



**State of Utah**  
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**Labor Commission**  
JACSON R. MAUGHAN  
*Commissioner*

**Occupational Safety and  
Health Division**  
CAMERON S. RUPPE  
*Director*

June 24, 2019

Via U.S. Mail and E-Mail

Rita M. Lucero, Acting Regional Administrator, Region VIII  
Occupational Safety and Health Administration  
Denver Regional Office  
Cesar E. Chavez Memorial Building  
1244 Speer Boulevard, Suite 551  
Denver, CO 80204

**Re: Response of the Utah Occupational Safety and Health Division to the FY 2018  
Follow-up Federal Annual Monitoring and Evaluation (FAME) Report**

Dear Ms. Lucero,

Thank you for the opportunity to participate in the FY 2018 Follow-up FAME of the Utah Occupational Safety and Health (UOSH) Division of the Utah Labor Commission. It is a pleasure working with you and your staff, and UOSH looks forward to continuing to build a mutually beneficial relationship with Region VIII. This letter will serve as UOSH's formal response to the specific finding and observations set forth in the FY 2018 Follow-up FAME.

The mission of UOSH is to help ensure a safe and healthy workplace for every worker in the state of Utah. To this end, UOSH has worked diligently to correct findings and observations in previous FAMEs and to improve its internal processes. Changes such as setting standards of work and the electronic filing system and have greatly improved the ability of UOSH to work effectively and continue to improve. The current FAME contains one finding and four observations. UOSH has made significant improvements, as evidenced by the results of the FY 2018 Follow-up FAME, and will continue to make improvements in accomplishing its mission.

UOSH responds specifically as follows to the finding in the FY 2018 Follow-up FAME:

*Finding FY 2018-01: In FY 2017, it was determined that UOSH may not be identifying and addressing all potential apparent violations when closing cases (eight of 80 or 10% of cases), verifying adequate evidence to support violations (10 of 37 or 27% of cases), and justifying the severity and probability of the violations (eight of 39 or 21% of cases).*

UOSH Response: UOSH management has continued to train and work with the Compliance Safety and Health Officers (CSHOs) to ensure that hazard identification improves as well as justifying the severity and probability in UOSH case files. The difficulty in documenting “apparent violations” that were not cited remains, but overall, it was agreed that this has improved since the FY 2017 FAME, and will continue to improve going forward.

The FY 2018 Follow-up FAME included two continued observations related to the Compliance program and two continued observations specific to the Whistleblower program. Through the implementation of the electronic filing system, the State Internal Evaluation Plan (SIEP), Field Operations Manual (FOM) and the Whistleblower Manual, UOSH believes that many of these issues have already been, or will be resolved by the FY 2019 Comprehensive FAME.

Consistency in management and new-hire training for both programs has been key to the improvement UOSH has seen. Five new CSHOs have been hired since September 2018 to fill vacancies as a result of three CSHOs retiring and two CSHOs leaving UOSH for other reasons. All of the CSHOs hired have been a great asset to UOSH and will help to improve overall performance of the program. The Whistleblower Investigator position was filled with a well-qualified, professional candidate in May 2019, and he will help to improve the program greatly.

The response to the findings and recommendations found in the FY 2018 Follow-up FAME will be summarized in the corrective action plan (CAP) which UOSH will provide in conjunction with this response on July 31, 2019.

UOSH requests that this letter be posted on OSHA’s webpage in conjunction with the FY 2018 Follow-up FAME.

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

Sincerely,

Jaceson R. Maughan  
Commissioner  
Utah Labor Commission