

August 6, 2018

Barbara Yee Goto, Acting Regional Administrator  
U.S. Department of Labor, OSHA  
300 Fifth Avenue, Suite 1280  
Seattle, Washington 98104-2397

RE: Washington FY 2017 Comprehensive FAME Response

Dear Ms. Goto:

Thank you for providing us with a copy of the final FY 2017 comprehensive evaluation of Washington's State Plan program. We appreciate your recognition of our continued high performance levels, and our commitment to resolving issues that are identified in the Federal Annual Monitoring Evaluation (FAME) report.

Our response to your recommendations follows. We have also enclosed the supporting Corrective Action Plan (CAP) document.

**Finding FY 2017-01:** 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.

**Recommendation FY 2017-01:** The State Plan should continue efforts to understand and address its high turnover rate and fill staff vacancies.

We agree. Our efforts to date resulted in a ten-percent raise (much lower than the amount we requested) for Safety & Health Specialists and Industrial Hygienists starting July 1, 2017. We also received hazard pay under some circumstances. These pay increases slowed turnover for several months, but now we are seeing an increase again. Just last week, three more experienced staff including an Industrial Hygiene Supervisor in our Region 2 Compliance Program left, citing pay as the reason. Lack of geographic pay in King County is a primary contributing factor. We will continue our efforts to get geographic pay approved for high cost areas. We are also continuing to pursue classification and compensation changes for enforcement positions.

**Finding FY 2017-02:** In FY 2017, DOSH was 20% below its goal of conducting 5,000 compliance inspections.

**Recommendation FY 2017-02:** 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. In FY 2018 to-date we are still falling short of our goal of conducting 5,000 compliance inspections and will likely end the year at least 20% behind again. We do not anticipate being able to reach the annual goal again until the state Office of Financial Management and the Washington State Legislature act to more thoroughly address the retention issues we are continuing to experience. See FY 2017-01 for specific actions being pursued.

**Finding FY 2017-03:** DOSH's standards for fall protection in residential construction are not at least as effective as that of OSHA's. The failure to adopt equivalent standards leaves workers in the State of Washington exposed to fall hazards.

**Recommendation FY 2017-03:** The State Plan should implement a fall protection standard that is at least as effective as the federal standard.

We strongly refute the statement, "The failure to adopt equivalent standards leaves workers in the state of Washington exposed to fall hazards." Washington again has one of the lowest fatality rates in the nation for the construction industry. During the process of reviewing our rule, we decided to create a unified fall protection rule. The draft is nearly ready for review and in September we will present it to stakeholders to discuss the changes and receive input. We anticipate filing the CR-101 to initiate rulemaking in October.

**Finding FY 2017-04:** DOSH does not require the correction of all hazards, including general hazards by START employers.

**Recommendation FY 2017-04:** DOSH should ensure that all general hazards are corrected by START employers, in the same manner that DOSH requires the correction of all serious hazards, and that documentation is maintained in the visit file.

We agree with verifying correction of general hazards for START employers, along with verification of correction of serious hazards which we have always done. We made this change in practice and now keep documentation in visit files as well as verifying abatement electronically in the WIN system.

**Finding FY 2017-05:** In 45% (5/11) of files reviewed, DOSH did not maintain documentation of the START employer's injury and illness rates.

**Recommendation FY 2017-05:** DOSH should ensure that START visit files contain a comparison of the employer's injury and illness rates to the applicable Bureau of Labor Statistics (BLS).

We agree. This change was implemented following a discussion with OSHA when draft results of the Consultation onsite audit were shared in November, 2017.

While the process of responding to findings contained in the FAME report does not require a formal response to observations, we will review those suggestions with staff of the respective

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programs. We will keep you apprised during discussions as needed at quarterly monitoring meetings with you and your staff.

Please pass on to OSHA Region 10 staff our sincere appreciation for their time and efforts to help continuously improve our program. We look forward to our continued partnership with you in our joint effort to reduce workplace injuries, illnesses, and especially worker fatalities.

Sincerely,

*Craig Blackwood* (for Anne Soiza)

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

Enclosure

cc: Jack Rector, Deputy Regional Administrator  
Jacob Ewer, Assistant RA, Cooperative and State Programs  
Abby Lopez, Sate Programs Manager  
Dave Baker, Washington Area Director  
DOSH Senior Management Team