

**State of Utah**

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*Commissioner*

**Utah Occupational Safety and Health Division**

FLOYD C. JOHNSON

*Division Director*

June 24, 2025

# Re: Response of the Utah Occupational Safety and Health Division to the FY 2024 Follow-up Federal Annual Monitoring and Evaluation (FAME) Report

Dear Ms. Rous,

Thank you for the opportunity to participate in the FY 2024 Follow-up FAME of the Utah Occupational Safety and Health (UOSH) Division of the Utah Labor Commission. It is a pleasure working with you and your staff, and UOSH looks forward to continuing to build a mutually beneficial relationship with the Denver Region. This letter will serve as UOSH’s formal response to the specific observations set forth in the FY 2024 Follow-up FAME.

UOSH continues its efforts to work effectively and consistently, despite the challenges associated with staff turnover and the subsequent required training thereof, UOSH continues to pursue its mission to help ensure a safe and healthy workplace for every worker in the State of Utah.

In FY2024 UOSH was negatively impacted by the unanticipated decrease of its federal grant funding near the end of the federal fiscal year. This decrease in funding has resulted in UOSH being forced to leave one of its CSHO positions vacant and continues to limit available resources UOSH is able to appropriate to accomplishing its projected annual inspection goals. With the population growth in Utah and the potential for further cuts in its operational funding, UOSH is very concerned about its continued ability to adequately address the growing number of complaints and accidents received annually. This is illustrated by a 200% increase in reported complaints since 2020.

Despite these challenges, UOSH is committed to carefully prioritizing its ongoing operational functions. Additionally, UOSH is committed to addressing the continued observations presented in previous FAME audits and believes that many, if not all, will be closed during the FY 2025 Comprehensive FAME.

UOSH responds specifically as follows to the Observations presented in the FY 2024 Follow-up FAME:

**Observation FY 2024-OB-01 (previously FY 2023-OB-02):** *In FY 2023, five of 14 (35.71%) complaints assessed as not valid contained allegations or information that should have resulted in a “valid” assessment or that should have resulted in UOSH contacting the complainant for further information.*

# UOSH Response:

It is UOSH’s practice to contact the complainant when further information is required. However, documentation of that process did not occur in some instances. As a result, UOSH has made entering a more detailed description as to why particular decisions are made in each case a primary focus.

**Observation FY 2024-OB-02 (previously FY 2023-OB-03):** *In FY 2023, there were seven health cases in which sampling did not occur even though the case files included information of worker exposure to air contaminants. In four of the seven (57.14%) cases, the case file did not include an evaluation of worker exposure to an air contaminant, nor did the case file include documentation explaining why an evaluation did not occur. UOSH did not follow the guidance in Chapter 9, Section I.G.4 and in Chapter 3, Section II.B.4 of the UOSH FOM.*

# UOSH Response:

UOSH instituted a process upon assignment of health complaints alleging exposure to air contaminants to ensure that compliance officers are instructed to evaluate worker exposures more closely. In instances where the probability of overexposure exists, the CSHO will document that information and proceed to initiate an appropriate assessment of the existing exposure level based on the approved OSHA sampling method. Additionally, the UOSH case file review process now includes supervisor review of case files to ensure that an evaluation of worker exposure to an air contaminant occurred or that the case file includes documentation explaining why an evaluation did not occur.

**Observation FY 2024-OB-03 (previously FY 2023-OB-04):** *In FY 2023, 19 of 59 (32.20%) case files contained violation worksheets with inadequate evidence of employer knowledge.*

*UOSH did not follow the guidance in Chapter 5, Section II.C.2.i and Chapter 4, Section II.C.4 of the UOSH FOM*.

# UOSH Response:

UOSH has conducted several informative training sessions for its CSHOs regarding the importance of collecting evidence of employer knowledge during an inspection in order to establish early in the process whether or not an affirmative defense could be proven by an employer. Additionally, UOSH supervisors are reviewing selected case files to determine if adequate employer knowledge is documented.

**Observation FY 2024-OB-04 (previously FY 2023-OB-05):** *In FY 2023, twelve of 25 (48%) complaint investigations reviewed were closed prior to completion or receipt of abatement. Seven of 25 (28%) complaint investigation case files did not contain documentation of a written response from the employer regarding abatement. UOSH did not follow the guidance in Chapter 9, Section I.H.9 and Chapter 9, Section I.H.3.b of the UOSH FOM.*

# UOSH Response:

Complaints are processed from beginning to end by either the health or safety supervisor. The complaint investigation is closed when a review by a supervisor of the employer’s response to the complaint is assessed as adequate and/or abated.

In addition to the corrections listed above, UOSH will continue to work toward consistency and efficiency in its day-to-day operations to provide effective health and safety support and enforcement in the State of Utah.

UOSH requests that this letter be posted on OSHA’s webpage in conjunction with the FY 2024 Follow-up FAME.

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

Sincerely,

 [Jaceson Maugha](https://utahgov.na1.echosign.com/verifier?tx=CBJCHBCAABAAqN23X_tI_1I5vZm5oqUq7iENY7bc6uD-)n

[Jaceson Maughan (Jun 24, 2025 14:37 MDT)](https://utahgov.na1.echosign.com/verifier?tx=CBJCHBCAABAAqN23X_tI_1I5vZm5oqUq7iENY7bc6uD-)

Jaceson R. Maughan Commissioner

Utah Labor Commission