

June 27th, 2019

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

RE: Washington FY 2018 Follow-up FAME Response

Dear Ms. Goto:

Thank you for providing us with a copy of the final FY 2018 follow-up 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.

Finding FY 2018-01: 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 2018-01: 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.

All state employees will receive a 3 percent raise on July 1, 2019 and another 3 percent raise on July 1, 2020. Additionally state employees whose duty station is King County will receive a 5% geographical pay increase beginning on July 1, 2019.

We have seen a slowing in our turnover rate; however in hopes of avoiding another increase in turnover rate, we are continuing to pursue classification and compensation changes for enforcement positions.

Finding FY 2018-02: In FY 2018, DOSH was 15% below its goal of conducting 5,000 compliance inspections.

Recommendation FY 2018-02: 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 the past two years, the Washington State Legislature approved 16 new field positions for DOSH. The majority were added to the Compliance Program. In the next two years there will be 26 more field positions added to DOSH. Again the majority will be added to the Compliance Program.

With the lowering turnover rate and additional positions, although the complexity of inspections continues to grow, the number of inspections completed is increasing over recent years.

Finding FY 2018-03: 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 2018-03: The State Plan should implement a fall protection standard that is at least as effective as the federal standard.

DOSH does not agree with this finding. Washington State consistently has one of the lowest, and often the lowest fatality and injury rates in the construction industry across the entire United States. This literally proves that our standard and policies are at least as effective as Federal OSHA. An argument can be made that we exceed OSHA in many ways. This is due to the combination of our fall prevention rules, consistent enforcement practices, vigorous education and outreach to employers, provision of free onsite consultation and risk management services. It is important to note our rules do not include the feasibility exemptions that the federal rules include. DOSH is and will be successful working on creating a unified fall protection rule that will apply to all fall hazards, regardless of the type of work the employees are performing. The draft language is in its final stages of development and we anticipate filing a proposed rule and holding public hearings by the spring of 2020.

Finding FY 2018-04: In FY 2017, DOSH did not require the correction of all hazards, including general hazards by START employers. .

Recommendation FY 2018-04: 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.

DOSH made this change in practice starting in November 2017, immediately after OSHA brought it to our attention. It is only open pending OSHA's final verification during their next onsite case file review.

Finding FY 2018-05: In FY 2017 45% (5/11) of files reviewed, DOSH did not maintain documentation of the START employer's injury and illness rates.

Recommendation FY 2018-05: DOSH now documents START employer's injury and illness rates. The corrective action plan was completed and is pending verification.

DOSH made this change in practice starting in November 2017, immediately after OSHA brought it to our attention. It is only open pending OSHA's final verification during their next onsite case file review.

Please pass on to OSHA Region 10 staff our sincere appreciation for their time and efforts to help us 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,

Anne Soiza

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

Enclosure

cc: Jack Rector, Deputy Regional Administrator
Abby Lopez, State Programs Manager
Dave Baker, Washington Area Director
DOSH Senior Management Team
Zach Green, DOSH Operations Analyst