



Reply to the attention of:

Mr. Joel Sacks
Director
Department of Labor and Industries
Labor and Industries Building
P.O. Box 44001
Olympia, Washington 98504-4001

Mr. Sacks:

This letter is to express concern regarding the Washington State Division of Occupational Safety and Health's (DOSH) current penalty system.

The negotiated State Activity Mandated Measures, which are jointly developed and agreed upon by the State Plans and Federal OSHA, set requirements for penalty assessments by State Plans. The State Activity Mandated Measures require that the "current" penalty (penalty after settlement negotiations) assessed per serious violation in the private sector be +/- 25% of the national average. DOSH's average current penalty assessed per serious violation in the private sector in FY 2014 was \$867, which is \$705 (45%) below the national average of \$1,572. For further reference, it is also approximately 58% below the federal average of \$2,048.

DOSH's current performance in this area needs to be addressed immediately. While it was not identified as a specific finding in the FY 2013 Federal Annual Monitoring Evaluation (FAME), the FAME discussed that DOSH's penalties were significantly below the acceptable range. DOSH's failure to implement changes to its penalty system commensurate with updates to OSHA's Field Operations Manual in both FY 2010 and FY 2012 is a direct factor in DOSH's inability to meet this +/- 25% measure. It is imperative that Washington State take immediate steps to resolve this situation and bring its penalty policies and procedures in line with the State Activity Mandated Measures to maintain effectiveness as an approved State Plan.

Sincerely,

A handwritten signature in black ink that reads "Douglas J. Kalinowski".

Douglas J. Kalinowski, Director
Directorate of Cooperative and State Programs

Enclosure

cc: Galen Blanton, Acting Regional Administrator