



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES
Division of Occupational Safety and Health
P.O. Box 44600 • Olympia, Washington 98504-4600

July 28, 2016

Galen Blanton, Acting Regional Administrator
U.S. Department of Labor, OSHA
300 Fifth Ave., Suite 1280
Seattle, WA 98104

RE: Washington FFY 2015 FAME and CAP

Dear Mr. Blanton:

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 2015 FAME report.

The FFY 2015 FAME report includes two findings relating to the enforcement program, one of which was converted from an FY 2014 observation.

Finding FY 2015-01: DOSH has consistently missed their inspection goals each of the last three years. This is due primarily to staffing vacancies resulting from a high turnover rate and retirements.

Recommendation FY 2015-01: The State Plan should continue efforts to understand and address its high turnover rate and fill staff vacancies in order to reach inspection goals.

We agree. DOSH is experiencing significant difficulty recruiting and retaining qualified safety and health professionals. DOSH is working closely with Washington State Human Resources to address the issue. A multi-pronged approach is being used:

- Classification and compensation packages requesting salary increases at all levels of the Safety & Health Specialist and Industrial Hygienist job series have been submitted and accepted to move forward in the collective bargaining process for negotiation of the next 2-year contract.
- Requests for 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). These too are part of collective bargaining negotiations.

- DOSH recommended to State Human Resources changes that we believe are necessary to the salary survey and benchmark process. State HR accepted some, but not the most important of our requests. The survey was conducted last spring and the results will be considered during the 2016 collective bargaining process.

Finding FY 2015-02: 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.

Recommendation FY 2015-02: The State Plan should implement a fall protection standard at least as effective as the federal standard.

DOSH is in the earliest stages of the rulemaking process, which involves working with industry stakeholders – both business and labor.

- The first stakeholder meeting occurred on July 11, 2016. The OSHA Deputy Assistant Secretary, Jordan Barab and representatives from OSHA Region 10 attended the meeting. Stakeholders indicated appreciation for the opportunity to gain an understanding of OSHA expectations and consequences if Washington were to not adopt a rule “at least as effective as” OSHA.
- The rule process will continue over the next several months as DOSH staff work with stakeholders to develop language to address the issues and concerns raised by OSHA. DOSH expects to have a draft rule ready for stakeholder review in the fall of 2016.

Enclosed is the requested CAP documenting our actions.

I look forward to discussing our progress with resolving these findings. Thank you again for your time and efforts during this monitoring cycle.

Sincerely,

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