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JAMES ASHLEY, DIRECTOR

July 11, 2017

Ms. Barbara Goto
Regional Administrator, OSHA
90 – 7th Street, Suite 18100
San Francisco, CA 94103

RE: ADOSH Response to the FFY 2016 FAME

Dear Ms. Goto:

Thank you for the opportunity to provide the Arizona Division of Occupational Safety and Health's (ADOSH) formal response to OSHA's FFY 2016 Federal Annual Monitoring and Evaluation (FAME) report. ADOSH and federal OSHA have continued to develop a constructive and beneficial relationship between the two agencies. As a result, we have effectively resolved most matters raised by either side. The required Corrective Action Plan (CAP) response regarding the findings and recommendations found within the FAME will be submitted to OSHA by July 31, 2017, as requested in your June 29, 2017 letter.

Overall, the ADOSH program continues to be highly effective in protecting Arizona workers from on-the-job injuries, illnesses, and exposures. ADOSH staff is committed to ensuring the health and safety of all Arizona employees. Overall, the FFY 2016 FAME appears to be an objective, balanced, and constructive review of ADOSH's FFY 2016 activities and I concur with the overall findings of the audit with regard to the effectiveness of ADOSH's program responsibilities. Although I appreciate the efforts made by OSHA's staff to include positive findings, along with those findings where corrections are recommended, some of the findings and recommendations that address non-substantive issues need not be part of a formal evaluation process and could have been better addressed informally. At this time, I will take this opportunity to respond to the more substantive issues identified in the FAME.

With respect to the issues identified under Section II, Major New Issues, OSHA included the issues raised in CASPA 2017 34. As you know, the Commission continues to evaluate OSHA's May 4, 2017 findings and recommendations and will respond as soon as is feasible.

With respect to Section C, regarding average current penalty per serious violation (SAMM Measure 8), Arizona has not completed the adoption of the new penalty structure. As you know, this requires legislative action. Federal OSHA recognized this in many of the Occupational Safety and Health State Plan Association (OSHSPA) meetings with the states. It is unfair to compare Arizona's current penalty per serious violation with average penalty amounts issued by OSHA or other states when statutory penalty differences exist.

Pertaining to Citation Lapse Time (SAMM Measure 11), ADOSH agrees that this year's average lapse time in our safety enforcement activities exceeded the 45-day requirement. This is not indicative of ADOSH's past performance and should not be an issue going forward.

In closing, I appreciate the opportunity to respond to the FFY 2016 FAME and I look forward to working collaboratively with you and your staff as the workers of Arizona are best served when we work together toward the common goal of keeping them safe from recognized hazards that are most likely to result in serious injury, illness and death. If you should have questions regarding this response, please feel free to contact me directly at 602-542-1693.

Sincerely,

Bill Warren,
ADOSH Director

BW:bw

cc: James Ashley
T. Zachary Barnett