

**FY 2020**  
**Follow-up Federal Annual Monitoring Evaluation (FAME) Report**

Washington Department of Labor and Industries  
Division of Occupational Safety and Health  
(DOSH)



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## **I. Executive Summary**

The purpose of this report is to assess the activities of the Washington Division of Occupational Safety and Health (DOSH) for Fiscal Year (FY) 2020 with regard to activities mandated by the Occupational Safety and Health Administration (OSHA). In addition, this report will gauge the State Plan's progress in resolving outstanding findings and observations from the previous FY 2019 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report.

The State Plan focuses its resources on the most hazardous industries in Washington including agriculture, logging, construction, healthcare, and electrical utilities and telecommunication. DOSH faced many challenges from COVID-19 during this evaluation period and responded quickly and effectively in the development and implementation of program responses to continue to protect workers in the state of Washington and DOSH staff. The State Plan promulgated an emergency temporary rule that allowed them to enforce the Washington state Governor's emergency orders and a separate temporary rule related to COVID-19 for agricultural workers and labor housing. Finally, DOSH implemented social distancing for its staff, maximized telework to follow public health guidelines, and leveraged technology in an effort to meet operational goals.

DOSH was effective in shifting operational strategies to adjust to the conditions imposed by the pandemic and respond timely to a 60% increase in complaints. However, the State Plan did not meet operational goals for enforcement inspections and onsite consultation visits. Pandemic response delayed movement on two proposed standards, Process Safety Management (PSM) and the Lead rule. In addition, all VPP field activities were suspended indefinitely. While all in-person conferences, trade shows, and events were canceled, virtual events were held to provide essential resources to employees and employers.

DOSH was responsive to two of the identified findings and recommendations and provided updates during quarterly meetings. DOSH did not agree with the other two findings; one was related to the fall protection rule and the other was related to discrimination cases that were improperly closed for untimeliness. However, discussions have continued between DOSH and OSHA to try and resolve the issues. There were no new findings or observations identified during this evaluation period. For FY 2020, four findings and five observations were continued.

## **II. State Plan Background**

The State of Washington, under an agreement with OSHA, operates an occupational safety and health program through its Department of Labor and Industries (L&I), Division of Occupational Safety and Health (DOSH). The Revised Code of Washington (RCW), Title 49, Chapter 49.17, Washington Industrial Safety and Health Act (WISHA), was established in accordance with Section 18 of the Occupational Safety and Health Act (OSH Act) of 1970 and took effect in 1973. The Secretary of Labor certified that the State Plan had completed all of the required developmental steps in 1982.

The Director of Washington State's Department of Labor and Industries, Joel Sacks, was appointed by the governor, and served as the State Plan designee. The L&I Assistant Director, Anne Soiza, was designated by statute under Chapter 43.22.040 RCW as the Supervisor of

Industrial Safety and Health, and was in charge of DOSH. The Assistant Director has authority and responsibility for administration of Washington's occupational safety and health program, and directs both central office and regional operations.

DOSH established policy, provided technical guidance, wrote standards, developed and provided internal and external training, monitored and evaluated programs, conducted inspections, and provided consultation services in addition to non-OSHA public safety activities.

DOSH exercises jurisdiction over state and local government workplaces, and private sector employers not covered by OSHA. OSHA's inspection authority is limited to private employers at national parks and military installations, maritime activities on the navigable waters, and federal government employers. OSHA also covers establishments on Indian lands that are tribally owned, and employers enrolled as tribal members working on reservations, or on trust lands.

Over the years, DOSH has adopted a number of safety and health standards that differ from OSHA. Examples include rules for crane safety, respiratory protection, aerial lifts, and agriculture. In addition, a number are state initiated changes, such as requirements for written safety and health programs, safety committees, and heat-related illnesses.

The program was funded under Section 23(g) of the OSH Act with an initial FY 2020 base award of \$7,157,100 in federal funds. The federal base award was increased by \$433,600 in May 2020. One-time only awards in the fourth quarter increased the federal share of the grant by \$329,224. The state matched the federal funds and provided an additional \$40,965,273 for a total grant allocation of \$56,805,121. The grant supported 410 positions that included 136 enforcement compliance positions (95 safety, 36 health, 5 discrimination), and 49 consultant positions (32 safety and 17 health). DOSH included its consultation program under the 23(g) grant agreement, but 100% state funding was used for all on-site consultation (both public and private) services. No consultation services were provided under a Section 21(d) Cooperative Agreement.

## **New Issues**

The State Plan was proactive in protecting workers from COVID-19. In May of 2020, they issued an emergency rule requiring employers to comply with the Washington Governor's emergency proclamation for COVID-19. Employers that failed to comply with the Emergency Proclamation could be subject to a citation and monetary penalties for violations. In September of 2020, the state enacted an emergency update to the State Plan temporary worker housing rules. This rule provided greater protection for agriculture workers, including requirements that employers must provide occupants of temporary worker housing with cloth face coverings and ensure physical distancing at housing sites. Farms must clean and disinfect surfaces in housing, and identify and isolate workers with suspected or confirmed cases of COVID-19. DOSH received 60% more complaints in FY 2020 than in FY 2019 that they responded to with an inspection or investigation.

### III. Assessment of State Plan Progress and Performance

#### A. Data and Methodology

OSHA established a two-year cycle for the FAME process. This was a follow-up year, and as such, OSHA did not perform an on-site case file review associated with a comprehensive FAME. This strategy allowed the State Plan to focus on correcting deficiencies identified in the most recent comprehensive FAME. The analyses and conclusions described in this report are based on information obtained from a variety of monitoring sources, including:

- State Activity Mandated Measures Report (SAMM, Appendix D, dated 12/04/2020)
- State Information Report (SIR, dated 11/09/2020)
- Mandated Activities Report for Consultation (MARC, dated 11/19/2020)
- Web Integrated Management Information System (WebIMIS)
- State OSHA Annual Report (SOAR, Appendix E)
- DOSH Annual Performance Plan
- State Plan Grant Application
- Quarterly monitoring meetings between OSHA and the State Plan

#### B. Findings and Observations

There were no new findings or observations identified during this evaluation period. All four findings and five observations from the FY 2019 Comprehensive FAME Report were continued. Appendix A describes new and continued findings and recommendations. Appendix B describes observations subject to continued monitoring and the related federal monitoring plan. Appendix C describes the status of each FY 2019 finding and recommendation in detail.

Some findings and observations are tied to SAMM measures. Each SAMM has an agreed upon further review level (FRL), which can be either a single number, or a range of numbers above and below the national average. Appendix D presents DOSH's FY 2020 SAMM Report and includes the FRLs for each measure.

#### FINDINGS (STATUS OF PREVIOUS AND NEW ITEMS)

##### Continued Findings

**Finding FY 2020-01 (FY 2019-01):** DOSH's standards for fall protection in residential construction are not at least as effective as that of OSHA's.

**Status:** In the FY 2019 FAME response, DOSH did not agree that its rules were not at least as effective as OSHA standards. The State Plan adopted a new Unified Fall Protection standard on June 2, 2020. This standard did not address all of OSHA's "at least as effective as" concerns regarding fall protection in residential construction. OSHA's review of the standard is being handled under the plan change review process described in the State Plan Policies and Procedures Manual, CSP 01-00-005. This finding remains open.

**Finding FY 2020-02 (FY 2019-02):** In FY 2019, in 58% (46 of 79) of retaliation case files, accurate filing dates were not entered into WebIMIS.

**Status:** DOSH conducted a review of the whistleblower manual to ensure that staff were following the policies. A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME and remains open.

**Finding: FY 2020-03 (FY 2019-03):** In FY 2019, in 41% (15 of 37) of retaliation case files, there was insufficient evidence in the case file to confirm complainants were given the opportunity to resolve discrepancies and rebut respondents' defense.

**Status:** DOSH conducted a review of the whistleblower manual to ensure that staff were following the policies in the manual and documenting actions in the casefile. A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME and remains open.

**Finding FY 2020-04 (FY 2019-04):** In FY 2019, in 5% (2 of 42) of administratively closed case files, complaints were improperly closed for untimeliness; however, both complaints were filed timely.

**Status:** In the FY 2019 FAME response, DOSH did not agree that the two cases cited by OSHA were improperly closed. However, DOSH conducted a review of its whistleblower manual to ensure that staff were following the policies and that investigators appropriately calculate filing dates. A case file review is necessary to gather the facts needed to evaluate progress on this finding. This finding will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME and remains open.

## OBSERVATIONS

### Continued Observations

**FY 2020-OB-01 (FY 2019-OB-01):** In FY 2020, 89.2% (3,028 of 3,393) of serious violations were abated and verified within 14 days of the abatement date, which did not meet the annual performance goal of 95%.

**Status:** The State Plan failed to meet the 95% abatement verification of all serious violations in FY 2020, in that they verified 89.2% (3,028/3,393). This was lower than the percentage in FY 2019, when 90.4% of serious violations were abated and verified within 14 days of the abatement date. Per the SOAR report, DOSH's COVID-19 related response efforts, prioritization of work, and limitations of sending vulnerable staff into the field had an impact on this goal. This observation will be continued.

**FY 2020-OB-02 (FY 2019-OB-02):** In FY 2020, DOSH conducted 3.02% (137 of 4,530) of inspections in state and local government workplaces (SAMM 6), which was below the Further Review Level (FRL) range.

**Status:** This observation is tied to a SAMM measure. Each SAMM has an agreed upon FRL, which can be either a single number, or a range of numbers above and below the national average. SAMM 6, or percent of total inspections in state and local government workplaces rose from 2.99% in FY 2019 to 3.02% in FY 2020, showing an improvement, but was still below the FRL range of 4.66% to 5.15%. DOSH doesn't have an inspection targeting system that is specific to state and local government workplaces, so the number and percent inspected depends on whether these types of workplaces were targeted based on NAICs codes or complaints. This observation will be continued.

**FY 2020-OB-03 (FY 2019-OB-03):** In FY 2019, there was no clear evidence that DOSH investigates retaliation for reporting workplace injuries and illnesses or notifies those complainants of their dual file rights, but refers the complainants to the Discrimination and Claim Suppression Investigation Unit (IID).

**Status:** This issue was discussed with DOSH during quarterly meetings in conjunction with a review of the DOSH Whistleblower Investigation Manual. A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME. This observation will be continued.

**FY 2020-OB-04 (FY 2019-OB-04):** In FY 2019, Consultants used Form 16 to evaluate employer safety and health management systems, but the use of Form 16 was not explained in the DOSH Consultation Manual.

**Status:** Form 16 is the DOSH equivalent to OSHA Form 33, the Safety and Health Program Assessment Worksheet, and is used by DOSH consultation to evaluate employer safety and health management systems. Due to COVID-19's impact on the State Plan, the Consultation Manual was not updated during this fiscal year. This observation will be continued.

**FY 2020-OB-05 (FY 2019-OB-05):** In FY 2019, 23.4% (11 of 47) of written reports and 33.3% (two of six) of START reports were not sent to employers within the required timeframe of 15 calendar days.

**Status:** This was a new observation in the FY 2017 FAME, and OSHA had planned to conduct a limited case file review in FY 2020 to evaluate the status. However, due to the COVID-19 pandemic and restrictions on gathering, the on-site case file review was postponed. This observation will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME and will be continued.

### **C. State Activity Mandated Measures (SAMM) Highlights**

Each SAMM has an agreed upon FRL which can be either a single number, or a range of numbers above and below the national average. SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan's FY 2020 SAMM Report and includes the FRLs for each measure. The State Plan's performance in the following SAMMs were noted to be outside the FRLs:

#### **SAMM 4 - Number of denials where entry not obtained**

Discussion of State Plan data and FRL: The FRL for this measure was fixed at zero. The State Plan did not obtain a warrant in two cases during this period.

Explanation: DOSH did not pursue warrants after the employer denied entry in two instances. The first involved a missing guardrail on a scaffold, and after the employer denied entry it was determined through photographs that the potential fall was less than 10 feet. Since scaffolding does not require guardrails below 10 feet, there was no violation and it was not appropriate to seek a warrant. The second instance was a programmed inspection and the compliance safety and health officer (CSHO) did not observe any hazards at the time the employer denied entry. An industrial hygienist conducted a scheduled inspection at the same site without the employer denying entry, and no serious hazards were documented. The company also had a low industrial insurance experience rating so the State Plan did not pursue a warrant.

#### **SAMM 5 - Average number of violations per inspection with violations by violation type**

Discussion of State Plan data and FRL: The FRL for the average number of violations per inspection with violations by violation type was +/- 20% of a three-year national average of 1.79 for serious, willful, repeat, or unclassified (SWRU) violations, which equals a range of 1.43 to 2.15. DOSH was below the FRL range for SWRU violations with 1.35 average violations per inspection. For other-than-serious (OTS) violations, for which the DOSH equivalent is a “general” violation, the FRL was +/- 20% of a three-year national average of 0.95 for a range of 0.76 to 1.14. DOSH was above the FRL range for OTS with 1.91 average violations per inspection.

Explanation: DOSH’s average number of violations per inspection with violations by violation type was 1.35 and fell below the FRL level of 1.43. This decrease in the average number of SWRU violations was a direct result of the impact of COVID-19 on the State Plan’s enforcement program. With the Governor-mandated business closures, high hazard industries like construction were not operating and thus not inspected, which affected the number of SWRU violations. The higher number of OTS violations can be attributed to the State Plan having safety and health written program requirements that are required to be reviewed on every inspection and are more comprehensive than those of OSHA. Violations of these written program requirements are normally cited as general violations, which is a likely contributing factor to DOSH’s average exceeding the further review level.

#### **SAMM 7 - Planned v. actual inspections – safety/health**

Discussion of State Plan data and FRL: The FRL for safety and health inspections is +/- 5% of the number negotiated by OSHA and the State Plan through the grant application (3,960 for safety and 1,140 for health). The State Plan completed 3,718 safety inspections in FY 2020, with 44 inspections below the FRL range of 3,762 to 4,158 inspections. Further, the State Plan completed 812 health inspections, which was 271 below the FRL range of 1,083 to 1,197.

Explanation: The reduction in both safety and health inspections was a direct result of the impact of COVID-19 on the State Plan’s enforcement program. When the full scope of the pandemic was realized, the State Plan developed policies and procedures to safely and effectively conduct



inspections. DOSH re-allocated staff to other critical assignments such as COVID-19 outreach, training, and processing non-formal complaints, which increased by 60% compared to the previous year. With a large number of staff in high-risk categories, who could not safely perform inspections during the pandemic, the number of staff available to conduct inspections was further reduced. The need for CSHOs to exercise public health precautions while performing inspections increased the time needed to complete them, thus reducing the number that could be conducted. Finally, business closures mandated by the Washington Governor resulted in fewer workplaces open and available to be inspected.

**SAMM 8 - Average current serious penalty in private sector – total (1 to greater than 250 workers)**

Discussion of State Plan data and FRL: The FRLs for average penalty are based on +/- 25% of the three-year national average. The average current penalty per serious violation in the private sector for all employers (1-250+ workers) was \$1,617.96, which was \$605.69 below the lower end of the FRL range of \$2,223.65. The State Plan was below the FRL level for all employer sizes. Table 1 shows the average current penalty per serious violation based on the number of workers controlled by an establishment and summarizes the State Plan’s average penalties compared to the three-year national average and the FRL.

**Table 1**

<b>Number of Workers</b>	<b>WA DOSH FY 2020</b>	<b>Three-Year National Average</b>	<b>FRL</b>
<b>1-250+</b>	\$1,617.96	\$2,964.86	\$2,223.65 to \$3,706.08
<b>1-25</b>	\$1,196.00	\$1,967.64	\$1,475.73 to \$2,459.55
<b>26-100</b>	\$2,048.59	\$3,513.45	\$2,635.09 to \$4,391.81
<b>101-250</b>	\$2,629.02	\$5,027.02	\$3,770.27 to \$6,283.78
<b>250+</b>	\$3,343.08	\$6,190.91	\$4,643.18 to \$7,738.64

Explanation: The State Plan was below the lower end of the FRL range for all employer sizes in FY 2020. OSHA will continue to review this metric during quarterly meetings and evaluate the State Plan’s application of penalties during the FY 2021 comprehensive FAME review.

**SAMM 9 - Percent in compliance**

Discussion of State Plan data and FRL: The further review level was based on a three-year national average +/- 20%. For safety inspections, the three-year national average was 31.03% and the FRL range was 24.82% to 37.24%. The State Plan had a safety in compliance rate of 46.05%, which was 8.81% above the upper range of the FRL. For health inspections, the three-year national average was 37.15% and the FRL range was between 29.72% and 44.58%. The State Plan had a health incompliance rate of 28.93%, which was 0.79% below the lower FRL range.

Explanation: Prior to the pandemic, DOSH was making progress in reducing its safety in compliance rate. In 2017, it was 41.45%; in 2018, it was 37.35% and in 2019, it was 34.76%. In FY 2020, the safety in compliance rate jumped to 46.05%. OSHA will continue to monitor this measure through quarterly meetings with DOSH and as part of the FY 2021 comprehensive FAME

review. The State Plan's in compliance rate for health inspections was slightly below the FRL range and was not a cause for concern.

### **SAMM 10 - Percent of work-related fatalities responded to in one workday**

Discussion of State Plan data and FRL: The FRL for this measure was fixed at 100%. The State Plan responded to 24 of 31 (77.42%) timely.

Explanation: Five of the seven fatalities not responded to within one day were COVID-19 related. The delays in opening three inspections were primarily due to initial lack of guidance on responding to a COVID fatality and a delay in employer reporting as they tried to determine the cause of death. In another case, the CSHO arrived at the site on the day of the accident, but was not able to conduct an opening conference because the employer left the site. The last case was initially classified as a hospitalization, but when the victim died, it was reclassified as a fatality. In this case, the incident occurred seven days prior to the fatality. When DOSH was notified of the death, an inspection was opened the same day. The State Plan effectively managed its response to fatalities and the cases that did not meet the requirement to be opened within one workday were adequately explained.

### **SAMM 13 - Percent of initial inspections with worker walk around representation or worker interview**

Discussion of State Plan data and FRL: The FRL for this measure was fixed for all State Plans at 100%. DOSH's performance on this measure was 91.32%.

Explanation: This has been an ongoing issue that the State Plan has worked to correct over several years. Initially thought to be a training issue, the staff were provided additional instruction on both the importance of worker involvement in inspections and appropriate entry into the Washington Information Network (WIN) system. When that failed to correct the issue, actions were taken to clarify data input requirements and WIN was updated to clarify an area where it may have been confusing to users. However, these actions have not brought this metric up to an acceptable level. OSHA will continue to monitor this measure through quarterly meetings and during the FY 2021 comprehensive FAME review.

### **SAMM - 14 Percent of 11(c) investigations completed within 90 days**

Discussion of State Plan data and FRL: The FRL was fixed for all State Plans at 100%. DOSH completed 99 of 100 (99%) of 11(c) investigations within 90 days.

Explanation: The FRL was not met due to a single case. This was not a concern because some investigations are more complex and may require more than 90 days to complete. The State Plan's performance for this metric was better than the national average of 38%<sup>1</sup> of 11(c) investigations completed within 90 days.

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<sup>1</sup> Report from Web Integrated Management Information System (WebIMIS) "FY 2020 EOY Activity Measures – Both F&S" run November 9, 2020.

### **SAMM 15 - Percent of 11(c) complaints that are meritorious**

Discussion of State Plan data and FRL: The further review level was +/- 20% of the three-year national average of 18%. The range of acceptable data not requiring further review was from 14.40% to 21.60%. DOSH achieved a 24% merit rate.

Explanation: DOSH found merit in more cases than the three-year national average of 18% and was above the higher end of the FRL by 2.4%. This means that DOSH closed more cases than the national average that they determined met the criteria of a merit case. The State Plan's performance on this metric was not a concern.

### **SAMM 17 - Percent of enforcement presence**

Discussion of State Plan data and FRL: The FRL for this metric was +/- 25% of the three-year national average of 1.09%, which equals a range of 0.82% to 1.36%. DOSH's enforcement presence was at 2.96%.

Explanation: The percent of enforcement presence describes the number of safety and health inspections conducted compared to the number of employer establishments in the state. DOSH's enforcement presence was almost three times the FRL, which means that they were able to reach almost three times more employers with enforcement activity than the national average.

## Appendix A – New and Continued Findings and Recommendations

### FY 2020 Washington DOSH Follow-up FAME Report

FY 2020-#	Finding	Recommendation	FY 2019-# or FY 2019-OB-#
FY 2020-01	DOSH’s standards for fall protection in residential construction are not at least as effective as that of OSHA’s.	DOSH should implement a fall protection standard that is at least as effective as the federal standard.	FY 2019-01
FY 2020-02	In FY 2019, in 58% (46 of 79) of retaliation case files, accurate filing dates were not entered into WebIMIS.	DOSH should ensure accurate filing dates are entered into WebIMIS.	FY 2019-02
FY 2020-03	In FY 2019, in 41% (15 of 37) of retaliation case files, there was insufficient evidence in the case file to confirm complainants were given the opportunity to resolve discrepancies and rebut respondents’ defense.	DOSH should ensure case files are documented to show that complainants were given the opportunity to resolve discrepancies and rebut respondent’s defense.	FY 2019-03
FY 2020-04	In FY 2019, in 5% (2 of 42) of administratively closed case files, complaints were improperly closed for untimeliness; however, both complaints were filed timely.	DOSH should ensure that DIM guidance for calculating filing dates of complaints is followed.	FY 2019-04

## Appendix B – Observations and Federal Monitoring Plans

### FY 2020 Washington DOSH Follow-up FAME Report

Observation # FY 2020-OB-#	Observation# FY 2019-OB-# or FY 2019#	Observation	Federal Monitoring Plan	Current Status
FY 2020-OB-01	FY 2019-OB-01	In FY 2020, 89.2% (3,028 of 3,393) of serious violations were abated and verified within 14 days of the abatement date, which did not meet the annual performance goal of 95%.	OSHA will monitor during quarterly meetings.	Continued
FY 2020-OB-02	FY 2019-OB-02	In FY 2020, DOSH conducted 3.02% (137 of 4,530) of inspections in state and local government workplaces (SAMM 6), which was below the Further Review Level (FRL) range.	OSHA will monitor the number of inspections conducted in state and local government workplaces during quarterly meetings.	Continued
FY 2020-OB-03	FY 2019-OB-03	In FY 2019, there was no clear evidence that DOSH investigates retaliation for reporting workplace injuries and illnesses or notifies those complainants of their dual file rights, but refers the complainants to the Discrimination and Claim Suppression Investigation Unit (IID).	During quarterly meetings, OSHA will monitor that complaints of retaliation due to reporting of workplace injuries and illnesses are investigated under the 23(g) grant.	Continued
FY 2020-OB-04	FY 2019-OB-04	In FY 2019, Consultants used Form 16 to evaluate employer safety and health management systems, but the use of Form 16 was not explained in the DOSH Consultation Manual.	OSHA will monitor DOSH to ensure that the DOSH Consultation Manual is updated to explain the use of FORM 16.	Continued
FY 2020-OB-05	FY 2019-OB-05	In FY 2019, 23.4% (11 of 47) of written reports and 33.3% (2 of 6) of START reports were not sent to employers within the required timeframe of 15 calendar days.*	During next year’s FAME, a limited scope review of selected case files will be reviewed to evaluate the status of the concern.	Continued

\*Note: An on-site case file review is necessary to evaluate progress on this observation. This observation will be a focus during the next comprehensive on-site case file review.

## Appendix C - Status of FY 2019 Findings and Recommendations

### FY 2020 Washington DOSH Follow-up FAME Report

FY 2019-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
FY 2019-01	DOSH's standards for fall protection in residential construction are not at least as effective as that of OSHA's.	DOSH should implement a fall protection standard that is at least as effective as the federal standard.	The State of Washington has adopted the Unified Fall Protection Standard and will fully enforce it. We will continue discussions with OSHA.	Not completed	Open 8/21/2020
FY 2019-02	In 58% (46 of 79) of retaliation case files, accurate filing dates were not entered into WebIMIS.	DOSH should ensure accurate filing dates are entered into WebIMIS.	We will conduct a review of the whistleblower manual and ensure that staff are following the policies in our manual.	Not completed	Open 8/21/2020
FY 2019-03	In 41% (15 of 37) of retaliation case files, there was insufficient evidence in the case file to confirm complainants were given the opportunity to resolve discrepancies and rebut respondents' defense.	DOSH should ensure case files are documented to show that complainants were given the opportunity to resolve discrepancies and rebut respondent's defense.	We will conduct a review of the whistleblower manual and ensure that staff are documenting actions in the casefile.	Not completed	Open 8/21/2020
FY 2019-04	In 5% (2 of 42) of administratively closed case files, complaints were improperly closed for untimeliness; however, both complaints were filed timely.	DOSH should ensure that DIM guidance for calculating filing dates of complaints is followed.	We will conduct a review of the whistleblower manual and ensure that filing dates are appropriately calculated.	Not completed	Open 8/21/2020

## Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report

FY 2020 Washington DOSH Follow-up FAME Report

<b>U.S. Department of Labor</b>				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Washington – <b>DOSH</b>			FY 2020	
<b>SAMM Number</b>	<b>SAMM Name</b>	<b>State Plan Data</b>	<b>Further Review Level</b>	<b>Notes</b>
<b>1a</b>	Average number of work days to initiate complaint inspections (state formula)	7.60	15 days for serious hazards; 30 days for other-than-serious hazards	The further review level is negotiated by OSHA and the State Plan.
<b>1b</b>	Average number of work days to initiate complaint inspections (federal formula)	7.60	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>2a</b>	Average number of work days to initiate complaint investigations (state formula)	3.17	5	The further review level is negotiated by OSHA and the State Plan.
<b>2b</b>	Average number of work days to initiate complaint investigations (federal formula)	3.17	N/A	This measure is for informational purposes only and is not a mandated measure.
<b>3</b>	Percent of complaints and referrals responded to within one workday (imminent danger)	100%	100%	The further review level is fixed for all State Plans.
<b>4</b>	Number of denials where entry not obtained	2	0	The further review level is fixed for all State Plans.
<b>5</b>	Average number of violations per inspection with violations by violation type	SWRU: 1.35	+/- 20% of SWRU: 1.79	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.43 to 2.15 for
		Other: 1.91	+/- 20% of Other: 0.95	

## Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report

### FY 2020 Washington DOSH Follow-up FAME Report

<b>U.S. Department of Labor</b>				
				SWRU and from 0.76 to 1.14 for OTS.
<b>6</b>	Percent of total inspections in state and local government workplaces	3.02%	+/- 5% of 4.90%	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 4.66% to 5.15%.
<b>7</b>	Planned v. actual inspections – safety/health	S: 3,718	+/- 5% of S: 3,960	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 3,762 to 4,158 for safety and from 1,083 to 1,197 for health.
		H: 812	+/- 5% of H: 1,140	
<b>8</b>	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,617.96	+/- 25% of \$2,964.86	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,223.65 to \$3,706.08.
	<b>a.</b> Average current serious penalty in private sector (1-25 workers)	\$1,196.00	+/- 25% of \$1,967.64	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,475.73 to \$2,459.55.



## Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report

### FY 2020 Washington DOSH Follow-up FAME Report

<b>U.S. Department of Labor</b>				
	<b>b.</b> Average current serious penalty in private sector (26-100 workers)	\$2,048.59	+/- 25% of \$3,513.45	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,635.09 to \$4,391.81.
	<b>c.</b> Average current serious penalty in private sector (101-250 workers)	\$2,629.02	+/- 25% of \$5,027.02	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,770.27 to \$6,283.78.
	<b>d.</b> Average current serious penalty in private sector (greater than 250 workers)	\$3,343.08	+/- 25% of \$6,190.91	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$4,643.18 to \$7,738.64.
<b>9</b>	Percent in compliance	S: 46.05%	+/- 20% of S: 31.03%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 24.82% to 37.24% for safety and from 29.72% to 44.58% for health.
		H: 28.93%	+/- 20% of H: 37.15%	
<b>10</b>	Percent of work-related fatalities responded to in one workday	77.42%	100%	The further review level is fixed for all State Plans.
<b>11</b>	Average lapse time	S: 36.61	+/- 20% of S: 50.58	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 40.46 to 60.70 for
		H: 52.01	+/- 20% of H: 60.39	

## Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report

### FY 2020 Washington DOSH Follow-up FAME Report

<b>U.S. Department of Labor</b>				
				safety and from 48.31 to 72.47 for health.
<b>12</b>	Percent penalty retained	100%	+/- 15% of 67.51%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 57.38% to 77.64%.
<b>13</b>	Percent of initial inspections with worker walk around representation or worker interview	91.32%	100%	The further review level is fixed for all State Plans.
<b>14</b>	Percent of 11(c) investigations completed within 90 days	99%	100%	The further review level is fixed for all State Plans.
<b>15</b>	Percent of 11(c) complaints that are meritorious	24%	+/- 20% of 18%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 14.40% to 21.60%.
<b>16</b>	Average number of calendar days to complete an 11(c) investigation	62	90	The further review level is fixed for all State Plans.
<b>17</b>	Percent of enforcement presence	2.96%	+/- 25% of 1.09%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.82% to 1.36%.

NOTE: The national averages in this report are three-year rolling averages. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report in OIS and the State Plan WebIMIS report run on November 9, 2020, as part of OSHA's official end-of-year data run.

*Keep Washington Safe and Working*

**SUMMARY OF DOSH ACCOMPLISHMENTS**  
**State OSHA Annual Report**  
**Washington State**

Federal Fiscal Year 2020  
October 1, 2019 – September 30, 2020

Strategic Management Plan  
2016 - 2020

Prepared by the Division of Occupational Safety and Health  
Department of Labor and Industries  
State of Washington  
December 2020



**Appendix E – FY 2020 State OSHA Annual Report (SOAR)**  
FY 2020 Washington DOSH Follow-up FAME Report

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## Appendix E – FY 2020 State OSHA Annual Report (SOAR) FY 2020 Washington DOSH Follow-up FAME Report

### Introduction

Washington State’s workplace safety and health program is authorized by the Washington Industrial Safety and Health Act of 1973 (WISHA – Chapter 49.17 RCW) and administered by the Division of Occupational Safety and Health (DOSH) within the Department of Labor and Industries (L&I). The federal Occupational Safety and Health Administration (OSHA) monitors and partially funds Washington’s occupational safety and health program, which must be at least as effective as federal OSHA.

In the last five years, an average of 80<sup>1</sup> Washington state workers died due to work-related exposures and an estimated 150,000 workers suffered on-the-job injuries annually. Our mission is to protect the safety and health of Washington’s workers by ensuring that employers provide safe and healthful working conditions. Our strategic goals help us to accomplish our mission by focusing on prevention and protection.

In the past 5 years, Washington State DOSH Consultants have visited nearly 8,500 individual worksites and cited over 54,600 hazards. Nearly 28,000 of those hazards were cited as Serious (51%). In the same timeframe, DOSH Compliance inspected 18,840 individual worksites and cited over 24,000 workplace safety violations and 48% of those violations were cited as serious and above<sup>2</sup>.

The DOSH Enforcement Program currently has 168 compliance field inspectors (1 per 1,481 worksites<sup>3</sup>). In FFY 2020, our compliance inspectors were able to inspect 3,942 employer worksites and conduct 4,526 safety and health inspections.

In partnership with OSHA, our ultimate goal is for every worker to go home whole and healthy every day. While we have made progress in reducing injuries, illness and fatalities, our work is not done. Like trying to describe a world to our children where computers did not exist, not to mention smart phones, social media, and video games, we will not be satisfied until it’s extremely difficult to remember or imagine a time when each year, many workers in Washington lost their life in the course of doing their job.

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<sup>1</sup>The average number of Washington State workplace fatalities as reported each year on the BLS CFOI report(s).

<sup>2</sup> ‘Serious and above’ violations types include Serious, Repeat, FTA and Willful violation types

<sup>3</sup> Based on the number of Washington State establishments listed for Washington State on the AFL-CIO 2020 Death on the Job Report.

**Appendix E – FY 2020 State OSHA Annual Report (SOAR)**  
 FY 2020 Washington DOSH Follow-up FAME Report

## Summary of 2016- 2020 Strategic Management Plan Goals

This report summarizes DOSH’s efforts and results for the 2020 reporting year (October 1, 2019 – September 30, 2020), which is the final of five years in the 2016 – 2020 strategic management plan.

Strategic Goal	5 year Performance Goals
<p>Reduce fatalities* and hospitalization** rates in the most hazardous industries compared to the previous 5-year period</p> <p>*Reduce fatality rate from 2.7 per 100,000 full time workers to 2.5 per 100,000 full time workers (by 2020)</p> <p>**Reduce hospitalization rate from 35 per 100,000 full time workers to 26 per 100,000 full time workers (by 2020)</p>	<p>1. Focus DOSH resources in these chosen most hazardous industries</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>2. Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries</p>
<p>Reduce the risk of catastrophic releases of hazardous chemical in Washington state</p>	<p>By 2020, DOSH will have conducted safety or health inspections or consultations at at-least half (approximately 145) of known facilities covered by PSM requirements in Washington State.</p>
<p>Recruit and retain technically skilled safety and health professionals, including qualified bilingual professionals</p>	<p>Increase the average number of months that newly hired safety and hygiene professionals stay in DOSH</p>

DOSH also set goals in support of mandated activities and to further ensure meeting the ultimate goal – every worker goes home safe and sound at the end of a workday.

- Reduce deaths from work-related injuries
- Reduce workplace injuries and illnesses
- Conduct onsite consultations and inspections
- Ensure timely abatement of serious hazards
- Maintain hygiene and safety citation lapse times below the national average

## Appendix E – FY 2020 State OSHA Annual Report (SOAR)

FY 2020 Washington DOSH Follow-up FAME Report

### SUMMARY OF GOAL RESULTS

#### Strategic Plan Goals

<b>Goal A-1:</b>	<b>Rule: Lead</b> DOSH will complete proposed rule language by October 31, 2019 and will begin working on the required economic analysis for a CR-102 filing in early 2020.
<b>Results:</b>	Intend to file the CR-102 in Summer of 2021. Making final adjustments to language and preparing for the economic analysis.
<b>Comment:</b>	Timeline is an estimate at this point given COVID-19 related work.
<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.
<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>

<b>Goal A-2:</b>	<b>Rule: Fall Protection</b> DOSH will complete proposed rule language and file a CR-102 by October 31, 2019
<b>Results:</b>	New rule effective as of October 1, 2020
<b>Comment:</b>	<u>Complete.</u>
<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.
<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>

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### FY 2020 Washington DOSH Follow-up FAME Report

<b>Goal A-3:</b>	<b>Rule: Process Safety Management (PSM)</b> DOSH will complete proposed rule language by October 31, 2019 and will begin working on the required economic analysis for a CR-102 filing in early 2020
<b>Results:</b>	CR-102 Filing Date pushed to 2021
<b>Comment:</b>	Timeline is an estimate at this point given COVID-19 related work.
<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.
<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>

<b>Goal A-4:</b>	<b>DOSH will focus on fatalities in construction in an effort to be among the 10 lowest states for construction fatality rates in the nation.</b>
<b>Results:</b>	In FY 2019, Washington State ranked 6 <sup>th</sup> in the nation with a 6.3 fatality rate in the construction industry.
<b>Comment:</b>	<p><b>Washington State's 5-year fatality rate and rank:</b></p> <p><b>2015</b>   Ranked #1 at 4.2  <b>2016</b>   Ranked #7 at 7.5  <b>2017</b>   Ranked #6 at 6.2  <b>2018</b>   Ranked #2 at 4.0  <b>2019</b>   Ranked #6 at 6.3</p>
<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.
<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>



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### FY 2020 Washington DOSH Follow-up FAME Report

<b>Goal A-5:</b>	<b>Reassumptions: 80% of all non-financial settlement agreements will include safety or health strategies beyond the minimum rule requirements.</b>				
<b>Results:</b>	<b>Qtr 1</b>	<b>Qtr 2</b>	<b>Qtr 3</b>	<b>Qtr4</b>	<b>TOTAL</b>
	5/5 100%	1/1 100%	9/9 90%	0/0	15/15 100%
<b>Comment:</b>	<b>Goal exceeded</b> with an annual total of 15/15 or 100%, which is 20% above the goal.				
<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.				
<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>				

<b>Goal A-6:</b>	<b>Agriculture: DOSH will collectively have 700 WISHA-10 employee certification cards issued by September 30, 2020.</b>				
<b>Results:</b>	<b>Goal exceeded with 888 cards issued, 70 of which include train the trainer certifications as well.</b>				
<b>Comment:</b>	<b>Goal exceeded</b>				
<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.				
<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>				

## Appendix E – FY 2020 State OSHA Annual Report (SOAR)

### FY 2020 Washington DOSH Follow-up FAME Report

<b>Goal A-7:</b>	<b>Agriculture:</b> DOSH will ensure that at least 250, or 5%, of all inspections conducted will be in the agriculture industry.										
<b>Results:</b>	Qtr 1		Qtr 2		Qtr 3		Qtr 4		TOTAL		
	90		71		173		152		484/250 = 193%		
	<b>Agriculture Inspections by Special Tracking Selection</b>										
	Ag Industry		253	COVID Food Processing		72	Outdoor Heat Exposure		23		
	Amputation		5	COVID-19		131	Temp Worker Housing		13		
	Asbestos		1	Joint Ag Inspections		16	SVEP		1		
Chemical NEP		40	Marijuana Grow		30	Tempworkers		5			
COVID Construction		2	Marijuana Production		26						
<b>Comment:</b>	<a href="#">Goal exceeded</a>										
<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.										
<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>										

<b>Goal A-8:</b>	<b>Agriculture:</b> DOSH will ensure that at least 10% (275) of total onsite consultations provided will be in the agriculture industry									
<b>Results:</b>	<b>Not met due to COVID related work efforts.</b>									
	Qtr 1		Qtr 2		Qtr 3		Qtr 4		TOTAL	
	29		30		35		27		121/275 = 44%    29	
<b>Comment:</b>	DOSH's COVID-19 related response efforts, prioritization of work, as well as limitations of sending vulnerable staff into the field have had an impact on this goal.									
<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.									

## Appendix E – FY 2020 State OSHA Annual Report (SOAR)

### FY 2020 Washington DOSH Follow-up FAME Report

<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>
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<b>Goal A-9:</b>	<p><u>Logging:</u> DOSH will conduct at least 65 logging inspections by September 30, 2020.</p>
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<b>Results:</b>	<table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th style="width: 15%;">Qtr 1</th> <th style="width: 15%;">Qtr 2</th> <th style="width: 15%;">Qtr 3</th> <th style="width: 15%;">Qtr 4</th> <th style="width: 15%;">TOTAL</th> </tr> </thead> <tbody> <tr> <td>30</td> <td>29</td> <td>24</td> <td>36</td> <td>119/65 = 183%</td> </tr> </tbody> </table>	Qtr 1	Qtr 2	Qtr 3	Qtr 4	TOTAL	30	29	24	36	119/65 = 183%
Qtr 1	Qtr 2	Qtr 3	Qtr 4	TOTAL							
30	29	24	36	119/65 = 183%							

<b>Comment:</b>	<u>Goal exceeded.</u>
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<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.
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<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>
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<b>Goal A-10:</b>	<p><u>Logging:</u> DOSH will provide 65 onsite logging consultations by September 30, 2020.</p>
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<b>Results:</b>	<table border="1" style="width: 100%; text-align: center;"> <thead> <tr> <th style="width: 15%;">Qtr 1</th> <th style="width: 15%;">Qtr 2</th> <th style="width: 15%;">Qtr 3</th> <th style="width: 15%;">Qtr 4</th> <th style="width: 15%;">TOTAL</th> </tr> </thead> <tbody> <tr> <td>25</td> <td>55</td> <td>16</td> <td>32</td> <td>128/65 = 197%</td> </tr> </tbody> </table>	Qtr 1	Qtr 2	Qtr 3	Qtr 4	TOTAL	25	55	16	32	128/65 = 197%
Qtr 1	Qtr 2	Qtr 3	Qtr 4	TOTAL							
25	55	16	32	128/65 = 197%							

<b>Comment:</b>	<u>Goal exceeded.</u>
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<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.
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### FY 2020 Washington DOSH Follow-up FAME Report

<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>																																																								
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## Appendix E – FY 2020 State OSHA Annual Report (SOAR)

### FY 2020 Washington DOSH Follow-up FAME Report

<b>Goal A-12:</b>	<b>DOSH will monitor and track the percentage of new hire safety and health professionals who remain in DOSH after they have graduated new hire training.</b>																																																						
<b>Results:</b>	Continuously monitored and updated periodically. As of FFY 2020, it is still too early to tell if the compensation increases are having an impact.																																																						
<b>Comment:</b>	<p>Retention has improved compared to what we experienced prior to the July 2017 pay raises. We were also able to negotiate adoption of a 5% geographic pay differential for King County. These monetary increases combined with a faster accrual rate for annual leave and other non-monetary forms of recognition such as our DOSH Challenge Coin program have increased retention. However, we still have a fairly high number of vacancies to fill with the addition of 29 new positions that are being phased in during FY 2019-21 as provided by the Legislature (following the addition of 16 new positions during FY 2017-19). Our most recent New Hire class started in March and had one week in the classroom before in-person training had to rapidly be converted to virtual learning. That class graduated in June, 2020. The traditional in-person graduation ceremony was held through a Zoom virtual graduation instead. The next New Hire course started in September. So far, 77% of CSHOs from the last six New Hire classes are still on board. When we started our retention program in 2015, only 69% of CSHOs hired between 2008-2014 were still on board.</p> <table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"> <thead> <tr style="background-color: #d9e1f2;"> <th colspan="6">New Hire Staff Turnover</th> </tr> <tr style="background-color: #d9e1f2;"> <th>Class Start Date</th> <th>Graduation Date</th> <th>New CSHOs That Graduated</th> <th>New CSHOs Separated</th> <th>% Turnover</th> <th>Average Months Between Graduation &amp; Separation</th> </tr> </thead> <tbody> <tr> <td>2017-March</td> <td>2017-June*</td> <td>12</td> <td>5</td> <td>42%</td> <td>14.99</td> </tr> <tr> <td>2017-Sept</td> <td>2017-Dec</td> <td>15</td> <td>7</td> <td>46%</td> <td>13.63</td> </tr> <tr> <td>2018-March</td> <td>2018-June</td> <td>21</td> <td>6</td> <td>29%</td> <td>9.63</td> </tr> <tr> <td>2018-Sept</td> <td>2018-Dec</td> <td>13</td> <td>4</td> <td>31%</td> <td>7.52</td> </tr> <tr> <td>2019-March</td> <td>2019-June</td> <td>9</td> <td>1</td> <td>11%</td> <td>2.39</td> </tr> <tr> <td>2019-Sept</td> <td>2019-Dec</td> <td>15</td> <td>2</td> <td>13%</td> <td>5.18</td> </tr> <tr> <td>2020-March</td> <td>2020-June</td> <td>22</td> <td>2</td> <td>9%</td> <td>3.29</td> </tr> </tbody> </table>	New Hire Staff Turnover						Class Start Date	Graduation Date	New CSHOs That Graduated	New CSHOs Separated	% Turnover	Average Months Between Graduation & Separation	2017-March	2017-June*	12	5	42%	14.99	2017-Sept	2017-Dec	15	7	46%	13.63	2018-March	2018-June	21	6	29%	9.63	2018-Sept	2018-Dec	13	4	31%	7.52	2019-March	2019-June	9	1	11%	2.39	2019-Sept	2019-Dec	15	2	13%	5.18	2020-March	2020-June	22	2	9%	3.29
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<b>Strategic Goal 1</b>	Reduce fatalities and hospitalization rates in the most hazardous industries compared to the previous 5-year period.																																																						
<b>5-Year Performance Goal</b>	<p>Focus DOSH resources in these chosen most hazardous industries:</p> <ul style="list-style-type: none"> <li>• Agriculture</li> <li>• Logging</li> <li>• Construction</li> <li>• Healthcare</li> <li>• Electrical Utilities and Telecommunications</li> </ul> <p>Conduct annual review of hospitalization and fatality data to ensure rules are in place that mitigate contributing exposures in the most hazardous industries.</p>																																																						

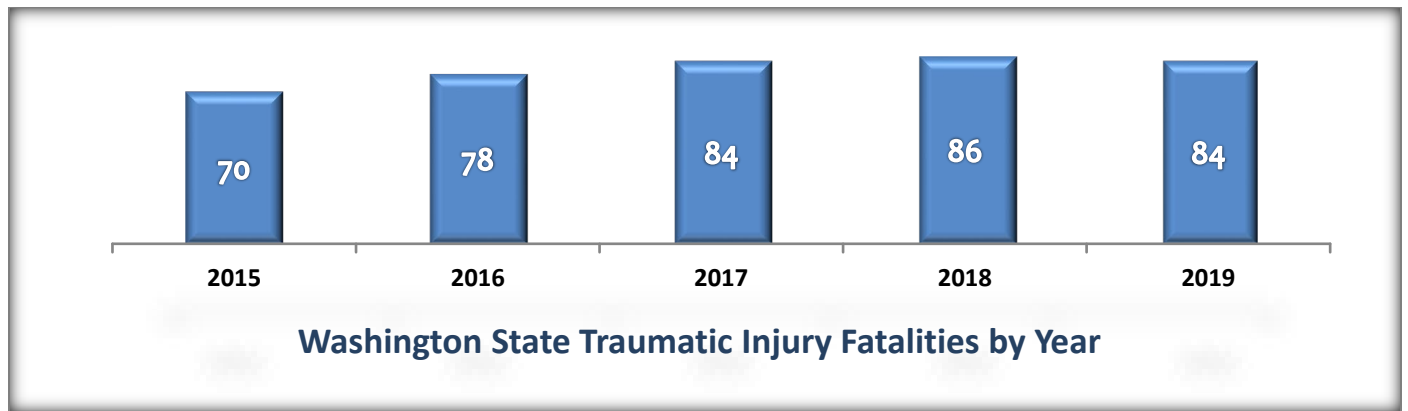
# Appendix E – FY 2020 State OSHA Annual Report (SOAR)

## FY 2020 Washington DOSH Follow-up FAME Report

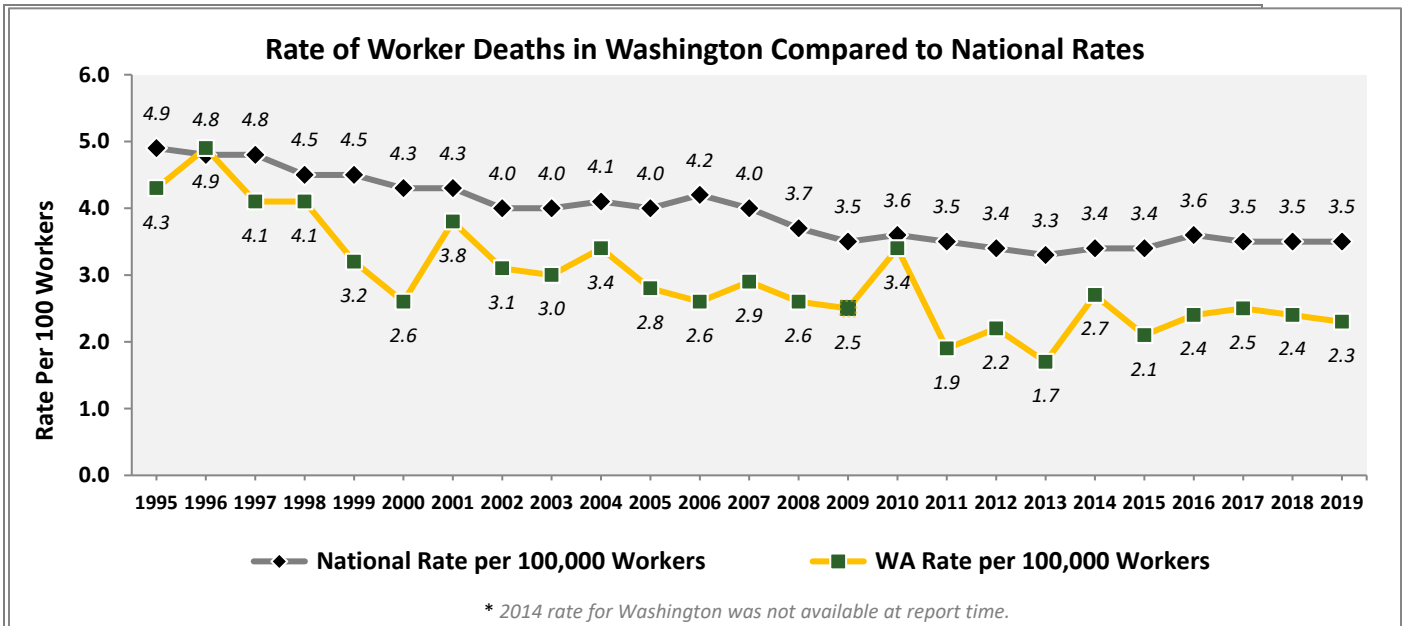
### Mandated Activity Goals

<b>Goal B-1:</b>	Reduce fatalities rate from 2.7 per 100,000 full time workers to 2.5 per 100,000 full time workers (by 2020)
<b>Results:</b>	<b>Goal Met.</b>
<b>Comment:</b>	<b>Washington’s workplace fatality rate for 2019 is 2.3</b> which is more than a full point less than the national average of 3.5. Washington’s fatality rate has been below the national average and among the ten lowest states for 23 consecutive years.

*Data Source: Washington’s Fatality Assessment and Control Evaluation (FACE) system administered by L&I’s Safety and Health Assessment and Research for Prevention (SHARP) program and annual CFOI Fatality Reports.*



### Washington Workplace Fatality Rate Compared to National Fatality Rate



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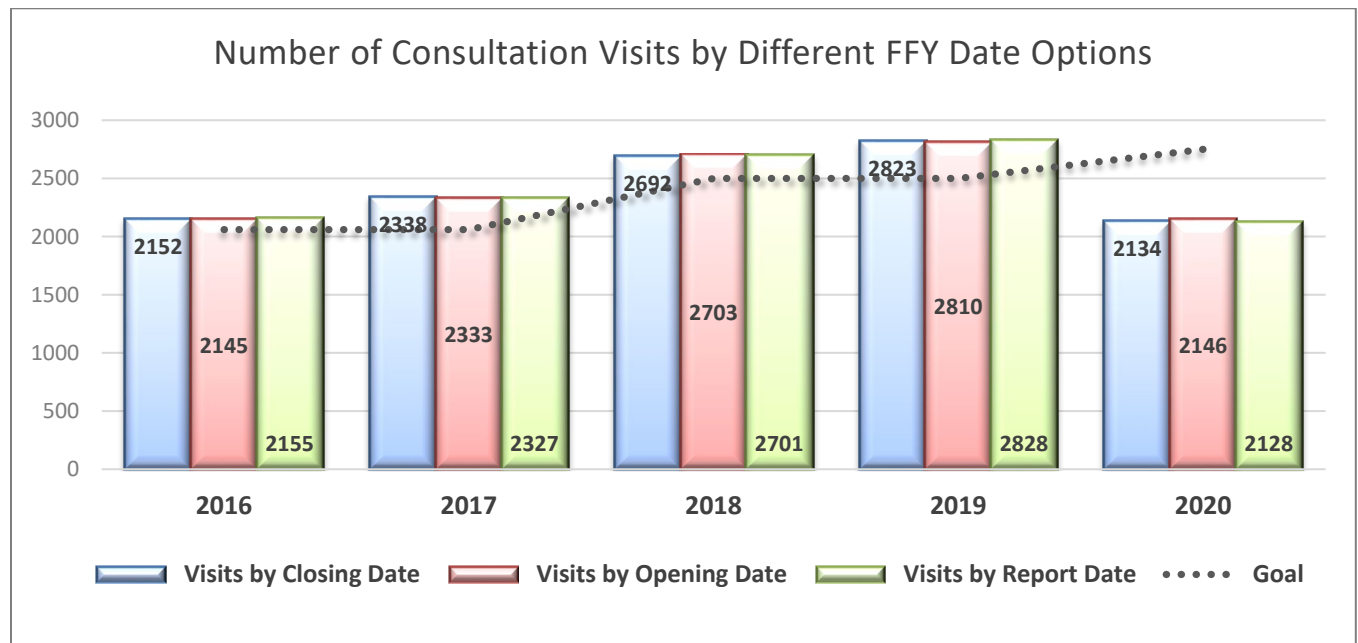
### FY 2020 Washington DOSH Follow-up FAME Report

**Data Source:** Census of Fatal Occupational Injuries (CFOI), Bureau of Labor Statistics, U.S. Department of Labor; and, Washington State Employment Security Report

<b>Goal B-2:</b>	<b>Conduct at least 2,750 onsite consultations.</b>									
<b>Results:</b>	<b>Goal not met.</b>									
	<b>Qtr 1</b>		<b>Qtr 2</b>		<b>Qtr 3</b>		<b>Qtr 4</b>		<b>Total</b>	
	665	24%	667	24%	381	14%	433	15%	<b>2146</b>	<b>77.6%</b>
<b>Comment:</b>	<b>DOSH's COVID-19 related response efforts, prioritization of work, as well as limitations of sending vulnerable staff into the field have had an impact on this goal.</b>									

**Indicator:** Number of onsite consultation visits with a closing conference date in the current period. Consultation activity reports prepared and distributed weekly.

**Data Source:** L&I Data Warehouse and WISHA Information Network (WIN)



#### 5-YEAR GOAL SUMMARY

FFY	Qtr 1		Qtr 2		Qtr 3		Qtr 4		Total		Goal
<b>2016</b>	453	22%	567	28%	551	27%	574	28%	<b>2145</b>	<b>104%</b>	<b>2060</b>
<b>2017</b>	513	25%	536	26%	626	30%	658	32%	<b>2333</b>	<b>114%</b>	<b>2060</b>
<b>2018</b>	638	30%	612	29%	775	37%	676	32%	<b>2701</b>	<b>128%</b>	<b>2100</b>

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<b>2019</b>	690	28%	658	27%	791	32%	684	27%	<b>2823</b>	<b>113%</b>	<b>2500</b>
<b>2020</b>	665	24%	667	24%	*381	14%	433	15%	<b>2146</b>	<b>78%</b>	<b>2750</b>

*\*Numbers after this time were affected by the COVID pandemic.*



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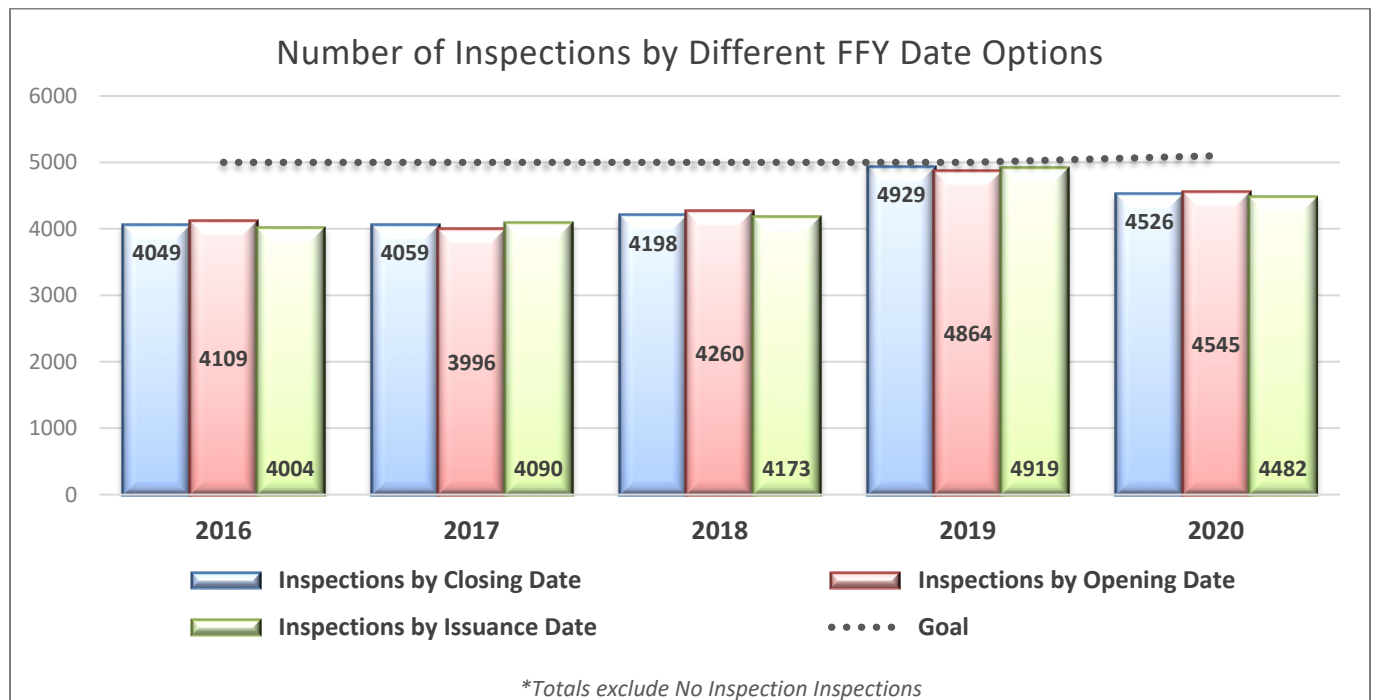
### FY 2020 Washington DOSH Follow-up FAME Report

<b>Goal B-3:</b>	<b>Conduct at least 5,100 compliance inspections.</b>									
<b>Results:</b>	<b>Goal not met.</b>									
	<b>Qtr 1</b>		<b>Qtr 2</b>		<b>Qtr 3</b>		<b>Qtr 4</b>		<b>Total</b>	
	1173	23%	1225	24%	1032	20%	1096	22%	<b>4526</b>	<b>88.7%</b>
<b>Comment:</b>	<b>DOSH's COVID-19 related response efforts, prioritization of work, as well as limitations of sending vulnerable staff into the field have had an impact on this goal.</b>									

**Indicator:** Number of compliance inspections with a closing conference date in the current period. Compliance activity reports prepared and distributed weekly.

**Data Source:** WISHA Information Network (WIN) Performance Report

Inspections per FFY Using Opening Conference and Inspection Description	2016	2017	2018	2019	2020
Inspections with Violations	2658	2482	2770	3225	2620
No Violation Inspections	1451	1514	1490	1640	1925
<b>Total Inspections</b>	<b>4109</b>	<b>3996</b>	<b>4260</b>	<b>4865</b>	<b>4545</b>
No Inspection Inspections	182	196	194	163	165
<b>Total Inspections</b>	<b>4291</b>	<b>4192</b>	<b>4454</b>	<b>5028</b>	<b>4710</b>



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<b>Goal B-4:</b>	<b>Consultation: Ensure that 100% of serious hazards are corrected and that 95% are verified by consultants within 14 days of the abatement date</b>									
<b>Results:</b>	<b>Qtr 1</b>		<b>Qtr 2</b>		<b>Qtr 3</b>		<b>Qtr 4</b>		<b>Final</b>	
	1521/1562	97%	1386/1396	99.3%	623/646	96.4%	618/642	96.7%	<b>4148/4246</b>	<b>97.7%</b>
<b>Comment:</b>	<u>Goal exceeded.</u>									

**Indicator:** At least 95% of serious hazards with abatement due during the period have abatement verified as completed.

**Data Source:** WISHA Information Network (WIN) Performance Report.

**Getting Serious Hazards Corrected Faster**

When DOSH assures the timely correction of serious hazards, Washington workers are therefore exposed to significantly fewer hazards that cause serious injuries, illnesses, or fatalities. Hazard abatement timeliness is currently at the highest it has been in years.

**Consultation Hazard Abatement History**

	<b># Serious Hazards Abated</b>	<b>% Timely w/in 14 days</b>
2019	6515 of 6661	97.8%
2018	6271 of 6408	97.9%
2017	5498 of 5662	97.1%
2016	4903 of 5099	96.1%
2015	4724 of 4910	96.2%
2014	5,666 of 5,874	96.5%
2013	6,014 of 6,174	97.4%

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<b>Goal B-5:</b>	<b>Compliance: Ensure that 100% of serious violations are corrected and that 95% are verified by inspectors within 14 days of the abatement date.</b>									
<b>Results:</b>	<b>Qtr 1</b>		<b>Qtr 2</b>		<b>Qtr 3</b>		<b>Qtr 4</b>		<b>Final</b>	
	802/954	84%	1056/1112	95%	625/740	85%	545/587	93%	<b>3028/3393</b>	<b>89.2%</b>
<b>Comment:</b>	DOSH's COVID-19 related response efforts, prioritization of work, as well as limitations of sending vulnerable staff into the field have had an impact on this goal.									

**Indicator:** At least 95% of serious violations with abatement due during the period have abatement verified as completed.

**Data Source:** L&I Data Warehouse and WISHA Information Network (WIN).

#### Compliance Violation Abatement History

	# Serious Violations Abated	% Timely w/in 14 days
2019	3062 of 3389	90.4%
2018	2028 of 2263	89.6%
2017	2273 of 2438	93.2%
2016	2,017 of 2,188	92.2%
2015	3,177 of 3,508	90.6%
2014	2,730 of 2,848	95.8%

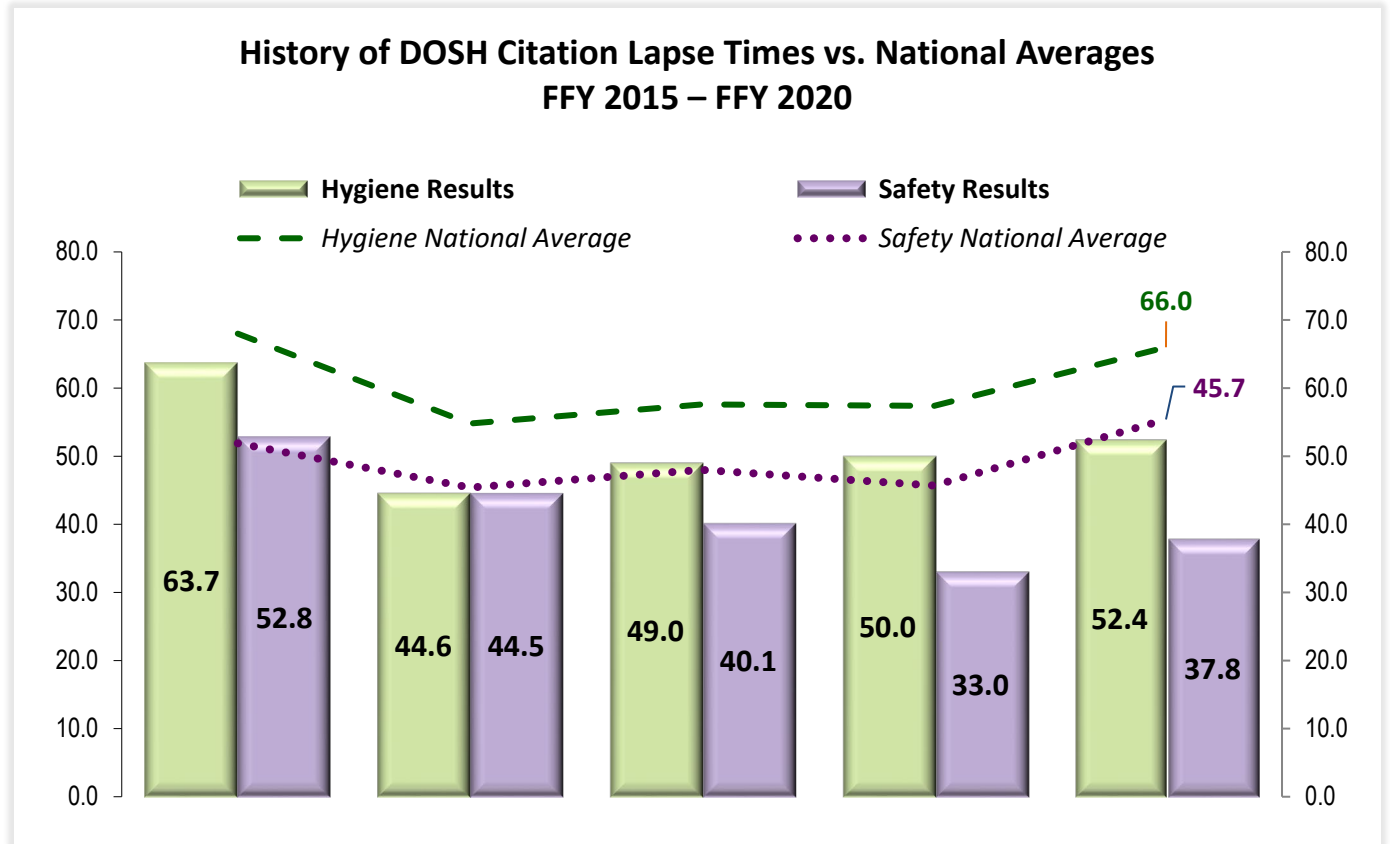
<b>Goal B-6:</b>	<b>Maintain <span style="color: green;">HYGIENE</span> citation lapse time at or below the current national average of calendar days (for citations with violations, from opening conference to issuance date).</b>										
<b>Goal B-7:</b>	<b>Maintain <span style="color: purple;">SAFETY</span> citation lapse time at or below the current national average calendar days (for citations with violations, from opening conference to issuance date).</b>										
<b>B-6 and B-7 Results:</b>		<b>Qtr 1</b>		<b>Qtr 2</b>		<b>Qtr 3</b>		<b>Qtr 4</b>		<b>TOTAL</b>	
		DOSH	NAT'L	DOSH	NAT'L	DOSH	NAT'L	DOSH	NAT'L	DOSH	NAT'L
	<b>Safety</b>	32.67	52.73	<b>30.87</b>	54.52	<b>45.16</b>	61.62	<b>42.58</b>	52.98	<b>37.82</b>	55.46
	<b>Health</b>	44.21	61.38	<b>49.19</b>	62.24	<b>58.00</b>	71.58	<b>58.32</b>	69.08	<b>52.43</b>	66.07
	<b>Average</b>	<b>38.4</b>	57.1	<b>40.2</b>	58.4	<b>51.6</b>	66.6	<b>50.5</b>	61.0	<b>45.1</b>	<b>60.7</b>
<b>Comment:</b>	<b><u>Goal exceeded.</u></b>										

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**Indicator:** Average number of days between opening conference date and citation issuance date for all hygiene/safety citations with violations issued during the period.

**Data Source:** Quarterly & year-end SAMM reports from OIS. Current national average taken from fiscal year-end SAMM.



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## **Significant Accomplishments**

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### **Challenges and Program Responses to COVID-19**

#### **Operations Program**

##### **DOSH Records Center and Production Services:**

Obstacles: Staff work responsibilities are designated as essential services and very little could be accomplished through working remotely. Additionally, all of the employees in these two units meet the definition of high risk in terms of exposure to COVID-19.

Program response:

- Staggered in-office work times to minimize the number of people in the office together at the same time.
- Limited the number of hours each person could be in the office to three hours per day.
- Followed agency requirements for self-assessment, wearing masks, and sanitizing shared work areas after each use.
- Identified what work could be done from home electronically, with close coordination with the person(s) in-office each day.
- Focused on issuing only top priority citations – those relating to COVID inspections or nearing the 180 day deadline to issue the inspection result.
  - Caused a backlog of non-COVID inspection citations being issued.
- Gave people other work assignments to do from home to fill up their work days– take training, review policies, handle emails, etc.
- Assisted the regions by doing special formatting and including special language for the non-standard citation templates created for the COVID related inspection findings.
  - Required special system administration level work, handled by a unit manager, to accommodate this non-standard process.
- Records Center staff focused on getting these case files assembled and stored, anticipating these would be high demand for public records requests. Since only the highest priority cases were being handled, Records Center staff were able to keep up with the daily work – no backlogs occurred.

##### **DOSH Business Systems Analysis and Support:**

Program staff were able to be fully productive while working remotely.

Program response:

- Consulted with senior managers to recommend solutions to their tracking needs for COVID cases.
- Made several new inspection/consultation tracking mechanisms available.
- Added a new Violation-level special tracking data point.

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- Did frequent data clean ups at the request of Compliance Operations, who found staff were forgetting to use the special tracking features that were established, or to back track and code cases that met the conditions, that had occurred prior to adding the special tracking.
- Added new data tracking capability to the Data Warehouse.

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#### DOSH IT Unit:

Once the initial work at home order was issued, DOSH IT Unit staff were able to ensure all DOSH staff across the state had the basic equipment and software required to work from home within two weeks. At the same time, staff received an increased amount of notifications for unforeseen problems with Video Conferencing, VPN, Softphones, and other network issues. Staff also supported the agency IT program by imaging several hundred computers for other divisions of L&I, managing all immediate work stoppage tickets and providing in-person assistance at offices across the state including the State Emergency Operations Center at Camp Murray.

#### Obstacles and program response:

- Difficulty troubleshooting physical IT issues virtually
  - Staff developed an out-of-band method to connect to a computer that is not connected to VPN for remote troubleshooting. Developed scripts to pull machine information remotely. Submitted a request for change to allow for iPhone screen mirroring which was just approved by WA tech allowing us to virtually troubleshoot iPhones.
- Customers unfamiliar with Video teleconferencing and using VPN while teleworking
  - Increased customer engagement by developing in-depth training and delivering virtually. Posting all training and contact information including Skype on the web. Meeting with managers across the state to get a pulse on evolving Technology needs.
- Reduced internal IT unit communications and collaboration due to nature of remote work and compounded by increased volume of tickets
  - Started doing optional internal group chat/voice channel every day to increase collaboration and communication on trouble tickets and projects.
- Staff needed additional equipment and services to allow for effective teleworking
  - Ran reports to proactively identify customers who needed teleworking equipment and acquired equipment from both Divisional Stocks, Enterprise stock and ordering.
- The ability for the intake of increased calls to 1800 line during the pandemic:
  - Identified a 1-800 Bi-Lingual answering service to answer phones 24/7 when our staff are not available. Ran through all agency contract, legal, and security approval processes. This is now implemented and has increased agency availability during non-work hours, also increased response times to our external customers, and reduced some of the workloads on our staff.
- Agency shortages of IT staff due to being high risk and volume of enterprise tickets:
  - Assisted with troubleshooting trouble tickets from all Divisions and Regions during the pandemic to ensure L&I customers are up and running.
- Need for events to become virtualized or support for virtualized events:
  - Obtained licenses for Zoom, Zoom Webinar, and Life-size to meet specific needs. Consulted with event managers and helped schedule as well as provided additional support during meetings. This support saved several meetings/events from being rescheduled or canceled.

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- The ability for members of the public to submit electronic submissions for workplace Safety and Discrimination Complaints:
  - As part of a larger group effort, our unit was tasked with identifying and implementing a technical solution that met the business need to receive data and alert the staff who process it.
- Failing equipment due to being past life cycle and increased lag time of warranty repairs from vendors:
  - Increased Bench stock on spare computers and generally drive once or twice a week to regional offices, allowing us to drastically reduce staff downtime.

### **Standards, Technical, and Laboratory Services Program**

The standards and technical services team was and still is greatly impacted by the work being done to help protect workers and the public from the SARS-CoV-2 pandemic. Washington State took the lead in creating policies and other guidance to help control the spread of the virus.

The standards and technical services team worked diligently on multiple directives, fact sheets, and other industry specific guidance. This also includes interpreting the multitude of industry specific documents created by the Governor's office in which LNI/DOSH were asked to enforce.

During this effort, many rule making projects had to be put on hold to approach this pandemic with an "all hands on deck" approach. We were able to create and fill a Physician 3 position to help deal with this unique situation.

### **Appeals, Audit, Discrimination & Internal Training Program**

#### **DOSH Discrimination Program:**

- The Discrimination program has seen a remarkable increase in complaints since March 2020. The total number of COVID related complaints accepted since March 2020 and as of 12/3/2020 is 154, with total overall complaints received through 12/3/2020 at 279.
- The program has increased the more time consuming enhanced screening of complaints since March 2020 to ensure that all related issues are looked at and addressed as they relate to COVID 19.
- The Discrimination program has received an increase in inquires and questions from the Governor's office and the Director's office relating to COVID 19 issues.
- In addition, the program is deeply involved in the proposal of discrimination related legislation.
- The Discrimination program is making more referrals to other agencies and programs regrading issues related to COVID 19.

#### **Appeals:**



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The DOSH Appeals program faced a number of unique challenges related to the enforcement of COVID-19 regulations. The following are the most prevalent:

- Requirements/ Communication: Employers face challenges staying abreast of and understanding how to implement changing requirements for various industries, and timelines of these changes. Employer’s confusion between Dept. of Labor & Industries, County Health Departments, and CDC requirements.
- Employers not familiarizing themselves with COVID protocols prior to Compliance intervention.
- Public masking: Hazards employees face when asking customers to comply with masking rules in stores and other public businesses.
- Employers questioning the Governor’s Proclamation and Labor & Industries’ jurisdiction to enforce.

### **DOSH Education & Outreach**

The impact of the 2020 COVID-19 pandemic continues to be significant on the DOSH Education & Outreach Programs. For starters, all staff have been working remotely. Our work has shifted to a pandemic-focused “all hands on deck” effort to generate hazard alerts, technical guidance, trainings, and toolkits to prevent the spread of COVID-19 in the workplace. A significant managerial challenge continues to be prevention of staff burnout.

The following is a summary of some of the challenges and responses to them for programs in Education & Outreach.

#### **Digital Education:**

- Most staff spent many hours preparing guidance documents for employers and employees on how to respond to the pandemic at their jobsite. One good effect was weekly team meetings and greater coordination on various projects.
- We have become proficient in new technologies in video conferencing for working remotely
- The workload has been immense with many working long hours, sometimes seven days a week when this began.
- Some routine work was delayed and we’re working hard to incorporate more business as usual into our routine.
- We’ve shifted to fully working-from-home and quickly transitioned into video conferencing to stay connected to the team. Supervisors have transitioned from daily cubicle visit check-ins with staff to a daily video check-in. Keeping that routine has maintained clear communication and expectations, in spite of working remotely, and has provided emotional support to defend against the side effects of social isolation.
- With L&I offices closed, customers have become more dependent on our website for information and tools to support their workplaces. The customers’ challenges with our website have been amplified, but we’ve also adjusted by giving clear areas of content for COVID/pandemic information. And we’ve provided this information and many resources in languages other than English.

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- We've quickly developed mobile-friendly e-Tools that can be distributed broadly to help businesses and workers make sure they have accurate evidence-based info to help prevent transmission.
- We've enacted and revised our regulations to provide enforcement support when that angle of workplace safety & health is needed.
- Staff have worked after hours to ensure our work is complete, accurate, and our content and messaging are clear and current, in an ever-changing environment. We've utilized email communication and created processes to target messages to industry-specific groups as appropriate who are not subscribed to our email communications service.
- We've worked together to better coordinate with statewide Emergency Management centers, and other state agencies so that our messaging is clear and accurate. We've improved our communication strategies when messaging was out-of-sync with other teams.

#### **Governor's Conference:**

Making the pivot from a live conference to a virtual event presented many challenges and learning opportunities and a lot of extra hours. Initially, a major hurdle was determining what platform would best suit the conference and all of the planning and Board meetings.

We also had new contract negotiations that we had never encountered before. We had to learn a lot about Force Majeure clauses and how they may or may not include something like an unprecedented pandemic. This was new for both our staff and vendors including hotels, meeting and event facilities, catering, speakers etc. This took a great deal of time researching contracts, laws, city and state and non-profit regulations. We also did a great deal of networking with other event planners who were also forced to make many of the same changes.

For the annual Governor's Conference this involved a great deal of research to determine the most efficient, affordable platform that was quick and easy for conference staff and volunteers to develop and present our event as well as providing easy access and quality connectivity our attendees, exhibitors, and speakers. Once the platforms were contracted, there were hours of meetings and training to build it and learn it with enough proficiency to teach it to others.

We were able to call in the assistance of our technical support from other areas, including technology experts to assist with the website design for virtual exhibitors, communications experts to provide digital marketing components to promote the virtual event, and additional communications expert in production of recording the opening address and Lifesaving Awards. We were very fortunate to have access to volunteers from private industry through our committees and other programs throughout the agency to assist with producing, hosting and facilitating over 20 virtual sessions throughout the week and 7 virtual exhibit booths.

Thankfully, despite the COVID-19 restrictions we were able to produce a successful event. We coordinated safe working conditions for our live onsite production staff and volunteers working during the live event utilizing masks, sanitized rooms and equipment and individual meeting rooms for each worker. It was a total group effort and we consider it a huge success. 370 people attended the online event held September 21-25, 2020. We provided attendees with presentations from some of the state's

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leading experts on COVID-19, fall protection, managing mental health and ergonomics for working at home.

#### **Voluntary Protection Plan:**

Specific challenges:

- Delay of all VPP field activities from winter 2020 to summer 2021 has created a backlog of recertification of current VPP sites.
- Suspension of in person meetings, seminars, and conferences
- Redirecting staff resources to COVID 19 and other activities.

Steps taken to address:

- VPP sites provided a 12-month extension on their VPP certification.
- Continuation by zoom meetings, virtual seminars, and virtual conferences.
- Managers and supervisors collectively redirect staff resources to current needs.

#### **Outreach Program:**

The Outreach program faced the challenge of going from attending upwards of 50 in person conference/tradeshows/events throughout the year to instead having to try to reach their audiences virtually. This included exhibiting at virtual events, working with industry and statewide association contacts, and collaborating with the DOSH consultation program to ensure that services were reaching businesses where they were needed. The program also partnered with Work Safe BC to create a 2021 calendar featuring 'spot the hazard' images to raise awareness of workplace hazards and for employers to find/fix similar hazards in their own workplace.

#### **MSHOP – Multicultural Safety & Health Outreach Program**

- In-person WISHA 10 for Ag safety training cancelled
- Exploration of virtual WISHA 10 training continues
- Many radio/Facebook Live/zoom appearances to Spanish speaking agriculture worker and employer audiences to push out our Ag COVID-prevention publications and messaging.
- Other in-person outreach mostly ceased with the exception of a couple of collaborative mask distribution events in Yakima region, a hot spot for COVID.

## **Rulemaking**

### **PSM**

We are currently working on rulemaking to create several new sections in our Process Safety Management (PSM) rules that will only apply to petrochemical refining facilities. In addition, without introducing any new requirements, we will update existing language throughout the chapter regarding Process Safety Management (PSM) to ensure it is clear these rules apply to all other PSM regulated facilities. These rules are currently outdated, not having been updated in over 20 years and do not reflect current industry practices. Other housekeeping amendments may also be proposed in this chapter.

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Since 1998, 13 workers in Washington State have tragically died in two catastrophic events at oil refineries. These incidents have led to discussions about what could have been done to prevent these tragedies. The PSM Advisory Committee was formed in 2015 to ensure stakeholders have a place to discuss ways to improve workplace safety and health at refineries. The PSM Rules Review Committee was formed in 2016 to review the current PSM rules, and have held several meetings to date, moving toward a shared goal of providing employers and their employees a safe and healthy work environment.

The need for such changes stems from previous incidents at petroleum refineries in the state of Washington. In 2010, seven workers lost their lives at the Tesoro refinery in Anacortes when a heat exchanger used in the refining process exploded. Two other incidents in 1998 at the Equilon refinery in Anacortes and Advanced Silicon Materials in Moses Lake claimed the lives of eight workers.

California and their Division of Occupational Safety and Health (CalOSHA) recently implemented new rules for process safety management for oil refineries. DOSH worked with CalOSHA and local Washington refineries, among other stakeholders, to draft similar regulations for process safety management in oil refineries for those in the State of Washington. These changes are needed to ensure that employers and employees are safe while working in the refineries as processes and technology in the industry advance over time.

The PSM rule is currently in the economic analysis phase with a survey being conducted. It is anticipated that this survey will be complete and the next filing package for the proposed rule changes will be in late summer 2021. In addition to PSM rulemaking efforts, DOSH has also hired a Compliance Manager for a newly formed PSM group and has recruited for PSM specific inspectors.

### **Lead**

In light of increasing evidence of the hazards associated with occupational lead exposure, DOSH has been working with stakeholders to assess ways that we can update existing lead standards in both general industry and construction, many aspects of which were written over twenty years ago, to better protect Washington workers.

DOSH initially denied a public petition in November of 2013 requesting that we update our lead rules because at the time we wanted to gather more information and stakeholder input. After a series of preliminary stakeholder meetings ending in February 2016 we have decided that there is enough interest and support for working with stakeholders representing various interests to determine areas of concern and find solutions collaboratively.

As we are still in the early stages of the rulemaking process the scope and extent of rulemaking was uncertain, but areas of focus have included such things as changing Permissible Exposure Levels (PELs) based on scientific data, updating “housekeeping” standards including Personal Protective Equipment (PPE) and ventilation requirements for employers operating in areas where there is increased lead exposure, and updating reporting requirements for employers.

We recognize that rulemaking is only one part of a comprehensive plan to eliminate or reduce occupational lead exposure to levels roundly agreed to be safe among scientific experts. To that

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end, the rulemaking staff will work closely with other business areas within DOSH such as Compliance and Outreach to share information that is gathered.

The lead rule has completed its extensive stakeholdering, the draft is under review and preparing for the economic analysis to be conducted. It is anticipated that this survey will be complete and the next filing package for the proposed rule changes will be in late summer 2021.

#### **Fall Protection**

This proposed rulemaking is federally initiated. The Department is responding to correspondence that the Division of Occupational Safety and Health (DOSH) received from the Federal Occupational Safety and Health Administration (OSHA) stating that DOSH's fall protection requirements were not at least as effective as OSHA's fall protection requirements. The Department is conducting rulemaking specifically related to fall protection requirements and references included in eighteen (18) different chapters and work industries.

In June of 2013, DOSH received a letter from OSHA outlining concerns that OSHA had with DOSH's fall protection rules. OSHA advised DOSH to submit a detailed analysis comparing Washington's fall protection standards and enforcement policies that apply to residential construction, to OSHA's Compliance Guidance for Residential Construction and Subpart M of 29 CFR 1926. DOSH was to identify each of the differences between the two rules and provide an explanation of why the state provision should be considered at least as effective as OSHA's.

In October of 2015, DOSH received another letter from OSHA advising DOSH that Washington's fall protection requirements cannot be considered at least as effective as OSHA's requirements. The specific areas of concerns are:

- In most cases, Washington's trigger heights are lower than OSHA's as fall protection is normally required at four feet, however there is an exemption for work being done on low pitch roofs and leading edges where the trigger height for fall protection is 10 feet;
- Alternatives to conventional fall protection, such as the safety watch system and catch platforms;
- Warning line criteria; and
- Certain language in Washington's standard which may make the requirements to use fall protection ambiguous.

Additionally, in 2013, the Washington State Legislature adopted Substitute Senate Bill 5679 (SSB 5679). SSB 5679 directed the Department to establish and perform, within existing funds, a formal rules review process of its existing rules every five years. One goal of this review process was to reduce the number of rules, simplifying the regulatory burden on businesses. Currently, fall protection requirements are located in several chapters under DOSH's authority and this proposed rulemaking would minimize the burden on employers doing work that encompasses several industry specific standards.

Through a series of public meetings held in the fall of 2016 through 2018, the Department found widespread support from our partner organizations representing both business and labor. These stakeholders made it evident to the Department that a single, unified fall protection standard that applied to all industries statewide would be easier to implement and help protect workers from fall hazards. Stakeholders have been and will continue to be involved with each aspect of this rulemaking, working as a team to come to consensus on the proposed language.

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Chapter 296-880 WAC, Unified Safety Standards for Fall Protection is a new chapter incorporating fall protection language from a large number of vertical standards. By creating a unified fall protection rule, some existing requirements will be changed to ensure alignment and consistency with OSHA, and references to the existing requirements are being updated.

The following industries will have consistent fall protection rules:

- Construction, all types, residential and commercial
- Longshore, Stevedore and waterfront related operations
- Ship repairing, ship building and ship breaking
- Ski area facilities and operations
- Sawmills and woodworking operations
- Pulp, paper and paperboard mills and converters
- Material storage and disposal
- Textile industry
- Cranes and crane operation
- Excavation and trenching operations
- Steel erection
- Limited areas of Agriculture work
- Forklifts, powered platforms and powered industrial trucks
- Scaffold erection and dismantle
- Window cleaning

The fall protection rule has been completed and was adopted June 1, 2020.

## Significant Inspections

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### Three companies fined for fatal trench collapse at Rainier wind farm

#### **Two collapses bury workers**

At the time of the incident, an employee was in a 15-foot-deep trench to position a bore pipe so it could be placed underneath a culvert by an excavator. Moments after the employee entered the trench, part of it collapsed, pinning the man.

After another worker and the excavator operator jumped in to rescue him, a second, larger collapse trapped the rescuers as well. The excavator operator was buried up to his knees, but was able to free himself and call for help.

Managers and employees from the GC and sub, as well as medics arrived to assist in the rescue effort. At one point, at least nine people took turns entering the still unprotected trench to dig out the buried workers.

The crew found the worker who jumped in after the first collapse, but he was pronounced dead by an on-scene medic. A short time later, the victim buried in the first collapse was freed and taken by helicopter to Harborview Medical Center in Seattle with serious injuries.

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The general contractor for the project hired a subcontractor to construct the 38-tower wind farm. That subcontractor was most directly responsible for the work performed that day. The trapped worker hospitalized was a direct employee of the sub and the man who died worked for a temporary labor agency contracted by the sub to supply additional labor.

#### **Firms cited for violations**

The subcontractor had the most violations on the project and faces the largest fine. DOSH cited the company for three willful violations, three serious violations and two general violations. As a result, they face \$360,874 in fines.

The willful violations are for not having cave-in protection, having no competent person trained on trench safety on site, and having no written safety program tailored to the project.

The general contractor faces \$184,800 in fines. They are being cited for two willful violations. The first is for not ensuring the subcontractor had and used cave-in protection, and for not ensuring the subcontractor had a written safety program tailored to the project. The second willful violation is for not having a written safety program tailored to the project for the company's own employees.

The third company involved was a contractor providing onsite medical services. The company is being fined \$4,200 for a serious violation for exposing two of its employees to hazards when they entered the unprotected trench.



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#### **Everett contractor fined \$230K for fall protection and other safety violations**

An Everett construction company with a history of safety violations is facing fines of more than \$230,000 after inspections at two Seattle job sites found numerous problems that placed workers at significant risk.

The company was recently cited for eight safety violations, including exposing employees to fall hazards while working two and three stories above ground.

#### **Workers injured in falls**

Apart from the two most recent inspections, L&I has inspected the builder under its current, and a previous name five times since 2016.

The most recent safety violations occurred in April when the company was helping build new apartments in Georgetown. Inspectors found inadequate safety rails on the roof, where six of the company's framers were working just over 28 feet above ground.

In addition, there were four unguarded wall openings 9.5 feet above ground and no handrails on stairways leading to the second floor.

The Georgetown violations resulted in three citations totaling \$126,000 in fines. The citations were designated "willful," meaning the employer knew or should have known the rules, but refused to follow them.

#### **Fall protection lacking on second and third floors**

Two months earlier, in February, inspectors found five safety violations when the company was working in Ballard on another multi-unit residential project.

Two of the citations were considered willful, including one for failing to install fall protection on window and door openings on the three-story building. Inspectors saw at least two workers on the second floor and one worker on the third floor exposed to the potential fall hazards.

The Ballard site citations resulted in a total of \$108,360 in fines.



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#### **Blasting Violations Result in Citations, Fines, and Loss of License for Contractor**

An unsafe blasting operation in Spokane that put workers and the public at risk has resulted in an Idaho-based drilling company losing its license to perform similar work in Washington.

DOSH has also cited and fined the company for several willful and serious violations for the June 2019 blasting incident. In total, the company faces \$92,144 in state penalties.

#### **Rocks blasted nearly 500 feet**

A crew from the drilling contractor was performing a blasting operation on North Grant Street in Spokane at the time of the incident. Because the blast was not planned or conducted properly, it resulted in rocks being thrown as far as 490 feet from the site - more than one-and-a-half football fields - in all directions.

Some of the rocks struck buildings, some fell on the street and some struck vehicles. Though no one was hit, several people ran for cover.

DOSH has cited this employer at least two other times for similar hazardous situations, so in addition to the large fine, the department revoked the company's license to conduct blasting operations in Washington.

#### **Violations were repeat and willful**

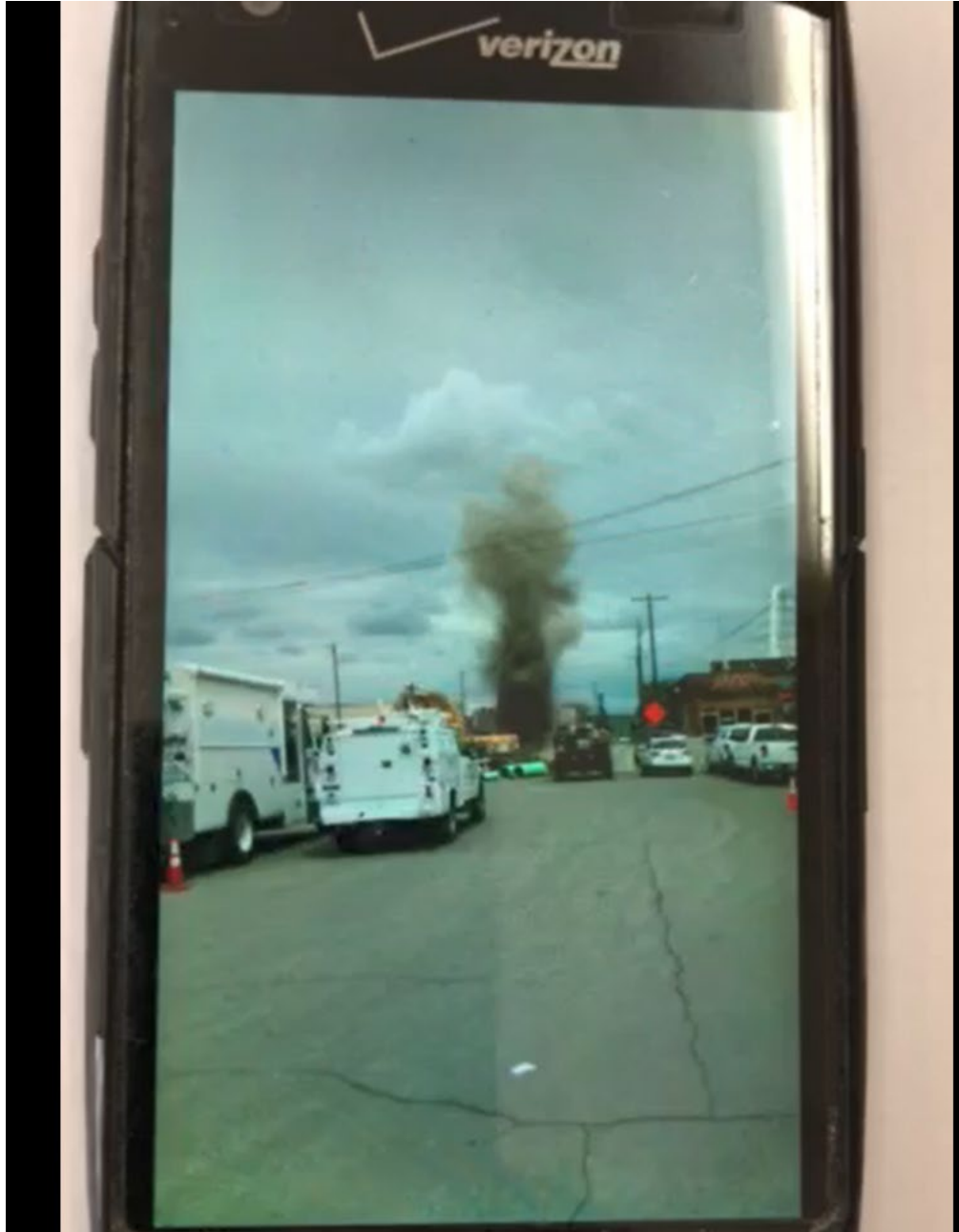
This recent citation is for 11 violations including three willful/serious and five serious, as well as repeat and willful general violations.

Among other things, the blaster in charge used more explosives than needed, which sent rocks in all directions from the blast. Blast mats were not used properly to contain the explosion. The rocks thrown were large enough to cause serious injuries, permanent disability or death. Some did cause property damage.

The blaster-in-charge stated that he set the blast area at 350 feet, but did not ask property owners in that area for permission as required by code. Many of their buildings were damaged, showing willful neglect of property rights.

Because this was the third time L&I has cited this employer for creating serious hazards, their license has been revoked in Washington. L&I rarely has to cite contractors for explosives violations, so it is notable that this company has been cited multiple times. Normally, citations are for hazards that endanger workers, but in cases like this, danger to the general public is also a factor.

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**DOSH Drone Use in Inspections**

L&I has developed an aircraft program and adopted a new policy to keep up with a new tool and developing technology: remote-control drones. The policy ensures that agency drone use complies with state and federal aviation regulations.

Drones are increasingly used for a variety of commercial and professional tasks. At L&I, they've become a useful tool for DOSH. These video-equipped aircraft are used in DOSH investigations, especially when

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doing the work on the ground poses a danger to the investigator. L&I will not use these drones for surveillance.

The first application of this technology occurred when a lineman tragically lost his life while installing spacers on high-tension lines spanning across the Columbia River near Richland, WA. Both cables on which the employee was riding broke dropping the conductors, cart, and lineman 100 feet into the river below. The drone was used to get in close to the lines and poles high in the air to help determine the cause of this incident.

Future uses of drones will include inspecting tower cranes, logging sites and any other places that are unsafe for our inspectors to gain access to.



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### **Program Accomplishments**

#### **Industrial Hygiene Laboratory Program**

FFY20 marks the 46<sup>th</sup> year that the DOSH Industrial Hygiene Laboratory has been AIHA Accredited. During this unprecedented year, we have met the challenge of staying operable and responsive to our field industrial hygienists while navigating the COVID-19 pandemic. The laboratory has continued to provide analytical services and maintain its participation in Proficiency Testing programs, while balancing the Safety and Health needs of its staff and customers.

#### **Ongoing Progress with New Laboratory Information Management System**

The DOSH IH Lab has stayed on course with their significant efforts to modernize their Laboratory Information Management System (LIMS and the new system XLIMS). The modernization updates will allow easier transition of sampling data between the lab and the field, reducing errors and increasing efficiency.

#### **Continued Work on New Facility for the Industrial Hygiene Laboratory**

Significant progress and design improvements with the new facility have been achieved during this fiscal year.

Building Occupants & Functions –

- L&I -Division of Occupational Safety & Health (DOSH)
  - Industrial Hygiene Lab

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- Safety & Health Professional Training & Certification
- L&I -Safety & Health Assessment & Research Program (SHARP)
  - Research & Prevention Strategies
- WSDA -Laboratories
  - Food Safety & Consumer Services
  - Plant Pathology and Molecular Diagnostics
  - Pest Program Entomology

Goals for this project are:

- Co-Locate L&I DOSH & WSDA Laboratories
- On-Site L&I DOSH Training Center
- Net-Zero Energy Capable Facility

Significant milestone dates selected for our new facility:

- Groundbreaking: 06/2021
- Construction - Substantial Completion: 08/2022
- Move-In Complete: 10/2022



Above: Rendered graphic of the future building often referred to as “The Forrest Pavilion”

### **Consultation Program: K-12 School COVID-19 Advisory Group**

The DOSH Consultation program along with staff from Labor and Industries, Office of Superintendent of Public Instruction (OSPI), the Department of Health (DOH), local superintendent and labor organizations collaborated to develop guidance for K-12 schools.

Information was clarified to help schools determine who to contact regarding questions related to personal protective equipment and other employment-related requirements.

The guidance clarifies and builds out the worksite safety guidance embedded in the June reopening guidance (*Reopening Washington Schools 2020: District Planning Guide*).

The key points are as follows:

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- The overall health risk for the typical K–12 in-person instructional setting is classified as low risk. There are other scenarios in the school setting where the risk level may be higher or lower.
- In low risk situations, staff may wear a cloth face covering.
- In medium risk situations, L&I’s long-standing guidance allows for several different protection options, including a face shield with a cloth face mask, a surgical-style mask, a hobby dust mask, a KN95 mask, or a KN90 mask.
- For high risk or extremely high risk situations, an N95 respirator or equivalent should be used. If an employer cannot reasonably obtain an N95 or equivalent, they may use a face shield **plus** an FDA-approved surgical mask, procedural mask, or a KN95 mask until a respirator can be obtained.
- N95 respirators or equivalent protection are only required in high risk or extremely high risk situations.

#### **Discrimination Investigations Program**

In the last Federal Fiscal Year, the DOSH Discrimination Program completed 100% of all cases within 90 days, which puts us at the top when compared to all other Whistleblower programs nationwide. In addition, we averaged 70 days to complete our investigations placing us first in the nation for this category as well.

The Discrimination program has received and processed 335 complaints for FFY2020, double from the previous year.

In addition, the Discrimination program accomplished the following:

- Settled = 16: 1st place in nation of all State Plans
- Settled Other = 5: 6<sup>th</sup> place in the nation of all State Plans
- Total Merit cases = 24: 3rd place in the nation of all State Plans
- Total dollars returned to employees for damages = \$134,170 : 2<sup>nd</sup> place in the nation of all State Plans

#### **Appeals**

In FFY 2019, the DOSH Appeals Program received 804 appeals out of the 4,483 citations issued. The Appeals Program issued 763 Corrective Notices of Redetermination and assessed 3,000 violations.

- 2674 violations were affirmed (89%)
- 153 violations were modified (5%)
- 173 violations were vacated (6%)

#### **Significant Cases:**

##### **Bayley Construction v. Dept. of Labor & Industries**

In a published opinion in a worker fatality case, the Court of Appeals decided that substantial evidence supported the Department’s citation to Bayley Construction for a serious violation of the WISHA regulation that requires floor coverings on a worksite to support the “maximum potential load.” The Court agreed with the Department that a “maximum potential load” includes dynamic loads, not just static or intended loads.



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There are 2 cases in which criminal charges have been filed.

State v. Numrich: This case addresses Numrich as the first case in the U.S. to address whether a prosecutor in an OSHA State Plan state may charge a felony for a fatality or whether they are limited to the gross misdemeanor in 49.17. Oral argument was held at the Supreme Court June 2020. This case is still waiting a decision.

SRI Enterprise LLC dba Seattle Pacific Hotel: Criminal charges filed in King Co Superior Court by the Prosecutor's Office. Charges include 1 felony for misleading a public servant and 2 counts related to asbestos removal. The Board of Industrial Insurance Appeals has stayed the prosecution of the Department's Citation until the criminal charges are resolved.

#### **Internal Audit**

In FFY 2020 the DOSH Internal Audit staff completed six engagements. All work was done in accordance with international internal auditing standards. Topics included:

- Develop a system to track non-IH field equipment issued to CSHOs.
- Assess controls in the Appeals program.
- Assess controls in the Explosives licensing program.
- Assess controls in the Charter Boats certification program.
- Assess timeliness of, and response to, hospitalization notices.
- Assess whether inspection summaries address all complaint/referral allegations.

We are currently working on three engagements:

- Assess controls in the cranes certification program.
- Assess whether hazard severity is consistent among Compliance and Consultation.
- Develop a tool to make employer history calculations easier and more consistent.

#### **DOSH Internal Training**

Washington DOSH has a robust internal training program. This past year we trained 42 new hires from the Consultation and Compliance Programs. Perhaps the greatest accomplishment occurred when our spring session was interrupted by COVID-19. Our unit completed the program by converting materials to a distance learning format. These materials were shared with OSHA to assist with their online conversion efforts.

In addition, DOSH offered training in Time Management, Technical Writing, Accident Investigation, Accident Investigation Team Leader, Rockford Systems Machine Guarding refresher, and brought in OSHA 3430 Advanced PSM and OSHA 3080 Scaffolding, before CV-19 shut down in-person classes in March.

After cancelling our other planned OSHA trainings and our yearly technical symposium, we developed a series of classes supported by ZOOM we called DOSH Symposium Online. Topics included DOSH CV19 Directive, Bi-weekly CV19 Updates, Managing Teams Remotely, Secrets of Successfully Working Remotely, Verbal Aikido, O2 Deficient Environments, DOSH's UAS Program (We can't call them Drones anymore!), Testimony Training, Time Management, Technical Writing, Home Office

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Ergonomics, Emergency Stops on Conveyor Systems, Case Law Update from AGOs, Demolition refresher, Referrals to Other LNI Programs, PSM Program Referrals, Silica Quartz and Cristobalite, and Fall Protection Updates. We offered most sessions on multiple dates & times. We also began an ongoing online effort to provide Ethics for Regulatory Agencies Training for all of DOSH. It has been a busy, challenging year, filled with surprises and met with innovation.

## Safe Workplace Initiatives

The work production by the DOSH Education & Outreach team has been impressively prolific since the onset of the COVID-19 pandemic in March 2020. Many of the work products they produced are receiving national attention including the eTool Selection Guide for Face Coverings, Masks, and Respirators, a mobile-friendly interactive resource for employers and workers who need to quickly determine or verify mask choices for COVID-19 protection when working indoors, outside, and in vehicles.

### Multicultural Safety & Health Outreach Program (MSHOP)

#### WISHA-10 for Agriculture Workers + Training of Trainers (TOT)

DOSH's Multicultural Safety & Health Outreach Program (MSHOP) is out in front nationally with the only 10-hour certified worker safety and health training course for agriculture workers. The agriculture worker safety and health training parallels the OSHA-10 certified training courses for construction and general industry. DOSH also has a 30-hour TOT training for those who wish to conduct the WISHA-10 for Agriculture worker trainings.

To date, DOSH MSHOP has trained a total of 888 workers: 818 agricultural workers; 70 of those also received the 30-hour TOT training. The WISHA-10 for Agriculture Workers Instructor's Guide (1st edition, 2019) is now used in the classes and as a tool in agricultural work. DOSH is creatively partnering with other entities to promote WISHA-10 training. These entities include The University of Washington Department of Environmental and Occupational Health and Sciences, the Washington Farm Bureau, The Washington State Dairy Association, and the Washington State Office of Superintendent of Public Instruction, among others. WISHA-10 training is scheduled for spring 2020 at Mabton and Royal City School Districts as well as the Office of the Superintendent of Public Instruction. The training will reach both parents and students. From March – October 2020 MSHOP conducted no new trainings did not issue any new certification cards due to the COVID-19 pandemic.

#### Content Creation

MSHOP was a vital part in the content creation for COVID-19 resources such as the Safety Toolkit in English and Spanish per Governor Proclamation 20-57, which includes the COVID19 PowerPoint, Instructors Guide, Resources/Materials, and Governors Proclamation. In addition, MSHOP helped create COVID-19 Factsheets such as General Agriculture & Warehouse/Food Processing. In collaboration with the Pacific Northwest Agriculture Safety & Health Center (PNASH) we also developed infographics in English and Spanish including COVID-19 Requirements for Agriculture & Food Processing, COVID-19 Temporary Worker Housing, and Which Mask for Which Task.

#### In-Person Outreach

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MSHOP's in-person outreach efforts were drastically altered by COVID-19 however multiple efforts were conducted to reach "hot zones" where the virus has caused a fatality. A Multi-agency outreach effort in COVID-19 Hot zone was a joint effort by other state agencies (Department of Health and Employment Standards) and outside organizations to conduct outreach and discuss with over 1500 employees the resources and benefits available to them. In addition, MSHOP visited two farms and two H2A housing developments to ensure that all safety & health resources reached a vulnerable worker population in the high hazard industry of agriculture.

#### Virtual Outreach

In an effort to reach our community members, MSHOP utilized digital media in multiple ways such as Radio Interviews/Zoom Facebook with La Pera, KOZI, KDNA, Jaime Mendez (Univision), Podcast w/Skagit Valley Community Health, Radio La Tierra, Latino Community Resource Group and others. One such interview reached over 26,000 listeners. Along with relaying critical safety and health information to communities, we also leveraged influential partnerships and hosted a WISHA 10 TOT COVID19 Awareness Zoom Meeting reaching over half of the WISHA TOT graduates. MSHOP also participated in meetings with Community Health Advocates (Promotoras) who promote safety & health COVID19 resources for farmworkers; community health advocates provide services to farmworkers in-person with our content.

#### Translations

MSHOP coordinated and conducted approximately 70+ translation requests ranging from DOSH Directives, Appeals Letters, COVID-19 Factsheets, COVID-19 Radio Scripts, COVID-19 Factsheets, COVID-19 Response Plan, COVID-19 Governors Proclamation Documents, Washington State Administrative Codes, and two E-tools related to PPE and COVID-19. Translations were conducted in multiple languages.

#### Digital Education Team

##### Safety and Health Resources

###### General Web Page:

- Website Redesign Launch (November 2019)
  - <https://www.lni.wa.gov/>
- COVID-19 Topic page & Resources COVID-19 (Coronavirus) safety topic: Industry-specific resources from the L&I Division of Occupational Safety & Health (DOSH), including guidance for construction, grocery workers, and others.
  - <https://www.lni.wa.gov/safety-health/safety-topics/topics/coronavirus>
- Online Safety & Health Complaint filing form is now available in English and Spanish and can be submitted in a variety of ways including mobile devices.
  - <https://lni.wa.gov/workers-rights/workplace-complaints/safety-complaints>

##### ***Wildfire Smoke and Dust Masks during the COVID-19 Pandemic (English and Spanish versions)***

<https://lni.wa.gov/safety-health/preventing-injuries-illnesses/hazardalerts/WildfireSmokeDustMasksCOVID19.pdf>

<https://lni.wa.gov/safety-health/preventing-injuries-illnesses/hazardalerts/WildfireSmokeDustMasksCOVID19Spanish.pdf>

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### ***Preventing the Spread of COVID-19 in Healthcare Workers and Patients (Joint DOH/LNI alert)***

<https://lni.wa.gov/safety-health/preventing-injuries-illnesses/hazardalerts/HazardAlertCOVIDHealthCare.pdf>

### ***Ethylene Oxide Sterilization Systems Should Not be Used to Sterilize Filtering Facepiece Respirators (N95s)!***

<https://lni.wa.gov/safety-health/preventing-injuries-illnesses/hazardalerts/MaskCleaning.pdf>

### ***Employers Will Play an Important Role in Controlling the Spread of COVID-19 (English and Spanish versions)***

<https://lni.wa.gov/safety-health/preventing-injuries-illnesses/hazardalerts/CoronavirusHazAlert.pdf>

<https://lni.wa.gov/safety-health/preventing-injuries-illnesses/hazardalerts/CoronavirusHazAlertSpanish.pdf>

### **Mask resources:**

#### **Common questions and answers regarding worker face covering and mask requirements**

<https://www.lni.wa.gov/agency/outreach/coronavirus-covid-19-worker-face-covering-and-mask-requirements-questions>

#### **Washington Coronavirus Hazard Considerations for Employers (except COVID-19 care in hospitals & clinics): Face coverings, masks, and respirator choices.**

[https://www.lni.wa.gov/agency/\\_docs/wacoronavirushazardconsiderationemployers.pdf](https://www.lni.wa.gov/agency/_docs/wacoronavirushazardconsiderationemployers.pdf)

***Which Mask for Which Task?*** Booklet provides guidance to help employers choose the correct mask for COVID-19 prevention at work. It provides photos of the types of masks appropriate for each level of risk for transmission (i.e., negligible/low, medium, high, extremely high).

<https://lni.wa.gov/forms-publications/F414-168-000.pdf>

***The eTool Selection Guide for Face Coverings, Masks, and Respirators*** is a mobile-friendly interactive resource for employers and workers who need to quickly determine or verify mask choices for COVID-19 protection when working indoors, outside, and in vehicles. It also provides links to videos on how to correctly put on and remove masks, and additional resources to support effective use of masks.

<http://wisha-training.lni.wa.gov/training/articulate/maskselection/story.html>

**Using face masks at work** – Presentation describing types of facemasks and proper donning, doffing, and care.

<http://wisha-training.lni.wa.gov/training/presentations/facemasks.ppsx>

### **COVID-19 Workplace Safety and Health Resources**

- **Coronavirus (COVID-19) Prevention: Summary of General Workplace Requirements (F414-167-000)**: This summary fact sheet helps Washington employers know what their requirements are regarding employee safety and health during the coronavirus outbreak.  
<https://www.lni.wa.gov/forms-publications/F414-167-000.pdf>
- **Coronavirus (COVID-19) Prevention: General Requirements and Prevention Ideas for Workplaces (F414-164-000)**

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- <https://www.lni.wa.gov/forms-publications/F414-164-000.pdf>
- [COVID-19 Workplace Safety and Health Requirements \(F414-169-000\) : General Guidance for Operating Businesses](#)  
<https://www.lni.wa.gov/forms-publications/f414-169-000.pdf>
- [Coronavirus \(COVID-19\) Prevention: Firefighting Industry Workplace Requirements and Suggestions \(F414-171-000\)](#)  
<https://www.lni.wa.gov/forms-publications/F414-171-000.pdf>
- [Food Processing-Warehouse Coronavirus \(COVID-19\) Fact Sheet \(F414-166-000\)](#)  
<https://www.lni.wa.gov/forms-publications/F414-166-000.pdf>
- [Agricultural COVID-19 Requirements Training Tool Kit \(also available in Spanish\)](#)  
<https://www.lni.wa.gov/safety-health/safety-training-materials/training-kits#AgCOVID19>
- [Additional requirements to protect temporary worker housing occupants from coronavirus \(COVID-19\) exposure \(F414-170-000\)](#)  
<https://www.lni.wa.gov/forms-publications/F414-170-000.pdf>
- [Coronavirus \(COVID-19\) Prevention in Agriculture and Related Industries \(F414-165-000\)](#)  
<https://www.lni.wa.gov/forms-publications/F414-165-000.pdf>
- [COVID-19 Resources for Pacific Northwest Agriculture \(UW/PNASH\) – We partnered with PSNASH on much needed infographics](#)  
<https://deohs.washington.edu/pnash/blog/responding-covid-19>

#### **Ergonomics**

- [Solutions for Sprains and Strains. Simple Solutions.](#) <https://lni.wa.gov/safety-health/preventing-injuries-illnesses/sprains-strains/solutions-for-sprains-strains#simple-solutions>
- [Ergonomics for Home Offices](#)  
<http://wisha-training.lni.wa.gov/training/presentations/ErgonomicsForHomeOffices.pptx>

#### **General Training Materials Updates**

- [Workplace Violence - Late Night Retail Crime Prevention](#)  
<http://wisha-training.lni.wa.gov/Training/articulate/LateNightRetail/story.html>
- [Adult Entertainer Safety: Know Your Rights](#)  
<https://apps-public.lni.wa.gov/training/adult-entertainer-safety/>
- [Asbestos Awareness](#)  
<http://wisha-training.lni.wa.gov/training/articulate/asbestosawareness/story.html>
- [Blood borne Pathogens - the hazards of blood borne pathogens in the workplace.](#)  
<http://wisha-training.lni.wa.gov/Training/articulate/BBPathogens/story.html>
- [Chemical Hazard Communication for Employees](#)  
<http://wisha-training.lni.wa.gov/training/articulate/GSHazCom/story.html>

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- Respiratory Protection - Module 1 - Dust Masks  
<http://wisha-training.lni.wa.gov/training/articulate/dustmasks/story.html>
- Respiratory Protection - Module 2 - Cartridge air-purifying respirators  
<http://wisha-training.lni.wa.gov/training/articulate/cartridgerespirators/story.html>

#### **Safe + Sound Week**

L&I is a proud partner of federal OSHA's Safe + Sound Campaign. This campaign provides a way for employers to strengthen their required written accident prevention program. We encourage every workplace to take a proactive approach to identify and manage workplace hazards before they cause injury or illness. During Safe + Sound Week businesses nationwide can host events and activities to help initiate or energize safety and health programs.

The 2020 Campaign took place from August 10<sup>th</sup> through 14<sup>th</sup> and 57 Washington workplaces participated, a 43 percent increase over 2019. We updated our webpage and partnered with University Mechanical Contractors (UMC) to create a ladder inspection video.

#### **Webpage:**

Safe and Sound Page: <https://lni.wa.gov/safety-health/safety-training-materials/workshops-events/safe-sound-week>

**Video(s):** UMC Ladder Inspection video: LNI U Tube channel <https://t.co/6ZpKhGUXJJ?amp=1>

**Social Media** – We used GovDelivery, Facebook, and Twitter to reach thousands of businesses in the state.

#### **Twitter-**

7/27/20 <https://twitter.com/lniwa/status/1287821671085166594>

8/5/20 <https://twitter.com/lniwa/status/1291088261801111552>

8/14/20 <https://twitter.com/lniwa/status/1294341799746519040>

#### **Facebook-**

<https://www.facebook.com/laborandindustries/> - **Scroll down to posts.**

7/27/20 Post w/video link

8/5/20 Post with links

8/14/20 Post with links

#### **Gov Delivery Messages-**

Sent to subscribers of Agriculture Safety & Health Forum, DOSH Construction Advisory Committee, Ergonomics, Safety News, or WISHA 10 for Agriculture, 7/13/2020 -

<https://content.govdelivery.com/accounts/WADLI/bulletins/2951408>

7,103 recipients, 3,712 total opens, 830 total clicks

7/21/20 - <https://content.govdelivery.com/accounts/WADLI/bulletins/29642dd>

7,110 recipients, 4,208 total opens, 912 total clicks

8/6/2020 - <https://content.govdelivery.com/accounts/WADLI/bulletins/298ecdc>

7,146 recipients, 3,449 total opens, 783 total clicks

8/13/20 - <https://content.govdelivery.com/accounts/WADLI/bulletins/299f782>

6,875 recipients, 2,932 total opens, 367 total clicks

#### **Safety & Health Investment Projects (SHIP)**

The SHIP grant program created by the Legislature in 2007 funds projects directed at preventing workplace injuries, illnesses, and fatalities. In 2011, the legislature made the SHIP grant program

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permanent. 25% of the grants fund innovative and effective return-to-work programs for injured workers, 25% fund projects addressing the needs of small businesses, and the remaining grants (50%) fund safety and health projects for priorities identified by L&I in partnership with the WISHA Advisory Committee and the Workers' Compensation Advisory Committee. SHIP prioritizes funding to proposals that involve cooperation between employers and employees or their representatives. In 2020, SHIP funded several grants that seek to raise the capacity for occupational safety and health in traditionally underserved employer and employee populations and new tools/approaches for common problems. The budget for the program for 2019-2021 biennium was \$3.2M. Some recent examples of SHIP grants awarded:

- **Pesticide Labels Now! – University of Washington and the Washington Wine Foundation**  
This grant project's purpose is to provide access to labels online and health and safety information offline in a bilingual (Spanish/English) mobile application (app) for Android and iPhone. Smart phones are now in common use amongst farmworkers.
- **Hazardous Chemical and Chemical Safety in Wood Product Manufacturing -- Timber Products Manufacturing**  
TPM will develop and deliver training materials and innovations that focus on: 1) making Hazard Communication (Hazcom) an industry priority; 2) training employees on the dangers of chemicals, proper handling of toxic substances and all elements of the Hazard Control Standard (HCS); and 3) helping to bring the wood products industry fully into alignment with the Globally Harmonized System (GHS). This project will make use of modern training tools such as a mobile app and additional training materials that focus on worker engagement.
- **Automated Accident Prevention Plan – Washington Retail Services**  
They will develop an automated platform to create an Accident Prevention Program (APP), making it easier for small to mid-size businesses to create an APP to comply with this requirement. By responding to questions that help define the company's operations, through a correlation of NAICS, Risk Classes, Core Rules and WAC interface, the platform will generate an APP based upon answers provided. The scope of this project will focus on risk classes related to retailers to ensure scalability for future expansion. Incorporated into this project include promotion to raise the awareness of the need and purpose of the Accident Prevention Program.