The budget for the program for 2017-2019 biennium was \$3.2M. Some recent examples of SHIP grants awarded:

- **The Safe and Healthy Non-Profit Toolbox. -- Washington Nonprofits**  
The grant project is intended to deepen understanding of safety and health issues as they relate to nonprofits in Washington State and deliver a communications strategy that engages nonprofits in why safety and health matters and how compliance relates to them through checklists, presentations, and Q&A forums.
- **Cultural and Linguistically Competent Health and Safety Education and Outreach to Korean-American Businesses and Workers – Korean Community Service Center and the Korean American Chamber of Commerce**  
The grant project is intended to conduct Health and Safety workshops for Korean-American businesses, develop worker health and safety educational materials, and conduct outreach and education to Korean-owned small businesses through the region using these materials.
- **Reaching the "Hard to Reach": Training Low-Wage Workers in Health and Safety Utilizing Community-Based Outreach and Education -- Fair Work Center**  
The grantee will partner with trusted community based organizations to gain access to a broad diversity of low-wage workers and to meet them where they are by delivering the trainings in their languages and communities. The grantee will also provide train-the-trainer workshops to interested CBOs to increase their own capacity for supporting their communities in addressing health and safety issues at work.