



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES
Division of Occupational Safety and Health

P.O. Box 44600 • Olympia, Washington 98504-4600

July 24, 2015

Ken Atha, Regional Administrator
U.S. Department of Labor, OSHA
300 Fifth Ave., Ste 1280
Seattle, WA 98104

RE: Washington FFY 2014 FAME and CAP

Dear Mr. Atha:

Thank you for acknowledging the consistent high-level of work performed by DOSH staff and for recognizing the management efforts made to administer an effective and efficient safety and health State Plan.

The FAME report and supporting corrective action plan (CAP) serve as a valuable tool for further ensuring the safety and health of workers in Washington State. The time and effort placed into the monitoring and review by both Washington and OSHA staff are significant.

I am pleased to provide you with comments and CAP for the FFY 2014 FAME report.

The FFY 2014 FAME report includes a continued finding from FFY 2013, and four (4) observations; two new and two continued from the FFY 2013 report.

FY 2014-1 Finding: A fatality inspection, where one worker was fatally injured and another worker was seriously injured, was improperly and prematurely closed where DOSH did not consider the fatality victim to be a worker of the corporation. Upon review of the case file, it was determined the victim was a statutory worker of the corporation.

OSHA Recommendation: Review the DOSH Compliance Manual for clarity of the issue of worker classification, and ensure all enforcement staff receives training related to corporation, sole-proprietorships, and partnerships.

We do not agree that a single case out of over 5,000 inspections conducted warrants a finding. It contradicts OSHA's stated policy that has been discussed and shared with States to not issue findings for single, non-systemic occurrences. Although we disagree with the issuance of this finding, we conducted the recommended training during the May 20, 2015 DOSH training symposium. Our compliance manual is slated to be updated in the spring of 2016 with clarifying language which has been approved by the Washington Attorney General's Office.



Enclosed is the requested CAP documenting our actions.

I understand the OSHA policy regarding FAME report observations does not require a formal response from us. I do however look forward to discussions during the FFY 2015 monitoring cycle regarding the identified observations. I am certain they will all be satisfactorily addressed.

Thank you again for your time and efforts during this monitoring cycle.

Sincerely,

Anne F. Soiza, Assistant Director
Division of Occupational Safety and Health
Department of Labor and Industries

Enclosure

cc: Galen Blanton, Deputy Regional Administrator, OSHA Region 10
Dave Baker, Bellevue Area Director
Ed de Lach, Assistant Regional Administrator/FSO acting
A.J. Reid, State Programs Manager
Joel Sacks, Director, L&I
Craig Blackwood, Deputy Assistant Director, DOSH
Janet Kenney, Operations Manager, DOSH
Kelly Hillman, Performance Systems Manager, DOSH