

Administrative Rules

WAC 296-900-180

Definitions

Affected employees

Employees who could be one of the following:

- Exposed to unsafe conditions or practices.
- Affected by a request for, or change in, a variance from WISHA requirements.

Assistant director

The assistant director for the WISHA services division at the Department of Labor and Industries or his/her designated representative.

Board

The Board of Industrial Insurance Appeals.

Certification

An employer's written statement describing when and how a citation violation was corrected.

Citation

See citation and notice.

Citation and notice

Issued to an employer for any violation of WISHA safety and health requirements. Also known as a citation and notice of assessment, or simply citation.

Correction action plans

Your written plans for correcting a WISHA violation.

Correction date

The date by which you must meet the WISHA requirements listed on either a:

- Citation and notice (C&N)
- or**
- A Corrective notice of redetermination (CNR).

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Corrective notice of redetermination (CNR)

Issued by WISHA after WISHA has reassumed jurisdiction over an appealed citation and notice.

Designated representative

Any of the following:

- Any individual or organization to which an employee gives written authorization.
- A recognized or certified collective bargaining agent without regard to written employee authorization.
- The legal representative of a deceased or legally incapacitated employee.

Documentation

Material that an employer submits to prove that a correction is completed. Documentation includes, but isn't limited to, photographs, receipts for materials and labor.

Failure to abate (FTA)

A violation that was cited previously which the employer has not fixed.

Final order

Any of the following (unless an employer or other party files a timely appeal):

- Citation and notice.
- Corrective notice of redetermination.
- Decision and order from the Board of Industrial Insurance Appeals.
- Denial of petition for review from the Board of Industrial Insurance Appeals.
- Decision from a Washington State Superior Court, Court of Appeals, or the State Supreme Court.

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Final order date

The date a final order is issued.

Hazard

Any condition, potential or inherent, which can cause injury, death, or occupational disease.

Imminent danger violation

Any violation resulting from conditions or practices in any place of employment, which are such that a danger exists which could reasonably be expected to cause death or serious physical harm, immediately or before such danger can be eliminated through the enforcement procedures otherwise provided by the Washington Industrial Safety and Health Act.

Interim order

An order allowing an employer to vary from WISHA requirements until a permanent or temporary variance is granted.

Monetary penalties

Fines assessed against an employer for violations of safety and health requirements.

Movable equipment

A hand-held or nonhand-held machine or device that:

- Is powered or nonpowered.
- Can be moved within or between worksites.

Must

Means mandatory.

Permanent variance

Allows an employer to vary from WISHA requirements when an alternate means, that provides equal protection to workers, is used.

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Probability rate

A number that describes the likelihood of an injury, illness, or disease occurring, ranging from 1 (lowest) to 6 (highest).

Reassume jurisdiction

WISHA has decided to provide the employer with an informal conference to discuss their appeal.

Repeat violation

A violation where the employer has been cited one or more times previously for a substantially similar hazard, and the prior violation has become a final order no more than 3 years prior to the employer committing the violation being cited.

Serious violation

When there is a substantial probability that death or serious physical harm could result from one of the following in the workplace:

- A condition that exists.
- One or more practices, means, methods, operations, or processes that have been adopted or are in use.

Temporary variance

Allows an employer to vary from WISHA requirements under certain circumstances.

Variance

Provides an approved alternative to WISHA requirements to protect employees from a workplace hazard. Variances can be permanent or temporary.

WAC

An acronym for Washington Administrative Code, which are rules developed to address state law.

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WISHA

This is an acronym for the Washington Industrial Safety and Health Act.

You

An employer.



Notes
