**FY 2024 Follow-up Federal Annual Monitoring Evaluation (FAME) Report**

**State of Washington**

**Washington Department of Labor and Industries**

**Division of Occupational Safety and Health (DOSH)**



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## 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) 2024 regarding activities mandated by the Occupational Safety and Health Administration (OSHA). In addition, this report gauges the State Plan’s progress in resolving any outstanding findings and observations from the previous FY 2023 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report.

The State Plan continued to maintain a high level of program performance during the review period. Washington devoted resources to monitoring the most hazardous industries in the state, including agriculture, logging, construction, healthcare, and electrical utilities and telecommunications. In FY 2024, Washington continued to have a lower fatality rate at 2.7 per 100,000 full-time equivalent (FTE) workers, compared to the national average of 3.5. Although staffing vacancies were unable to be filled due to a hiring freeze, DOSH exceeded its inspection goal of 5,100 and conducted 5,884 (115%), which was an increase in the total from FY 2023. Additionally, the number of on-site consultation visits increased from FY 2023, but ultimately fell short of the goal of 2,750 with 2,241 (82%) completed. A new Washington Industrial Safety and Health Act (WISHA) 10 Agriculture Training of Trainers Certification program was developed and implemented specifically for high school educators.

During the review period, DOSH adopted permanent rules to address exposures to hazardous particles in wildfire smoke and temporary worker housing standards. In addition, Washington was actively working on rulemaking related to process safety management of highly hazardous chemicals related to petroleum refineries; a certification program for fire-resistant material applicators; cranes, rigging, and personnel lifting; working conditions in adult entertainment establishments; sanitation conditions for construction workers; ergonomics; monetary penalties and appeals; trenching rescue and excavation; and infectious diseases.

The Washington State Plan made progress to address one finding and 10 observations from the FY 2023 Comprehensive FAME Report.  As a result, two observations were closed; however, one finding and eight observations will be continued into the next review period. There were no new findings or observations that resulted from this review period.

## 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), DOSH. The Revised Code of Washington (RCW), Title 49, Chapter 49.17, Washington Industrial Safety and Health Act, was established in accordance with Section 18 of the Occupational Safety and Health (OSH) Act of 1970 and took effect in 1973. The Secretary of Labor certified that the State Plan had completed the required developmental steps in 1982. The Washington State Plan has not sought 18(e) final approval.

The Director of the Washington State Department of L&I, Joel Sacks, was appointed by the Governor, and serves as the State Plan Designee. The L&I Assistant Director, Craig Blackwood, is designated by statute under Chapter 43.22.040 RCW as the Supervisor of Industrial Safety and Health overseeing 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 establishes policy; provides technical guidance; writes standards; develops and provides internal and external training; monitors and evaluates programs; conducts inspections; and provides consultation services in addition to conducting public safety activities not related to occupational safety and health concerns. DOSH includes its consultation program services for both private and state and local government workplaces under a 23(g) grant agreement and uses 100% state funds for these activities. There are no consultation services under a Section 21(d) cooperative agreement.

The Washington State Plan has adopted several safety and health standards that differ from the OSHA counterpart. Examples include rules for crane safety, respiratory protection, aerial lifts, and agriculture. In addition, DOSH adopted several unique, state-initiated standards, such as requirements for written safety and health programs, safety committees, and heat-related illnesses.

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 Native American lands that are tribally owned, and employers enrolled as tribal members working on reservations, or on trust lands. According to the demographic profile in the FY 2024 23(g) grant application, there were approximately 3,437,770 workers employed in all industries throughout Washington.

In FY 2024, the 23(g) grant provided funding for a staff comprised of 443.50 FTE positions. This included 36 managers, 64 first line supervisors, 102 safety compliance officers, 50 health compliance officers, 6 discrimination investigators, 31 safety consultants, 19 health consultants, 1 compliance assistance specialist, 9 clerical/administrative, and 125.50 other positions. The review period started with 36 vacant FTEs, and due to a statewide hiring freeze, DOSH was unable to fill vacant positions during the majority of the year.

The initial base award to fund the program was $8,345,000 in federal funds. Due to the fund reduction of all OSHA 23(g) programs, the federal base award was decreased by $301,000 in July 2024. A one-time only award in the fourth quarter increased the federal share of the grant by $74,815. The state matched the federal funds and provided an additional $52,590,712 for a total grant allocation of $68,828,342. The state reported final expenditures to be $59,174,721.78 ($8,118,348.81 federal, $8,118,348.81 state match, and $42,938,024.16 in 100% state funds – direct costs).

**New Issues**

There were no new issues identified in FY 2024.

## Assessment of State Plan Progress and Performance

### Data and Methodology

OSHA has established a two-year cycle for the FAME process. This is the follow-up year, and as such, OSHA did not perform an on-site case file review associated with a comprehensive FAME. This strategy allows 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 (SAMM) Report (Appendix D, dated 11/12/2024)
* State Information Report (SIR) dated 11/12/2024
* Whistleblower Application in the OSHA IT Support System (OITSS)
* State OSHA Annual Report (SOAR)
* State Plan Annual Performance Plan (APP)
* State Plan 23(g) Grant Application
* Quarterly monitoring meetings between OSHA and the State Plan
* OSHA Information System (OIS)
* State Plan Application (SPA)

### Findings and Observations

The Washington State Plan made progress to address the previous finding and 10 observations from the FY 2023 Comprehensive FAME Report, and as a result, two previous observations were closed this review period. This follow-up FAME report contains one continued finding and nine continued observations. Appendix A describes the 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 2023 finding and recommendation in detail.

**Findings (Status of Previous and New Items)**

**Completed Findings**

There were no completed findings in FY 2024.

**Closed Findings**

There were no closed findings in FY 2024.

**Continued Findings**

**Finding FY 2024-01:** In FY 2024, standards were not adopted by their due date.

**Status:** During the review period, OSHA issued three standards. DOSH provided a timely response with its intent for all three (100%). Three standard adoptions remained open and overdue from the previous review period, including the Final Rule on Crane Operator Certification Requirements, Final Rule on Standards Improvement Project Phase IV, and Final Rule to Improve Tracking of Workplace Injuries and Illnesses.

Washington’s goal was to adopt standards within six months, but the process typically takes longer and does not align with OSHA’s timelines. Washington tried to use the expedited rulemaking process whenever possible, but there is an objection period that may slow the process. Washington continued to communicate federal program change information to OSHA frequently throughout the review period, even when timeframes were not met. This finding is continued.

**New FY 2024 Finding**

There were no new findings identified in FY 2024.

**Observations (Status of Previous and New Items)**

**Closed Observations**

**Observation FY 2023-OB-02:** In FY 2023, 26 out of 30 (86.67%) workplace related fatalities were responded to in one workday (SAMM 10). The further review level (FRL) is 100%.

**Status:** According to the SAMM report, in FY 2024, DOSH initiated 18 of 21 (85.71%) fatality investigations within one working day. Washington’s goal was to initiate fatality investigations within one working day. In the three instances where inspections not opened within the established timeframe in FY 2024, the explanation for the delay was reasonable. In one instance, DOSH attempted to make contact with an employer to open an investigation within one working day after notification of a fatality but was not able to reach them for two days after the event. In a second instance, an inspection was opened two days after a report of a worker hospitalization. The worker passed away the following month, and although the inspection was opened prior, it was two days after the event occurred. In the third occurrence, DOSH was notified of the fatality almost six months after the event occurred, and an inspection was initiated. OSHA will continue to monitor this data through the SAMM report during the next review period. This observation is closed.

**Observation FY 2023-OB-03:** In FY 2023, in 394 of 5,304 (7.43%) initial inspections, DOSH did not ensure worker involvement (SAMM 13).

**Status:** The FRL for this metric is fixed at 100% for all state plans. According to the SAMM report,in FY 2024, DOSH did not ensure worker involvement in 408 of 5,884 (6.93%) initial inspections, falling below the FRL. In cases where worker involvement was not included, Washington’s interface system, WISHA Information Network (WIN), required a data field to explain the reason for the outlier. According to DOSH’s outlier report, of the 408 inspection outliers, employees did participate in 3, 64 declined to participate or were unable to be contacted, 8 entries were refused, 298 had no employees involved/exposed, 27 were for miscellaneous other reasons, and 8 did not have a reason documented. OSHA and DOSH will continue to discuss outliers through the next review period and monitor through the SAMM report. This observation is closed.

**Continued FY 2024 Observations**

**Observation FY 2024-OB-01:** In FY 2023, in 4 of 7 (57%) case files where next of kin letters were appropriate, the letters were not included in the file.

**Status:** A case file review was not performed in FY 2024 to ensure next of kin letters were included in the case files. A case file review is necessary to gather facts needed to evaluate progress on this observation. This observation will be a focus of next year’s on-site case file review during the FY 2025 Comprehensive FAME.This observation is continued.

**Observation FY 2024-OB-02:** In FY 2023, in 8 of 12 (66.7%) inspection case files where union workers were on the job site, the union did not participate in the inspection and there was not an explanation in the case file regarding the lack of participation.

**Status:** In FY 2024, a review of files was not performed. A case file review is necessary to gather facts needed to evaluate progress on this observation. This will be a focus of next year’s on-site case file review during the FY 2025 Comprehensive FAME.This observation is continued.

**Observation FY 2024-OB-03:** In FY 2023, 16% (21 of 130) of retaliation case files, accurate filing dates were not entered into WebIMIS.

**Status:** During this review period, retaliation cases transitioned from WebIMIS over to OIS. During FY 2024, a review of retaliation files was not performed. A case file review is necessary to gather facts needed to evaluate progress on this observation. This will be a focus of next year’s on-site case file review during the FY 2025 Comprehensive FAME.This observation is continued.

**Observation FY 2024-OB-04:**  In FY 2023, 79% (103 of 130) retaliation case files lacked the required documentation, specifically proof of delivery of official letters.

**Status:** In FY 2024, a review of retaliation files was not performed. A case file review is necessary to gather facts needed to evaluate progress on this observation. This will be a focus of next year’s on-site case file review during the FY 2025 Comprehensive FAME.This observation is continued.

**Observation FY 2024-OB-05:** In FY 2023, agreement for the complainant to

administratively close the case was not obtained in 71% (63 of 88) of the retaliation case files

**Status:** In FY 2024, a review of retaliation files was not performed. DOSH was working on revising their Whistleblower Investigation Manual which addresses this requirement. However, a case file review is necessary to gather facts needed to evaluate progress on this observation. This will be a focus of next year’s on-site case file review during the FY 2025 Comprehensive FAME.This observation is continued.

**Observation FY 2024-OB-06:** In FY 2023, eight out of eleven (72%) state and local government workplace consultation files with 10 or more employees at the worksite, did not have the OSHA 300 logs in the file.

**Status:** In FY 2024, a review of state and local government workplace consultation visits was not performed to determine if the OSHA 300 logs were maintained in the visit files. A case file review is necessary to gather facts needed to evaluate progress on this observation. This will be a focus of next year’s consultation file review during the FY 2025 Comprehensive FAME.This observation is continued.

**Observation FY 2024-OB-07:** In FY 2023, in 10 out of 22 (45%) private sector consultation files with 10 or more employees at the worksite, the OSHA 300 logs were not in the file.

**Status:** In FY 2024, a review of private sector consultation visits was not performed to determine if the OSHA 300 logs were maintained in the visit files. A case file review is necessary to gather facts needed to evaluate progress on this observation. This will be a focus of next year’s consultation file review during the FY 2025 Comprehensive FAME.This observation is continued.

**Observation FY 2024-OB-08:** In FY 2023, in six out of 22 (27%) private sector consultation files with 10 or more employees at the worksite, there was no comparison of the employer DART rate to the national average.

**Status:** In FY 2024, a review of private sector consultation visits was not performed to determine if the employer’s DART rate was compared to the national average. A case file review is necessary to gather facts needed to evaluate progress on this observation. This will be a focus of next year’s consultation file review during the FY 2025 Comprehensive FAME.This observation is continued.

**New FY 2024 Observations**

There were no new observations identified in FY 2024.

### 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. State Plan 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 2024 State Activity Mandated Measures (SAMM) Report and includes the FRLs for each measure.

It should be noted that OSHA is in the final stages of transitioning from the Whistleblower Application in the OITSS, a legacy data system, to the Whistleblower module in OIS, a modern data system. For FY 2024, a portion of the State Plan whistleblower data was recorded in OITSS, and a portion was captured in OIS. Although Washington was transferring retaliation cases into OIS in FY 2024, OSHA encountered challenges in combining the report that generates SAMM 14, 15, and 16 from both systems. As such, OSHA will not be relying on SAMMs 14, 15, or 16 in their evaluation of the State Plans whistleblower programs for FY 2024.

The Washington State Plan was outside the FRL on the following SAMMs which have not been previously addressed in this report:

**SAMM 2a – Average number of workdays to initiate complaint investigations (state formula)**

**Discussion of Washington State Plan data and FRL:** The FRL for this measure is five days, which was negotiated by OSHA and DOSH through the FY 2024 23(g) grant application. According to Appendix D, the average number of workdays for DOSH to initiate a complaint investigation (SAMM 2a) was 8.07 days and above the FRL.

**Explanation:** This average response time to initiate complaint investigations increased from 5.93 in FY 2023. DOSH explained that some data was not loading correctly due to a discrepancy in the formulas associated with transferring data from Washington’s interface system to OIS. DOSH worked with OSHA to determine the cause, and as a result, DOSH updated the data transfer metrics to resolve the discrepancies in May 2024. According to DOSH’s SOAR, the data the State Plan reported 4.97 days for SAMM 2A, which was below the FRL. OSHA will continue to monitor this data to ensure it is reflecting accurately.

**SAMM 3 – Percent of complaints and referrals responded to within one workday (imminent danger)**

**Discussion of Washington State Plan data and FRL:** The FRL for this measure is fixed at 100% for all State Plans. According to Appendix D, DOSH responded to 121 of 127 (95.28%) imminent danger complaints and referrals within one workday, which was below the FRL.

**Explanation:** According to DOSH, attempts were made to open an inspection within one working day from the date the complaint was received. In some instances, upon arriving at the worksite, DOSH was not able to identify any workers present and/or an employer identity. In these cases, attempts were made to reach the employer by phone, but the call may not have been returned until the following day. Although below the FRL, DOSH generally made attempts to initiate an inspection within one working day. OSHA will continue to monitor this data through the SAMM report. At this time, it does not rise to the level of an observation.

**SAMM 5b – Average number of violations per inspection with violations by violation type (other)**

**Discussion of Washington State Plan data and FRL:** The FRL for this measure is +/- 20% of 0.94%, which is based on a three-year national average and provides a range of 0.75 to 1.12. According to Appendix D, the average number of violations per inspection for other-than-serious violations (SAMM 5b) was 1.91 and above the FRL.

**Explanation:** Washington explained this data can fall above the FRL due to the State’s ability to issue citations to employers for unique state-specific standards. This included deficiencies related to safety and health programs or not ensuring safety committees and/or meetings were held. These violations tend to be classified as general (non-serious), increasing the average number of other-than-serious violations per inspection. Although DOSH was above the FRL, compliance officers identified more general (non-serious) hazards than the national average. OSHA will continue to monitor this data through the SAMM report, and this metric will be a focus during the FY 2025 Comprehensive FAME case file review.

**SAMM 6 – Percent of total inspections in state and local government workplaces**

**Discussion of Washington State Plan data and FRL:** The FRL for the percent of total inspections in state and local government workplaces (SAMM 6) is +/- 5% of 4.00%, which was negotiated between OSHA and DOSH through the 23(g) grant application and provides an acceptable range of 3.80 to 4.20%.  According to the SAMM report, DOSH conducted 183 of 5,884 (3.11%) inspections in state and local government workplaces, falling below the FRL.

**Explanation:** Inspections of state and local government workplaces were based on complaints or establishments targeted for inspection based on their North American Industry Classification System (NAICS) codes. Although DOSH fell below the FRL with state and local government workplace inspections, they exceeded their goals for total inspections conducted for the review period and maintain a strong enforcement presence in the state. At this time, performance on SAMM 6 is not cause for concern and OSHA will continue to monitor this data through the next review period.

**SAMM 7a - Planned v. actual inspections – safety**

**Discussion of Washington State Plan data and FRL:** The FRL for planned versus actual safety inspections (SAMM 7a) is +/- 5% of 4,080, which was negotiated between OSHA and DOSH through the 23(g) grant application and provided a range of 3,876 to 4,284. According to Appendix D, Washington conducted 4,695 safety inspections in FY 2024 and exceeded the FRL.

**Explanation:** Washington’s safety inspection numbers increased from 4,131 in FY 2023, and they surpassed their goal. A contributing factor included Washington opting to conduct an inspection in lieu of investigations. Exceeding inspection goals showed that Washington was able to bring compliance officers into more workplaces than anticipated.

**SAMM 7b - Planned v. actual inspections – health**

**Discussion of Washington State Plan data and FRL:** The FRL for planned versus actual health inspections (SAMM 7b) is +/- 5% of 1,020, which was negotiated between OSHA and DOSH through the 23(g) grant application and provided a range of 969 to 1,071. According to Appendix D, Washington conducted 1,189 health inspections in FY 2024 and exceeded the FRL.

**Explanation:** Washington’s health inspection numbers increased from 1,173 in FY 2023, and they surpassed their goal. Similar to SAMM 7a, DOSH opted to conduct inspections in lieu of investigations, which enabled the State Plan to enforce safety and health in more workplaces than anticipated.

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

**Discussion of Washington State Plan data and FRL:** The FRL for the average current penalty for 1-250+ workers was +/- 25% of $3,793.81, which was based on a three-year national average and provides a range of $2,845.36 to $4,742.27.  In Washington, employers with 1-250+ workers were penalized at an average of $1,792.19 per serious violation, which was below the FRL range.

**Explanation:** DOSH’s total average penalty decreased to $1,792.19 in FY 2024 from $1,953.20 in FY 2023. Washington previously adopted OSHA’s maximum penalties, which update automatically on an annual basis. However, the State Plan’s penalty structure was set in statute and did not allow for automatic annual adjustments in the same manner as OSHA’s. In FY 2023 and early 2024, DOSH worked with the WISHA Advisory Committee to look at approaches to increase average penalties. In April 2024, DOSH initiated rulemaking to implement a penalty structure escalator to catch up to OSHA’s and update annually based on inflation. As of the end of the review period, the penalty structure was not fully aligned with OSHA’s. However, as of February 17, 2025, DOSH adopted rules for the penalty structure to increase with inflation. It is anticipated that the average penalties will increase during FY 2025 as a result. OSHA will continue to monitor DOSH’s progress on this metric into the next review period.

**SAMM 8a - Average current serious penalty in private sector (1-25 workers)**

**Discussion of Washington State Plan data and FRL:** The FRL for the average current penalty for 1-25 workers was +/- 25% of $2,498.51, which was based on a three-year national average and provides a range of $1,873.88 to $3,123.14.  In Washington, employers with 1-25 workers were penalized at an average of $1,325.00 per serious violation, which was below the FRL range.

**Explanation:**  Similar to the explanation in SAMM 8, Washington’s average serious penalty for employers with 1-25 workers decreased from $1,343.00 in FY 2023. OSHA will continue to monitor average penalties for serious citations into the next review period.

**SAMM 8b - Average current serious penalty in private sector (26-100 workers)**

**Discussion of Washington State Plan data and FRL:** The FRL for the average current penalty for 26-100 workers was +/- 25% of $4,322.61, which was based on a three-year national average and provides a range of $3,241.96 to $5,403.26.  In Washington, employers with 26-100 workers were penalized at an average of $1,982.59 per serious violation, which was below the FRL range.

**Explanation:** Similar to the explanation in SAMM 8, Washington’s average serious penalty for employers with 26-100 workers decreased from $2,201.70 in FY 2023. OSHA will continue to monitor average penalties for serious citations into the next review period.

**SAMM 8c - Average current serious penalty in private sector (101-250 workers)**

**Discussion of Washington State Plan data and FRL:** The FRL for the average current penalty for 101-250 workers was +/- 25% of $6,114.84, which was based on a three-year national average and provides a range of $4,586.13 to $7,643.55.  In Washington, employers with 101-250 workers were penalized at an average of $2,828.44 per serious violation, which was below the FRL range.

**Explanation:** Similar to the explanation in SAMM 8, Washington’s average serious penalty for employers with 101-250 workers decreased from $3,493.80 in FY 2023. OSHA will continue to monitor average penalties for serious citations into the next review period.

**SAMM 8d - Average current serious penalty in private sector (greater than 250 workers)**

**Discussion of Washington State Plan data and FRL:** The FRL for the average current penalty for 250 or more workers was +/- 25% of $7,533.58, which was based on a three-year national average and provides a range of $5,650.19 to $9,416.98.  In Washington, employers with greater than 250 workers were penalized at an average of $3,495.99 per serious violation, which was below the FRL range.

**Explanation:** Similar to the explanation in SAMM 8, Washinton’s average serious penalty for employers with 250 or more workers decreased from $3,544.96 in FY 2023. OSHA will continue to monitor average penalties for serious citations into the next review period.

**SAMM 9b - Percent in compliance (health)**

**Discussion of Washington State Plan data and FRL:** The FRL for percent in compliance for health inspections (SAMM 9b) is +/- 20% of 44.18%, which was based on a three-year national average and provides an acceptable range of 35.34% to 53.01%.  According to Appendix D, Washington’s percent in compliance for health inspections was 29.62% and below the FRL.

**Explanation:** In FY 2024, Washington issued citations in a greater number of health inspections, lowering the in-compliance rate. This indicates that Washington performed better than the national average at targeting workplaces with hazards and/or identifying health hazards. The low in-compliance rate for health inspections was not a cause for concern.

**SAMM 11a - Average lapse time (safety)**

**Discussion of Washington State Plan data and FRL:** The FRL for the average lapse time for safety inspections (SAMM 11a) is +/- 20% of 56.02 days, which is based on a three-year national average and provides an acceptable range of 44.82 to 67.23.  According to Appendix D, in FY 2024, DOSH’s average lapse time for safety inspections was 40.53 days and below the FRL.

**Explanation:** DOSH had a lower average lapse time for safety inspections which indicated violations were issued at a faster rate than the national average. Low lapse time also promotes faster hazard abatement since employers receive written notification of hazards sooner.

**SAMM 12 - Percent penalty retained**

**Discussion of Washington State Plan data and FRL:** The FRL for penalty retention retained (SAMM 12) is +/-15% of 70.81%, which is based on a three-year national average and provides a range of 60.19% to 81.44%. According to Appendix D, OIS data reflects Washington retaining 100% of their penalties issued.

**Explanation:** DOSH’s penalty retention rate was calculated differently from OSHA’s; therefore, the penalty retention rate reported from OIS was not easily comparable to the national average. According to the FY 2024 SOAR, DOSH retained 61.44% of their penalties, which was based on the total penalties initially assessed divided by the total of all penalties after department level appeal. Washington’s reported data fell within the FRL range. OSHA and DOSH routinely discussed this data during quarterly meetings, and it will continue to be monitored throughout the next review period.

**SAMM 17 - Percent of enforcement presence**

**Discussion of Washington State Plan data and FRL:** The FRL for percent of enforcement presence (SAMM 17) is +/- 25% of 1.00%, which was based on a three-year national average and provides a range of 0.75% to 1.25%.  According to Appendix D, DOSH’s enforcement presence was 3.56% and above the FRL.

**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. The enforcement presence increased from 3.29% in FY 2023 and indicated that DOSH reached more employers with enforcement activity than the national average. DOSH explained that they will opt for conducting an inspection in lieu of an investigation in situations where resources were available, which contributed to the higher-than-average presence.

### Appendix A – New and Continued Findings and Recommendations

FY 2024 Washington DOSH Follow-up FAME Report

|  |  |  |  |
| --- | --- | --- | --- |
| **FY 2024-##** | **Finding** | **Recommendation** | **FY 2023-# or** **FY 2023-OB-#** |
| FY 2024-01  | In FY 2024, standards were not adopted by their due date. | DOSH should ensure each standard is adopted by the due date.  | FY 2023-01 |

### Appendix B – Observations Subject to Continued Monitoring

FY 2024 Washington DOSH Follow-up FAME Report

| **Observation #****FY 2024-OB-#** | **Observation#****FY 2023-OB-# *or* FY 2023-#** | **Observation** | **Federal Monitoring Plan** | **Current Status** |
| --- | --- | --- | --- | --- |
| FY 2024-OB-01 | FY 2023-OB-01 | In FY 2023, in 4 of 7 (57%) case files where next of kin letters were appropriate, the letters were not included in the file. | OSHA will review fatality case files in the next cycle to determine if next of kin letters are being sent out and maintained. | Continued |
| FY 2024-OB-02 | FY 2023-OB-04 | In FY 2023, in 8 of 12 (66.7%) inspection case files where union workers were on the job site, the union did not participate in the inspection and there was no explanation in the case file regarding the lack of participation. | OSHA will discuss this concern with DOSH during quarterly meetings. | Continued |
| FY 2024-OB-03 | FY 2023-OB-05 | In FY 2023, in 16% (21 of 130) of retaliation case files, accurate filing dates were not entered into WebIMIS. | During quarterly meetings, OSHA will monitor that correct filing dates are entered into OIS. | Continued |
| FY 2024-OB-04 | FY 2023-OB-06  | In FY 2023, 79% (103 of 130) of retaliation case files lacked the required documentation, specifically proof of delivery of official letters. | OSHA will monitor the lack of requireddocumentation during quarterly meetings with DOSH. | Continued |
| FY 2024-OB-05 |  FY 2023-OB-07  | In FY 2023, agreement for the complainant to administratively close the case was not obtained in 71% (63 of 88) of the retaliation case files reviewed. | OSHA will monitor that DOSH discrimination investigators are obtaining agreement for complainants to administratively close cases during the quarterly meeting with DOSH.  | Continued |
| FY 2024-OB-06 | FY 2023-OB-08 | In FY 2023, 8 out of 11 (72%) state and local government workplace consultation files with 10 or more employees at the worksite, did not have the OSHA 300 logs in the file. | OSHA will discuss with DOSH during quarterly meetings and with the Consultation Program Manager. OSHA will conduct a file review during the next comprehensive FAME. | Continued |
| FY 2024-OB-07 | FY 2023-OB-09 | In FY 2023, in 10 out of 22 (45%) private sector consultation files with 10 or more employees at the worksite, the OSHA 300 logs were not in the file**.**  | OSHA will discuss with DOSH during quarterly meetings and with the Consultation Program Manager. OSHA will conduct a file review during the next comprehensive FAME. | Continued |
| FY 2024-OB-08  | FY 2023-OB-10  | In FY 2023, in 6 out of 22 (27%) private sector consultation files with 10 or more employees at the worksite, there was no comparison of the employer DART rate to the national average. | OSHA will discuss with DOSH during quarterly meetings and with the Consultation Program Manager. OSHA will conduct a file review during the next comprehensive FAME. | Continued |
| Not Applicable | FY 2023-OB-02 | In FY 2023, 26 out of 30 (86.67%) work-place related fatalities were responded to in one workday (SAMM 10). The further review level (FRL) is 100%. | OSHA will continue to discuss this metric during quarterly meetings, request information for outliers, and work with DOSH to ensure proper coding and data transfer from WIN to OIS. There continues to be some discrepancies between the SAMM and the case file review. However, in most cases DOSH at least attempted to open an inspection within one day of notification of a fatality. | Closed |
| Not Applicable | FY 2023-OB-03 | In FY 2023, in 394 of 5,304 (7.43%) initial inspections, DOSH did not ensure worker involvement (SAMM 13). | OSHA will continue to work with DOSH to determine the cause or causes of low performance on SAMM 13 and will review SAMM data during quarterly meetings. | Closed |

### Appendix C - Status of FY 2023 Findings and Recommendations

FY 2024 Washington DOSH Follow-up FAME Report

| **FY 2023-#** | **Finding** | **Recommendation** | **State Plan Corrective Action** | **Completion Date** | **Current Status** **and Date** |
| --- | --- | --- | --- | --- | --- |
| FY 2023-01 | In FY 2023, standards were not adopted by their due date. | DOSH should ensure each standard is adopted by the due date. | DOSH will make every effort to adopt standards by the due date. | Not completed  | Open2/20/2025 |

### Appendix D – FY 2024 State Activity Mandated Measures (SAMM) Report

FY 2024 Washington DOSH Follow-up FAME Report

| **SAMM Number** | **SAMM Name** | **State Plan Data** | **Further Review Level** | **Notes** |
| --- | --- | --- | --- | --- |
| **1a** | Average number of work days to initiate complaint inspections (state formula) | 7.34 | 15 days for serious hazards; 30 days for other-than-serious hazards | The further review level is negotiated by OSHA and the State Plan. |
| **1b** | Average number of work days to initiate complaint inspections (federal formula) | 7.34 | N/A | This measure is for informational purposes only and is not a mandated measure. |
| **2a** | Average number of work days to initiate complaint investigations (state formula) | 8.07 | 5 | The further review level is negotiated by OSHA and the State Plan. |
| **2b** | Average number of work days to initiate complaint investigations (federal formula) | 8.07 | N/A | This measure is for informational purposes only and is not a mandated measure. |
| **3** | Percent of complaints and referrals responded to within one workday (imminent danger) | 95.28% | 100% | The further review level is fixed for all State Plans. |
| **4** | Number of denials where entry not obtained | 0 | 0 | The further review level is fixed for all State Plans. |
| **5a** | Average number of violations per inspection with violations by violation type (SWRU) | 1.61 | +/- 20% of 1.74   | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.39 to 2.08 for SWRU.  |
| **5b** | Average number of violations per inspection with violations by violation type (other) | 1.91 | +/- 20% of 0.94  | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.75 to 1.12 for OTS. |
| **6** | Percent of total inspections in state and local government workplaces | 3.11% | +/- 5% ofGrant 4.00%  | 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 3.80% to 4.20%. |
| **7a** | Planned v. actual inspections (safety) | 4,695 | +/- 5% of Grant 4,080 | 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 3,876 to 4,284 for safety. |
| **7b** | Planned v. actual inspections (health) | 1,189 | +/- 5% of Grant 1,020 | 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 969 to 1,071 for health. |
| **8** | Average current serious penalty in private sector - total (1 to greater than 250 workers) | $1,792.19 | +/- 25% of $3,793.81  | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $2,845.36 to $4,742.27. |
| **8a** | Average current serious penalty in private sector (1-25 workers) | $1,325.00 | +/- 25% of $2,498.51  | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $1,873.88 to $3,123.14. |
| **8b** | Average current serious penalty in private sector (26-100 workers**)** | $1,982.59 | +/- 25% of $4,322.61  | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $3,241.96 to $5,403.26. |
| **8c** | Average current serious penalty in private sector(101-250 workers) | $2,828.44 | +/- 25% of $6,114.84  | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $4,586.13 to $7,643.55. |
| **8d** | Average current serious penalty in private sector(greater than 250 workers) | $3,495.99 | +/- 25% of $7,533.58  | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from $5,650.19 to $9,416.98. |
| **9a** | Percent in compliance (safety) | 32.38% | +/- 20% of32.83% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 26.27% to 39.40% for safety. |
| **9b** | Percent in compliance (health) | 29.62% | +/- 20% of44.18% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 35.34% to 53.01% for health. |
| **10** | Percent of work-related fatalities responded to in one workday | 85.71% | 100% | The further review level is fixed for all State Plans. |
| **11a** | Average lapse time (safety) | 40.53 | +/- 20% of 56.02  | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 44.82 to 67.23 for safety. |
| **11b** | Average lapse time (health) | 53.80 | +/- 20% of 67.21  | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 53.77 to 80.65 for health. |
| **12** | Percent penalty retained | 100% | +/- 15% of70.81% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 60.19% to 81.44%. |
| **13** | Percent of initial inspections with worker walk-around representation or worker interview | 93.07% | 100% | The further review level is fixed for all State Plans. |
| **14** | Percent of 11(c) investigations completed within 90 days | N/A\* | N/A\* | This measure is not being reported for FY 2024 due to the transition to the new SAMM measures starting in FY 2025. |
| **15** | Percent of 11(c) complaints that are meritorious | N/A\* | N/A\* | This measure is not being reported for FY 2024 due to the transition to the new SAMM measures starting in FY 2025. |
| **16** | Average number of calendar days to complete an 11(c) investigation | N/A\* | N/A\* | This measure is not being reported for FY 2024 due to the transition to the new SAMM measures starting in FY 2025. |
| **17** | Percent of enforcement presence | 3.56% | +/- 25% of1.00% | The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.75% to 1.25%. |

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 SAMM Report in OIS and the State Plan WebIMIS report run on November 12, 2024, as part of OSHA’s official end-of-year data run.

\*Due to the transition of 11(c) data from IMIS to OIS, SAMMs 14, 15, and 16 are not being reported for FY 2024.