

DOSH CONSULTATION MANUAL

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CHAPTER 1

OVERVIEW OF THE DOSH CONSULTATION PROGRAM

A. PURPOSE

The purpose of the DOSH Consultation Program is to assist Washington employers in the development, implementation and maintenance of an effective safety and health program. The Consultation Program will provide guidance to employers, and employees, that encourages self-sufficiency in preventing the occurrence of injuries and illnesses and in managing industrial insurance claims and rates.

DOSH Safety and Health Consultants provide technical assistance to employers in workplace hazard identification, hazard control recommendations, verification of the correction of serious hazards identified during on-site consultations and assessment of workplace safety and health programs. Additionally, Consultation provides training and education for both employers and employees.

DOSH Risk Management Consultants provide employers with data analysis specific to how claims affect insurance premiums, show the cost benefit of actively managing each return-to-work option and resource, discuss “claim-free discounts” and how to protect those discounts, and review best practices in hiring strategies and procedures.

Chapter 12 of this manual is specific to Risk Management Consultants.

B. AUTHORITY

DOSH Consultants also assist employers in understanding their obligations under the WISH Act and in meeting the requirements of all applicable safety and health standards. The WISH Act, under RCW 49.17.050(8) authorizes the Director of the Department of Labor and Industries to “provide for the establishment of new and the perfection and expansion of existing programs for occupational safety and health education for employers and employees, and in addition, institute methods and procedures for the establishment of a program for voluntary compliance solely through the use of advice and consultation with employers and employees with recommendations including recommendations of methods to abate violations relating to the requirements of (the WISH Act) and all applicable safety and health standards and rules and regulations promulgated pursuant to the authority of (the WISH Act).”

C. CONSULTATION SERVICES

The Consultation Program assists employers with the following:

- The development and implementation of an effective safety and health program
- Training and educating employers and employees
- Identifying and correcting hazards in the workplace
- Managing industrial insurance claims and rates.

C. 1. On-Site Safety and Health Consultation Visits. On-site consultation visits include an opening conference, a walk-through of employer worksites, identification of hazards, hazard correction assistance and a closing conference. The consultant will also evaluate the effectiveness of an employer's safety and health program by reviewing records, interviewing employees, and examining site conditions during the walk-through. An on-site consultation visit will result in a written report to the employer with detailed findings and recommendations.. The visit may also include training and education needed to address current and/or potential hazards at the worksite.

The Consultation Program does not issue citations or propose penalties. However, employers receiving consultation services must immediately correct or eliminate exposure to identified imminent danger hazards and correct all serious hazards by the assigned abatement date. Verification of abatement is only required for serious hazards with an expectation that general hazards are also corrected.

Employers applying for certification in DOSH's recognition program, Safety Through Achieving Recognition Together (START), will be required to provide proof of abatement for both serious and general hazards. *See Chapter 10, START for specific policies and procedures.*

C. 2. Self-Insurance Reviews. DOSH Consultation conducts Self-Insurance Reviews in response to an employer's application to self-insure in lieu of participating in the Washington State Industrial Insurance Fund. The Statewide Consultation Manager coordinates the reviews. Self-insurance reviews include a full-service consultation with a comprehensive review and evaluation of the employer's written Accident Prevention Program and any other required safety and health programs, a walk-through of the facility, and employee interviews to determine whether the program meets DOSH requirements.

The Regional Consultation Manager or Regional Supervisor makes the recommendation to approve or not approve an employer for self-insurance based on the consultant's findings during the consultation. *See Chapter 11, Section D, Self-Insurance Reviews, for specific policies and procedures.*

- C. 3. Logger Safety Initiative (LSI) Reviews.** The LSI Program is overseen by Insurance Services and was developed to promote a safety first culture for the logging industry by reducing the frequency and severity of injuries and deaths, increasing proper reporting of worker hours and exploring options to reduce costs in the logging industry. One of the requirements of the LSI program is to receive initial and annual consultation visits from DOSH. *See Chapter 13, Logger Safety Initiative, for specific policies and procedures.*
- C. 4. Right-to-Know Assessments.** Employers who receive an annual Right-to-Know assessment fee may [appeal the fee](#) if they believe they have no hazardous chemicals at their worksite. Employer appeals are received in Central Office and assigned to DOSH Regional Consultants. The Consultant then determines whether the employer has hazardous chemicals or if the employer should be exempt from the fee assessment. During this process, the consultant should encourage the employer to consider a safety and health consultation. *See Chapter 14, Other Programs, for specific policies and procedures.*
- C. 5. Training or Outreach Not Related to a Visit.** Training and outreach not related to a Consultation Visit may be provided to employers, employer groups or associations. In those cases the service provided by the consultant must be documented on Form 66 in WIN. *See Chapter 4, Employer Requests, and Chapter 9, Training & Assistance, for specific policies and procedures on when and how the form is to be used.*
- C. 6. Risk Management Assistance.** Risk Management Consultants assist employers through consultations, assessments and recommendations. They help employers develop their own policies, programs and forms designed to reduce accidents, injuries, claims, premiums and associated costs. They assist employers in developing effective loss control programs with the ultimate goals of lowering workers' compensation costs and improving workplace health and safety for employees. They also educate customers through workshops and outreach activities with business, labor and community groups. *See Risk Management policies and procedures in Chapter 12 of this manual.*
- C. 7. Recognition Programs.** DOSH offers a number of opportunities for employers and organizations to work cooperatively with the Department. These recognition programs offer a variety of services and benefits to participating employers and organizations. Examples of these programs include:
- a. START Recognition Program.** Safety Through Achieving Recognition Together (START) is a recognition program designed for smaller employers who wish to improve their safety and health programs, or for employers that already demonstrate a safety and health program that goes beyond the standard requirements. DOSH Regional Consultants provide specific consultation services to help employers meet their goals. *See Chapter 10 in this manual, for specific policies and procedures.*

- b. **Voluntary Protection Program (VPP).** The Voluntary Protection Program (VPP) is designed for larger employers who have worksites with comprehensive, exemplary safety and health programs. Employers apply for the program and DOSH Consultants participate in on-site evaluations to determine whether VPP applicants should be granted VPP status. *See Chapter 14, Other Programs* (in this manual), and the *VPP Manual* (a separate manual), for specific VPP policies and procedures.

D. ROLES AND RESPONSIBILITIES

- D. 1. Assistant Director.** The Assistant Director for the Division of Occupational Safety and Health (DOSH) ensures operation, management, implementation, and evaluation of all programs under the Washington Industrial Safety and Health Act. Programs include standards promulgation, training and technical support, policy development, enforcement, consultation, investigations, data analysis, IT systems, compliance, and quality assurance. The Assistant Director reports to the Director of the Department of Labor and Industries.
- D. 2. Statewide Consultation Manager.** This position manages the Statewide Consultation Program to include safety and industrial hygiene consultation services, risk management consulting services, and directly supervises the Regional Consultation Managers. This position reports to the Assistant Director of DOSH.
- D. 3. Consultation Operations Manager (COM).** This position reports to the DOSH Statewide Consultation Manager. The COM is a key management position responsible for supervision and support for the day-to-day operation of the statewide DOSH Consultation program and serves as a deputy function to the Statewide Consultation Manager. The COM collaborates with other Regional DOSH Consultation Managers, DOSH Senior Program Managers, and other Agency Programs.
- D. 4. Regional Consultation Manager.** This position manages and directs the DOSH Regional Consultation Services Program. This manager has a staff consisting of Safety Consultants, Industrial Hygienists Consultants, and Risk Management Specialists. This position reports to the Statewide Consultation Manager.

In the absence of a Regional Consultation Supervisor, the Regional Consultation Manager must also assume responsibilities normally handled by a supervisor.

- D. 5. Regional Consultation Supervisor.** The Regional Consultation Supervisor has first level supervisory responsibility over DOSH Safety and Health staff, and may also lead consultation visits. The supervisor is also responsible for reviewing and approving safety and health consultation reports prior to issuance, for quality

and technical adequacy. The supervisor must also ensure the safety and protection of their staff.

- a. Accompanied Visits.** The Regional Consultation Manager or Supervisor must evaluate each DOSH Consultant, using the Accompanied Consultation Evaluation form (*see Appendix 1-A1 & 1-A2*). The purpose of the accompanied visit is to ensure consistency of consultation services provided to employers, to provide guidance to DOSH Consultants, and to prepare the Regional Consultation Manager or Supervisor to conduct the Consultant's annual performance evaluation. The Regional Consultation Manager, Supervisor, or a lead designated by the Regional Consultation Manager must accompany each DOSH Consultant on at least one consultation visit per year. A lead will only be designated by the Regional Consultation Manager when there is no designated supervisor for consultation staff.

The Accompanied Visit includes a review of paper and electronic files and the written report to the employer. The results of the evaluation will be shared with the DOSH consultant. Accompanied visit evaluations will be maintained in a confidential desk file.

- b. Quality Assurance.** The Regional Consultation Manager or Supervisor can evaluate the quality of the consultants work during an accompanied visit, or through feedback forms such as employer surveys, follow-up phone calls to an employer who received a visit, timeliness of services provided by the consultant throughout the process or other methods the RCM/Supervisor thinks appropriate.

D. 6. DOSH Consultant. Consultation staff include Safety Specialists, Industrial Hygienists, and Risk Management Specialists. They assist employers in their assigned area of expertise. Through consultations and other employee/employer contact, the DOSH Consultant can help ensure that hazards are identified and corrected to protect workers. During these processes, the Consultant must use professional judgment to adequately document hazards, review employer safety and health programs, and assist in directing efforts in accident prevention as required by Department's policies and procedures. The Consultant will be responsible for the technical adequacy of each official file. Based on individual expertise, a DOSH Consultant may be assigned to plan, design and present workshops and training.

- a. Training Requirements for Consultants.** New-hire consultants must take the new hire training as outlined in DOSH Directive 40.0, Training Program for DOSH Safety and Health Staff.
- If the consultant is a new-hire to DOSH, all the training outlined for safety and health consultants is required.
 - If the newly hired consultant is from DOSH Compliance and has previously attended new-hire training, then only training pertaining to consultation

specific requirements is required, i.e., consultation manual, train the trainer, OSHA Form 33 and WIN.

- If the Regional Manager believes a waiver is warranted, a request for a waiver must follow the protocols outlined in the DOSH Directive 40.0, and must be approved by the Training Manager, the Education and Outreach Senior Manager, and the Statewide Consultation Manager.

- b. Subpoena Served on DOSH Safety and Health Consultant.** By the nature of their role in helping employers achieve voluntary compliance with requirements of the WISH Act, Consultants are less likely than Compliance Officers to be served with a subpoena when the Department is a party to a legal action.

However, a Consultant may be more likely to be called upon to testify in a “third party” case. If a Consultant is served with a subpoena, the Consultant must inform the Regional Consultation Manager or Supervisor immediately, and follow the instructions below regarding “Type of Testimony Given.” Their Supervisor may coordinate with the Office of the Attorney General, as appropriate to the circumstances.

- c. Testifying in Hearings.** DOSH Consultants may be called upon to testify in a variety of situations. They may have to testify in cases where they provided services to an employer and the Department is a party to the legal action. The Consultant must be mindful of this fact when recording observations during consultations. The official file must reflect conditions observed in the workplace as accurately as possible. If the Consultant is called upon to testify, the official file will be valuable as a means for recalling actual conditions.

However, Consultants may also be called upon to testify in what are known as “third party” cases. These will involve situations where the Consultant provided services for either the employer, or another entity, such as the manufacturer or general contractor, and they want the Consultant to testify regarding the workplace hazard. Consultants may also be asked by attorneys for either side to spend time explaining the case, or what their testimony will be.

It is the policy of the Department that unnecessary involvement in third party cases is not an effective use of employee resources, and unnecessarily takes Consultants away from their primary duties. Therefore, Consultants are directed to only participate in third party cases to the extent required by a subpoena for either a “Notice of Oral Examination” (deposition), or for testimony in a Superior Court trial.

- d. Type of Testimony Given.** If a DOSH Consultant has been subpoenaed to testify as described above, an issue often arises as to what type of testimony will be given. There are two types of testimony:

- **Expert testimony.** Expert testimony involves giving one's opinion as to certain issues. For example, expert testimony would involve stating that you believe a certain practice is unsafe.

A DOSH Consultant must never provide expert testimony unless:

- Subpoenaed by a Department Assistant Attorney General, and
 - Qualified by DOSH to provide expert testimony.
- **Factual testimony.** Factual testimony is limited to explaining facts without embellishing these facts with any opinions. For example, a DOSH Consultant could explain that certain documents appear to be accurate photocopies of their work notes or the written report to the employer issued following their on-site visit. Other examples of factual testimony would include stating “yes, these are the photographs that I took” or “yes, I recommended a violation of WAC 296-_____.”

DOSH Consultants must provide only factual testimony, not expert testimony, in cases where the Department is not a party to the action. Neither side in a lawsuit should be provided free expert testimony by the State. Again, this is not an efficient use of state resources. The Regional Consultation Manager or Supervisor may coordinate with the Office of the Attorney General, as appropriate to the circumstances.

e. Disposition of Safety and Health Consultation Records.

Consultation Records are any records made by a DOSH Consultant that concern, relate to, or are part of any on-site visit, or that concern, relate to, or are part of the performance of any official duty. Such original material and all copies must be included in the official file. These records are the property of the state of Washington and a part of the official file.

Consultation records are not the property of the Consultant and under no circumstances are they to be retained or used for any private purpose. Copies of documents, notes, photos or other recorded information not necessary or pertinent, or not suitable for inclusion in the case file will, with the concurrence and permission of the Regional Consultation Manager or Supervisor, be destroyed.

Official central office files are retained for a period of two years at L&I and four years at the Records Center under the Secretary of States' Office.

EXCEPTION: Copies of photos which are not needed for the official file may be given to and used by staff for use during safety and health training sessions. There can be no identifying images of the employer's place of business or of an individual, unless signed permission has been given by the employer or individual.

E. WISHA INFORMATION NETWORK (WIN)

WIN is a network of DOSH electronic data systems and computerized applications. It includes the DOSH Consultation and Enforcement web-based applications. The web-based systems are designed to capture and maintain information collected through on-site Consultation visits and Compliance inspections. They are secured applications accessed through the Department of Labor and Industries' Intranet.

WIN "shares" data with other agency systems, such as LINIIS; Accounts Receivable Collections System (ARC), and the Data Warehouse. Federally-required data is transferred to the federal Integrated Management Information System (IMIS).

DOSH Safety, Health and Risk Management Consultants are responsible for direct online entry of visit-related data. The web-based system pre-fills online forms to the extent possible using visit data previously entered or available through other agency systems. Managers or Supervisors are responsible for reviewing and approving reports contained in electronic and physical files. All official Safety and Health Consultation files will be maintained in Central Office. DOSH's IT Systems and Quality Assurance staff will answer questions and resolve problems through the **WIN Help Desk Phone Line at (360) 902-6580**.

NOTE: The WIN Help Desk Phone Line, (360) 902-6580, does **not** replace other services provided by L&I's Help Desk.

F. OSHA MONITORING OF DOSH CONSULTATION PROGRAMS

An on-site review is a routine monitoring activity conducted by OSHA to assess the quality of DOSH's Consultation program's services and its Internal Quality Assurance Program. A minimum of one on-site review must be conducted every two years. A formal response to the on-site review report shall be provided by the Consultation program and returned to OSHA within 45 calendar days of receiving the final report.

G. DEFINITIONS

1. **The WISH Act.** The Washington Industrial Safety and Health Act of 1973; Chapter 49.17 RCW.
2. **Action Plan for Inspection Deferral.** The written plan, developed by the consultant and approved by the Statewide Consultation Manager, outlining the necessary achievements and time frames required for the employer to achieve START status. The Action Plan is implemented by the employer.

3. **Anti-Retaliation Program.** An “anti-retaliation program” enables all members of the work force, including permanent employees, contractors and temporary workers, to voice their safety and health concerns without fear of retaliation.
4. **Compliance Officer.** A compliance safety or health officer, (CSHO) who provides enforcement inspections.
5. **Consultant.** A safety or health officer who provides voluntary consultation visits, training, education and assistance usually at the request of an employer.
6. **Cooperative Agreement.** The legal instrument which enables the States to collaborate with OSHA to provide consultation in accordance with 29 CFR, Part 1908.
7. **Days Away, Restricted and Transferred (DART).** A rate that represents the total non-fatal injuries and illnesses resulting in days away from work, restricted work activity, and/or job transfer (columns H & I) per 100 full-time employees for a given period of time (usually for a calendar year).
8. **Effective.** The word “effective” is used in the same way as the word “adequate” in current industry standards, i.e., sufficient to protect employees from reasonably foreseeable hazards. A safety and health program is effective if it protects employees from actual and potential hazards.
9. **General Hazard.** A hazard is considered general in situations where the most serious injury, illness or disease that would be likely to result from a hazardous condition cannot reasonably be predicted to cause death or serious physical harm to exposed employees, but does have a direct and immediate relationship to their safety and health.
10. **Hazard Correction.** The elimination or control of a workplace hazard in accordance with the requirements of applicable Federal or State statutes, regulations or standards.
11. **Hazard Survey.** Within the scope of the visit, the collection of information on hazards, observation of work processes, methods, procedures, employee activities, employee interviews, and advice on hazard control or elimination as appropriate.
12. **Imminent danger.** An imminent danger situation exists when any workplace condition or practice could reasonably be expected to cause death or serious physical harm, immediately or before the danger can be eliminated through DOSH enforcement or consultation. RCW 49.17.130(1) provides authority for these staff to issue an order of immediate restraint.
13. **Intervention.** Consultation assistance provided away from an employer’s worksite. This includes technical advice provided through telephone conversations and correspondence (including e-mail), speeches and presentations to stakeholders, off-site technical training, and promotional mailings.

14. **On-site Consultation.** The process of walking through an employer's worksite, identifying hazards, providing correction assistance, and helping to develop or improve the employer's occupational safety and health management system. It includes a written report to the employer on the findings and recommendations resulting from the visit. It may include training and education needed to address hazards or potential hazards at the worksite.
15. **OSHA.** The Federal Occupational Safety and Health Administration or the State agency responsible under a Plan approved under Section 18 of the OSH Act for the enforcement of occupational safety and health standards in that State.
16. **Program Assessment.** Refers to a consultant's review of an employer's existing safety and health program. This review identifies elements considered adequate and elements that need development or improvement. Consultants use the Safety and health Program Assessment Worksheet (Form 16) to conduct the program assessment.
17. **Program Assistance.** Refers to the DOSH Consultant's recommendations, based on program assessment, for developing or improving program elements to create an effective program. Development of a program from scratch is still program assistance and is completed using DOSH Form 16 as a guide.
18. **Programmed Inspection.** Inspections of worksites which have been scheduled based upon objective criteria and are called "programmed".
19. **Safety and Health Program.** Refers to a comprehensive, employer-implemented, site-specific system to protect employee safety and health, through a collaboration between management and employees, to identify and resolve issues before they can result in an incident, injury, or illness at an establishment.
 - a. **Safety and Health Program Assessment.** A review of an employer's existing safety and health program to identify elements considered adequate and those in need of development or improvement, and the consultant's recommendations for correcting deficiencies or continuous improvement, using the Safety and Health Program Assessment Worksheet (DOSH Form 16).
 - b. **Comprehensive Safety and Health Program Review.** This is a safety and health program assessment that involves reviewing all 58 attributes of OSHA Form 33. A comprehensive safety and health program review is conducted when an employer requests to participate in START or Pre-START or requests a comprehensive review of its safety and health program.
20. **Scope of Visit.** There are two visit scopes:
 - a. *Full-Service visit.* An on-site consultation visit that provides a complete comprehensive safety and health hazard assessment of all working conditions, equipment, processes and WISHA- mandated safety and health programs at the worksite.

- b. *Limited-service visit.*** A less comprehensive safety and health hazard assessment than that provided by a full-service visit. An on-site Consultation visit that provides a focused assessment of a particular work process or type of hazard or a focused assessment that is conducted of only one discipline, safety or health.
- 21. Serious Hazard.** A hazard is considered serious if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use.
- 22. Serious Physical Harm.** Examples of serious physical harm include but are not limited to:
 - a.** Impairment of the body where part of the body is made functionally useless or is substantially reduced in efficiency on or off the job. The impairment may be permanent or temporary, chronic or acute. Injuries requiring treatment by a medical doctor would usually be considered serious physical harm.
 - b.** An illness or disease that could shorten life or significantly reduce physical or mental efficiency by inhibiting the normal function of a part of the body.
- 23. Small business.** For the purpose of the Consultation Program, a small business is defined as an employer having 25 or fewer employees at a fixed worksite and no more than 250 employees state-wide.
- 24. Total Recordable Case Rate (TRC).** A rate that represents the total non-fatal injuries and illnesses (columns H, I & J) per 100 full-time employees for a given period of time (usually for a calendar year).
- 25. Visits.** Visits can be classified as follows:
 - a. *Initial Visit.*** A hazard assessment visit(s) provided by a safety or health consultant. An initial visit can be either a full-service or limited service visit. An initial visit must consist of an opening conference, an examination of all aspects of the safety and health management system relating to the scope of the visit, a walkthrough of the workplace, and a closing conference.
 - b. *Training and Assistance Visit.*** An on-site consultation visit that is conducted to provide training to employers and their employees in hazard identification and correction or in safety and health program development.
 - c. *Follow-up visit.*** An on-site consultation visit(s) conducted to verify the correction of previously identified hazards and /or the implementation of a safety and health management system.
 - d. *Visit in Progress.*** A consultation visit is “in progress” from the beginning of the opening conference to the end of the correction due dates (including extensions). A consultation visit in progress takes precedence over a Programmed DOSH Inspection.

26. **Whistleblower Protection Program.** The “Whistleblower Protection Program” enforces the whistleblower provisions of 22 federal statutes protecting employees who raise or report concerns about hazards or violations of various workplace safety and health, airline, commercial motor carrier, consumer product, environmental, financial reform, food safety, health insurance reform, motor vehicle safety, nuclear, pipeline, public transportation agency, railroad, maritime, and securities laws.
27. **Written Report to the Employer.** The confidential report provided by the Consultation Program to the employer documenting all hazards identified, hazard correction recommendations, correction due dates, and an assessment of the employer’s safety and health management system.

APPENDIX 1-A1

Accompanied Consultation – Safety and Health

Consultant Name: _____

Employer Name & Location: _____

Industry Type: _____

Date: _____

_____ Was the Consultant prepared for the consult? (PPE, Claim history, etc.)

_____ Was the checklist used in the opening conference?

_____ Were the processes and procedures clearly explained?

_____ Was an adequate evaluation of written programs completed?

_____ Was a DOSH Form -25 completed?

_____ Was the most current complete year of the OSHA 300 Log and 300A Summary plus current year to date reviewed?

_____ Were incident rates calculated for the employer?

_____ Did the Consultant present themselves professionally? (Attitude, dress, punctuality?)

_____ Did the Consultant identify all hazards that you identified?

_____ Was an explanation given to the employer on hazards identified?

_____ Was the employer given adequate information to correct hazards?

_____ Was the Consultant helpful to the employer?

_____ Did the Consultant explain other services and training that we provide?

_____ Did the Supervisor review the corresponding forms and written report for accuracy and completeness?

Additional Comments:

Consultant's Signature: _____ Date: _____

Supervisor's Signature: _____ Date: _____

APPENDIX 1-A2

Accompanied Consultation - Risk Management

Consultant Name: _____**Employer Name / Account #:** _____**Date:** _____

Pre-consultation:

- ___ Was consultant prepared for consult?
- ___ Did consultant fully research customer?
- ___ All appropriate equipment and travel arrangements made?
- ___ Calendar indicates where-a-bouts?

Consultation:

- ___ Was purpose of consultation fully explained?
- ___ Did the consultant present themselves professionally?
- ___ Confident in material?
- ___ Good introduction of goals of consultation?
- ___ Assessment done?
- ___ Recommendations sent within 15 calendar days?
- ___ Appropriate resources given?
- ___ Consultant listened to customer?

Follow-up / Closure:

- ___ Did consultant offer appropriate other DOSH/L&I services?
- ___ Questions answered and resources given?
- ___ WIN updated?
- ___ Assessment results/recommendations sent?
- ___ Closure letter/evaluation sent within 15 calendar days?

Additional Comments:**Consultant's Signature:** _____ **Date:** _____**Supervisor's Signature:** _____ **Date:** _____

CHAPTER 2

DESCRIPTION AND PROMOTION OF SAFETY AND HEALTH SERVICES

A. CORE PRINCIPLES

The consultant must address with the employer their fundamental rights and obligations prior to providing consultation services. Communicating what a commitment to an on-site consultation involves will ensure the employer fully understands their roles and responsibilities prior to investing significant financial and/or internal resources.

These rights and obligations must be emphasized again during the opening conference. *See Required Information, in Chapter 5, Section E.3.d., in this manual.*

A. 1. Employer Obligations.

- a. **Provide a Safe Workplace.** The employer remains under statutory obligation to actively participate in implementing or improving their workplace safety and health program throughout the consultation process.
- b. **Safety and Health Program Review.** For all **on-site full service consultation visits** the employer must agree to a review of their Accident Prevention Program (APP) and a review of all other required written programs applicable to their operation. Additional required written programs may include hazard communication, energy control, hearing conservation, etc. If the employer is required to have additional written programs or procedures, they can be included in their APP or covered in supplemental documents.

For **limited service consultations**, the employer must also agree to a review of their APP and safety programs related to the limited visit. For example, reviewing the employer's energy control program when evaluating a machine guarding issue.

NOTE: When providing a limited service consultation visit to a small employer in a high hazard industry, the employer should be encouraged to have all of their programs reviewed.

- c. **Eliminate Imminent Dangers.** The employer must correct imminent danger situations immediately, or remove employees from the area of danger. Failure to remove employees from an imminent danger area will result in an immediate referral to DOSH Compliance.

- d. **Correct Hazards.** The employer must correct any serious hazard(s) identified by the established correction due date (abatement date) (RCW 49.17.250(3)). The correction due dates must be the shortest interval within which an employer can reasonably be expected to correct the hazard. Employers are -expected to correct general hazards in a timely manner. If an employer fails to eliminate an imminent danger, or correct a serious hazard within the established time- frame, the DOSH Regional Consultation Manager or Supervisor must make a referral to the appropriate Safety or Hygiene Compliance Manager. *See Referral to DOSH Compliance in Chapter 8, Section F, in this manual.*
- e. **Providing Consultation Report to Employees.** The employer must provide the results of the consultation report (Hazard Found Report, or a No Hazard Found Report) to employees or their collective bargaining representative(s) as soon as possible, but no later than 30 days from receiving it (RCW 49.17.250(3)).

The employer must agree to post the Hazard Found Report, or No Hazard Found Report, for a minimum of three working days, or when all identified hazards are corrected, whichever is later. Approved modifications or extensions of correction due dates must also be posted for a minimum of three working days or until the hazard is corrected, whichever is later. All postings must be in a prominent place that is visible to all employees. Posting by electronic means is acceptable in cases where electronic transmission is the employer's normal means of communication and each employee has access to the electronic posting. Failure to post the Hazard Found Report will result in termination of the consultation visit in-progress status.

- f. **Employee Participation.** Employee participation is required in all site visits where employees are present. Therefore, the consultant must interview a representative number of randomly selected employees at different times throughout the consultation visit. Consultants must inform employers that employees have the right to raise safety concerns without retaliation.
- (1) **Site with recognized Employee Representative.** An employee representative of affected employees must be invited to participate in the opening and closing conferences and to accompany the Consultant and the employer's representative during the physical inspection of the workplace. The Consultant may increase the number of employee participants in the physical inspection if they determine that additional representatives will improve the quality of the visit. The Consultant may confer privately with the employee representative.
 - (2) **Site with no recognized Employee Representative.** The DOSH Consultant must confer with individual employees during the course of the visit to identify and evaluate the hazards within the scope of the employer's request and to determine the effectiveness of the employer's safety and health program. The employer must agree to employee interviews for the visit to proceed.

A. 2. Employer Rights.

- a. Confidentiality.** While confidentiality of Consultation services in relation to Compliance remains a strong marketing component of the Consultation Program, it is imperative that the Consultant does not make promises of confidentiality, which do not follow statute. RCW 49.17.250(3) states that “*Information obtained by the Department as a result of employer-requested consultation and training services shall be deemed confidential and shall not be open to public inspection.*”

In no case other than a referral where an employer has failed to correct hazards will a consultation visit initiate enforcement action, nor will it be used to determine the scope or subject of a compliance visit.

- b. Prior Consultative Visit.** In the event of a subsequent compliance inspection, the employer is not required to inform the DOSH Compliance Officer of a prior consultation visit.
- c. Limited Compliance Access to Consultation Information.** The DOSH Compliance program will only be allowed access to information in Consultation records under very limited and controlled circumstances, such as when an employer refuses to correct an imminent danger situation or correct identified serious hazards.

NOTE: Requests from the AAG and DOSH appeals staff for specific consultation information should be directed to the Regional Consultation Manager. The manager will decide what information will be shared. The manager may contact the Statewide Consultation Manager if there are concerns about sharing information.

- d. Consultant’s Advice.** In situations where the employer has relied on advice from a DOSH Consultant, or other Department staff, in an attempt to correct a hazard but a DOSH Compliance Officer finds the hazard still exists then citations may be issued. However, the Compliance Officer will evaluate the situation and attempt to substantiate the previous guidance given to the employer.

Any good faith effort by the employer to abate the hazards will be considered. If the employer chooses to provide the Compliance Officer with a copy of an on-site visit report then Compliance can use it to determine the employer’s “good faith” when calculating any assessed penalties See also Subsequent Inspection, *in Chapter 5, Section E.3.f.(3)*, in this manual.

- e. No Cost.** The employer can receive DOSH consultation services at no cost through State and Federal funds.
- f. No Citations or Penalties.** DOSH Consultants do not issue citations or assess penalties.
- g. Scope or Termination of the Request.** The employer may ask at any time during the consultation visit to reduce or expand the scope of the visit. However, if the DOSH Consultant identifies a hazard outside the scope of the request, the hazard must be treated as though it is within the scope of the request. The employer has the right to terminate participation in the visit at any time, but must correct any serious hazards identified up to the point of visit termination.

- h. Private Discussion with the Consultant.** The employer has the right to request a private meeting with the consultant to discuss matters that they would rather not discuss in the presence of the employee representatives.
- i. Date for Correction of Serious Hazards.** The DOSH consultant must establish a correction schedule for any serious hazard identified. The correction due dates must be the shortest interval within which an employer can reasonably be expected to correct the hazard. If necessary, the employer can request, for good cause, an extension of the hazard correction date in writing to the Consultant, prior to expiration of the previously assigned correction date. *See Requests for Extensions, in Chapter 8, Section C, in this manual.*

The Consultant must respond to the employer in writing and place a copy of the employer's request, along with the Department's response, in the official case file.

B. ENFORCEMENT FOLLOWING A CONSULTATION

- B. 1. Scheduled Inspections.** Employers in a fixed industry who have received a full-service comprehensive DOSH safety or hygiene consultation visit will be excluded from scheduled enforcement inspections within the same discipline (safety and/or hygiene) for 12 months following the conclusion of the full-service onsite consultation visit. Exceptions would include additional worksites of the same employer, construction sites or employers who received a limited service onsite consultation visit.
- B. 2. Referral.** If an employer fails to correct all serious hazards that were identified by a DOSH Consultant during an on-site visit, an inspection may be conducted following a referral from Consultation.
- B. 3. Unprogrammed Inspections.** For imminent danger, fatalities/catastrophes, incident investigations, complaints, referrals, and follow-up or monitoring, the enforcement inspection may still be conducted following a consultation visit. *(See Chapter 5, Section D.3 in this manual)*

C. OBJECTIVE OF PROMOTIONAL ACTIVITIES

The Consultation Program seeks to have the greatest feasible impact on the reduction of work related injuries and illnesses in smaller businesses. The primary objective of promotion is to generate inquiries and requests for consultative assistance from smaller, high hazard employers, especially employers with a high incidence of serious injury or illness.

D. SCHEDULING PROMOTIONAL ACTIVITIES

Successful promotion will result in inquiries and requests for visits to establishments in the priority industries described in Chapter 3, Scheduling and Prioritizing Safety and Health Consultation Services, in this Manual. Promotion and provision of services to larger and less hazardous establishments will be limited.

E. PROMOTIONAL OUTREACH ACTIVITIES

E. 1. Promotional Tools. Promoting the availability of consultation services may be accomplished through a variety of methods and techniques, ranging from:

- Broad based mass media campaigns
- Direct solicitation contact with employers
- Direct mailings of program information to the individual most responsible for business operations and/or safety management
- Telephone calls and/or emails as a means to follow-up

E. 2. Identifying Specific Audiences. To promote the DOSH Consultation Program within the specific audience, do the following:

- Use Workers' Compensation data
- Work closely with Federal enforcement authorities to identify those industries which are the subject of National or Local Emphasis Programs
- Focus on industries within which significant occurrences such as fatalities, catastrophes and/or the issuance of major citations and/or penalties have taken place
- Work with new employers who are attempting to establish a business
- Use employer and employee organizations to generate requests for services

DOSH Consultation may perform outreach activities either individually or in collaboration with recognized groups whose stated mission is the promotion of safety and health in the workplace.

E. 3. Promotional Audiences. Any group of employers/employees involved in the private industry or the public sector. Selection of high hazard operations is preferred, but not required

E. 4. Methodology. DOSH Consultation may engage in outreach activities such as, but not limited to:

- Public Presentations
- Radio Talk Shows
- Cooperative Training Seminars
- Roundtable Discussions
- Safety and Health Conventions
- Participation in Association Meetings
- Participation in Publication Production
- Workshops

E. 5. Cooperative Efforts. DOSH Consultation Program staff may seek out and establish working relationships with safety and health professionals.

- a. Group Activities.** Consultation staff may conduct cooperative activities with recognized groups as long as the primary intent and outcome is the enhancement of safety and health in the workplace.
- b. Pro Bono Activities.** “Pro bono” is a Latin term meaning “for the good of”. DOSH encourages this type of outreach wherein the Department coordinates resources with recognized safety and health organizations to provide training or other outreach activities at no cost, with the understanding that the Department endorses no particular group.
- c. Impartiality.** DOSH Consultation outreach activities must maintain the objectivity and impartiality of the Department. Although DOSH consultation welcomes opportunities to reach target audiences, not all events or venues will be appropriate. Factors to consider include, but are not limited to:
 - Admission fees beyond costs incurred by the organization to present the event
 - DOSH being the sole presenter in a profit making event
 - Profit/non-profit status of the organization
 - Inclusion of sales presentations in the event program
 - DOSH’s ability to reach the audience by other means
 - Excessive reliance on DOSH trainers
 - Partner organization’s provision of a “neutral” venue and/or marketing
 - Vendor sponsorship of event

DOSH staff must consult with the Regional Consultation Manager before agreeing to a particular training or outreach event. Where necessary, the Statewide Consultation Manager should be consulted.

When DOSH Consultation determines it would be beneficial to participate in an event where products or services are promoted by event hosts, or other commercial entities, there must be clear disclaimers that the agency does not endorse or recommend those products or services.

F. EVALUATING PROMOTIONAL AND OUTREACH ACTIVITIES

DOSH documents, tracks, and evaluates efforts to promote consultation services using data from the Intervention Activity Report, also referred to as Form 66. The DOSH consultant must complete a Form 66 in WIN for promotional and outreach activities. For additional information, *see Chapter 9, Section C*, in this manual.

CHAPTER 3

SCHEDULING AND PRIORITIZING SAFETY AND HEALTH CONSULTATION SERVICES

A. SCHEDULING CRITERIA

A. 1. Order of Priority. Consultation services must be provided from highest to lowest priority according to the relative hazards and size of the establishment to ensure the most efficient use of limited resources. The following may be used as an outline for scheduling consultation services and is listed from highest to lowest priority.

- Imminent Danger
- Small businesses in OSHA or DOSH Strategic Plan, National Emphasis Program (NEP), Local Emphasis Program (LEP) or other “Target Industries”
- Small Businesses in High-Hazard Industries
- Small Businesses in Non-High-Hazard Industries
- Larger Businesses

A. 2. Requests for Consultation Services. Requests for consultation services typically originate from an employer. When a referral is received from other programs within the agency, you must contact the employer to obtain consent before services can be provided. Consultation services are provided subject to the availability of resources, such as staffing and budgetary resources, which may affect the assignment of case workloads. *See Chapter 4, Section D, and Appendix 4-A*, in this manual, for guidance on responding to an employer whose request is determined to be a lower priority.

NOTE: The Director is authorized to “provide by rule for the frequency, manner and method of the rendering of consultative services to employers, and for the scheduling and priorities in granting applications consistent with the availability of personnel, and in such manner as not to jeopardize the enforcement requirements of (the WISH Act).” *See RCW 49.17.250(3).*”

B. SCHEDULING AND PRIORITIZING GUIDANCE

B. 1. Imminent Danger Situations. Preference will be given, as the highest priority for services, to employers who indicate an imminent danger situation or where the urgency of the situation (e.g., assistance involving a hazardous trenching operation) may require the highest priority response.

B.2. Small business in OSHA or DOSH Strategic Plan, National Emphasis Program (NEP), Local Emphasis Program (LEP) or other “Target Industries.”

Following imminent danger situations, preference is given to employers who have the highest incidence rates or are “identified” as **high hazard, with primary attention to smaller businesses**. DOSH defines small businesses as employing 25 or fewer employees at the worksite and no more than 250 employees statewide at all sites. The potential impact of the visit (i.e., expected benefit resulting in employer compliance and improved worker safety and health, in relation to the availability of resources) must be evaluated by DOSH Regional Consultation Managers, Supervisors and/or Consultants when scheduling full service or limited consultative visits. Establishments and operations are defined as “high hazard” based on the following criteria:

- a. High Incidence Rates.** An establishment is high hazard for DOSH Consultation priority considerations if that establishment’s Days Away Restricted Transfer (DART) rate, or current claims, place the employer above the national average for that industry.

NOTE: DART rates for comparison purposes can be obtained on the BLS website at: <http://www.bls.gov/news.release/pdf/osh.pdf>

- b. High Hazard NAICS Codes.** An establishment is considered high hazard if it is in an industry whose North American Industrial Classification System (NAICS) code is on the OSHA generated listing of high hazard industries (Annual OSHA High Rate Industries Listing).

There are two lists:

- “High Hazard Industry List” with a Safety Rank
- “Top 200 High Hazard Health Industries” based on a Health Rank.

See <http://inside.lni.wa.gov/WISHA/Manuals.htm>

- c. SHIMS Lists in LINIIS.** Safety and Health Integrated Management System (SHIMS) are high hazard scheduling lists in LINIIS that are developed based on certain criteria such as compensable claims rate, or industry specific lists. These lists are primarily developed for enforcement, but employers who receive a consultation from this list would be marked targeted or high hazard. See *DOSH Directive 2.10 Programmed Inspection and Visit Activities*.

- d. Secondary NAICS Codes.** One or more hazardous work processes or work areas (e.g., a bindery in a publishing house) may be located within an establishment in an industry that is not on the high hazard list. If such a process or area is the focus of a visit, a secondary code may be used to classify the establishment and, therefore, the priority for receiving a visit, as high hazard. The secondary NAICS must be on the OSHA generated high hazard list, or SHIMS high hazard list.

- e. Hazards of Work Processes.** Relative hazards involved in the work processes that initiated the on-site consultation service could classify a business as high hazard. Criteria include the following:

- A substance in regular use at the establishment has a health code of HE1 - HE4 in the OSHA Chemical Information Manual (carcinogen, chronic toxicity and acute toxicity) or is noted as highly toxic in that manual.
- A substance in regular use at the establishment is explosive, or working conditions or work processes in use at the establishment are dangerous but not customary for the establishment NAICS.

B.3. Smaller Businesses. The highest scheduled priority other than imminent danger will be given to employers who employ 25 or fewer employees at the worksite and with not more than 250 employees statewide at all sites. Larger employers requesting consultation services will still be prioritized for service based on their incidence rates or on their listing on the high hazard list(s).

EXCEPTION: Special emphasis programs may identify employers within specific NAICS codes without regard to size. In those exceptional cases employer size may not play a part in scheduling priority or scope of services provided.

B. 4. Less Hazardous, Larger Businesses. Larger and/or less hazardous small businesses must be informed that their requests for on-site services will receive a lower priority. The employer is notified that scheduling criteria, and the Consultation Program's backlog of requests, preclude servicing a request due to its low priority. Normally, larger businesses will only receive limited service consultation visits. The employer has a statutory responsibility to maintain safe and healthful working conditions for their employees in the interim. In such cases, Consultation staff should suggest alternative sources of assistance to the employer. *See Chapter 4, Section D and Appendix 4-A*, for guidance on responding to an employer whose request is determined to be a lower priority.

B. 5. Assistance Provided After a Consultation. If a Consultant cannot provide assistance during a consultation, or if the employer has abatement questions after the consultation, the Consultant must ensure that additional information, if available, is obtained and provided as soon as possible to the employer. Any communications with the employer must be documented in the case file. When Consultants identify workplace hazards during a consultation they are required to offer appropriate abatement assistance to the employer within their level of expertise. In situations where the complexity of corrective methods requires additional expertise and resources beyond DOSH Consultation, the Consultation Supervisor/Manager must contact the Technical Services Manager for assistance.

B. 6. Assistance Provided After a Compliance Inspection. Abatement Assistance for employers during or after an inspection is also referred to the Technical Services Manager if the enforcement program does not have the expertise to provide the assistance. Consultation does not provide abatement assistance after an inspection, except in rare circumstances such as in a settlement agreement process. In this case, the Statewide Compliance and Statewide Consultation Managers would be in agreement.

CHAPTER 4

EMPLOYER SAFETY AND HEALTH REQUESTS

A. SCOPE OF SERVICES

- A. 1. Determining the Type of Visit.** The consultant must determine the type of visit requested based on the following criteria:

A consultation visit is a:	If its purpose is:
Initial Visit	To provide a hazard assessment by a safety or health consultant. An initial visit can be either a full-service or a limited-service visit. An initial visit must consist of an opening conference, an examination of relevant aspects of the safety and health program relating to the scope of the visit, a walkthrough of the workplace, and a closing conference.
Training and Assistance	To provide assistance and training to employers and their employees in hazard identification and correction and/or in safety and health programs. (See Chapter 9 for additional information)
Follow-up	<p>To verify the correction of previously identified hazards by performing the following;</p> <ul style="list-style-type: none">• Assist the employer with activities relating to the development, implementation or improvement of a safety and health program.• Conduct industrial hygiene sampling for health hazards evaluated during an initial visit.• To assist with completion of the self-insurance application process.• To conduct training and assistance.• To evaluate an employer pursuing START, which may include visits to verify the employer's progress in meeting START program requirements and provide assistance. <p>Consultants are required to address new hazards observed during a follow-up visit and send the employer a new letter and report with abatement dates using a new visit number.</p> <p>The Consultation program shall prioritize the performance of initial consultation visits to identify hazards and maximize the number of employees removed from risk. To support this priority, follow-up visits should generally be no more than fifteen percent of the Consultation program's total number of consultation visits. However, there is not a limit for the number of follow-up visits conducted to complete industrial hygiene sampling</p>

- A. 2 Number of Visits in a 12-Month Period.** Each discipline (safety or health) may only record one initial visit at a site within one year. However, if an employer first received a limited scope consultation visit, the consultant may conduct a subsequent full-service visit within a 12- month period.

The Regional Consultation Manager must approve exceptions. Situations and examples of when exceptions may be appropriate include the following for General and Construction Industries:

- a. General Industry.** Emerging hazardous situations affecting a specific industry or work practice; extraordinary safety and health issues are identified at the establishment; and/or the employer requests sampling for health hazards that were not evaluated during an initial consultation visit. Additionally, the consultant learns of non-routine, intermittent, high-hazard processes and operations, or seasonal work practices that are scheduled to be performed at a later date. Examples include but are not limited to:
- New chemical processes
 - New manufacturing process
 - Equipment not present during the first assessment
 - Shutdown processes
 - Batch processing
 - Special order requests
- b. Construction.** The establishment has progressed to a new phase of construction (different from the construction phase during the original initial consultation visit) which introduces significantly different hazards; and/or the employer requests sampling for health hazards that were not evaluated during an initial consultation visit. The addition of new equipment or tasks at the establishment that introduce the potential for an imminent danger or serious hazard to employees may also require an additional consult. Examples include but are not limited to:
- New phase: earthwork, foundation, structural, rough-in, utilities, or interior/exterior finish new chemical process, etc.
 - New equipment/tasks: cranes, scaffolding, trenches, etc.

- A. 3. Full Service Consultation.** Full service consultation is comprehensive and includes an initial visit to address the entire workplace for identification and correction of safety and health hazards, review and analysis of all safety and health programs, and review of OSHA 300 Logs and the 300A Summary.,

When an employer requests limited consultative assistance, in hazardous, smaller businesses, the employer will be encouraged to request a full service consultation.

Full service consultations are typically reserved for employers with 25 or fewer employees and with not more than 250 employees statewide at all sites. Employers of larger and less hazardous establishments should be advised to request a limited service consultation

NOTE: It is DOSH's goal to evaluate the needs of each employer to ensure that all appropriate services and resources are recommended when applicable. If it has been determined that an employer may benefit from additional coordinated services (Vocational Services, Occupational Nurses and Therapists, etc.) a referral should be made.

a. Benefits. Benefits of a full service consultation include the following:

- Prevent workplace injuries and illnesses.
- Improve compliance with laws and regulations.
- Reduce costs, including significant reductions in workers' compensation premiums.
- Engage employees.
- Enhance the social responsibility goals of business operations.
- Increase productivity and enhance overall business operations.

b. Management Contact and Communication. It is critical that the DOSH Consultant ensures that contact is made, and effective communication is formed, with appropriate representatives when securing the employer's commitment to implement or improve a safety and health program as part of a full service consultation. This would include the individuals vested with the authority to establish and implement policy and expend the resources necessary to meet the conditions for the visit. In many cases this will be the owner, but it could also be (or include) a plant manager or ranking member of the management team.

c. Submission of Program Materials Prior to Visit. Employers requesting or agreeing to full service consultation will be encouraged to submit copies of all safety and health program materials, and other relevant materials such as equipment and chemical lists, as early as possible in advance of the scheduled visit. This will assist the DOSH Consultant in preparing for the on-site visit.

A. 4. Limited Service Consultation. Although the employer of a small business may request a limited service consultation visit, the Consultant should strongly recommend the benefits of a full service consultation that covers both safety and health disciplines. Consultants may promote limited scope services when working with larger, less hazardous, employers.

Limited service consultations will not include the full range of services provided by the Consultation Program, but must include a review of the Accident Prevention Programs, OSHA 300 Logs and 300A Summary, other written programs related to the limited visit, and may include particular services, such as but not limited to:

- Hazard survey
- Recommendations for the control and correction of hazards associated with specific work processes or operations

- Training and assistance
 - Hygiene sampling
 - Follow-up, **and/or**
 - Limited safety and health program assistance.
- a. **Areas Addressed.** Since the employer retains the right to limit the scope of the consultation visit, the DOSH Consultant will address only the area(s), or process(es) requested or agreed to by the employer. However, the employer is required to allow the consultant to review their written APP and any other required written programs relevant to the areas, or processes, the consultant is reviewing.
- b. **Observed Serious Hazards Outside the Scope of the Request.**
Employers whose requests are limited in scope will be responsible for correcting any serious hazards, or imminent danger situations, the DOSH Consultant observes, even though they may be outside the scope of the request.

B. ON-SITE CONSULTATION SERVICES

On-site services take place at the employer's place of business.

B.1. Requests for Consultation Visits. The consultant must ensure that the following criteria are met before conducting an on-site visit:

- a. The employer must request and approve an on-site consultation.
- b. When an employer requests a training and/or assistance visit, they must provide documentation that a hazard survey occurred within 12 months prior to the request. The hazard survey could be from a previous DOSH consultation, DOSH compliance inspection or from a private consultant. In the event that a hazard survey has not been completed, or documented, then an on-site consultation that includes a hazard survey must be completed before providing training and/or assistance.
- c. If an employer requests a consultation visit for more than one site under his or her control, each site must be dealt with as an individual request.
- d. When responding to requests for on-site services the consultant must provide an explanation of the employers' rights and obligations.
- e. All requests for on-site full service consultations must include a review of the Accident Prevention Program and all required written programs such as hazard communication, energy control, hearing conservation, etc.
- f. All requests for on-site limited service consultations must include a review of the Accident Prevention Program and any required written programs applicable to the limited service request.

B.2. Construction Sites. The following procedures must be followed for construction sites:

- (1) While assistance with safety and health programs may be provided to subcontractors away from the worksite (off-site assistance), a subcontractor request for on-site assistance may be accepted only with the approval of the general contractor at the site.

- (2) The general contractor, or controlling employer, must accept responsibility for ensuring the correction of all serious hazards and imminent danger hazards identified during the course of the consultation visit. This responsibility includes hazards not created by the general contractor and those that might not be under the requesting subcontractor's control (*see chapter 5, Section D.3. for more information*).

C. OFF-SITE CONSULTATION SERVICES

Services other than hazard evaluations may take place at locations other than the employer's or client's establishment. These services can include, but are not limited to:

- Training and assistance
- Written program review
- Technical assistance by telephone, email or letter
- Client visits to a Department office.

Such assistance will be encouraged when it is the best and most expedient response to the needs of the specific requester, and when it allows DOSH Consultants to provide on-site assistance elsewhere. The Consultant must record off-site activities as an Intervention Activity (*Form 66, see Chapter 9, Section C, in this manual*) unless they are directly related to an open on-site visit.

D. LOW PRIORITY EMPLOYERS

Low scheduling priority, or other Consultation Program considerations, may delay consultations for larger and/or less hazardous businesses. In these instances, the employer must be informed of their statutory responsibility to maintain safe and healthful working conditions for employees in the interim. A sample letter in response to these employers is contained in *Appendix 4-A*, in this chapter.

E. REQUEST INFORMATION

E. 1. Obtaining Establishment Information. In accepting an employer request, a DOSH Regional Consultation Manager, Supervisor, or Consultant must obtain information from the employer on the services requested and the establishment to be served. Key information such as type of business, incidence rates, establishment size, NAICS codes, specific hazards at issue, requested visit date, and location will be used by the Consultant to prioritize and schedule on-site activities, and to prepare for the visit. Information may be obtained through the LINIIS system and the Employer Profile in the Data Warehouse.

Once an on-site consultation visit is scheduled, the Regional Consultation Manager, Supervisor, or Consultant must ensure that information received from an employer concerning a request for services is entered in the LINIIS system. The Regional Consultation Manager or Supervisor must also ensure that requests are responded to in the appropriate order, based on the listing or schedule, which prioritizes establishments by size and hazardousness.

E.2. Special Equipment or Entrance Requirements. The DOSH Regional Consultation Manager, Supervisor, or Consultant, must determine if there is a need for special protective clothing or equipment, immunizations, security clearances or other special entrance requirements to the site covered by the consultative visit. The consultant must observe all of the employer's safety and health rules and practices, including safety clothing or other personal protective equipment.

E. 3. Classified and Trade Secret Information.

Any classified or trade secret information and/or personal knowledge of such information by DOSH personnel must be handled according to the requirements of:

- Chapter 19.108 RCW, Uniform Trade Secrets Act.
- RCW 49.17.200, which protects the confidentiality of trade secret information.
- Any regulations of the responsible agency.

The collection of such information, and the number of personnel with access to it, must be limited to the minimum necessary for the completion of the consultation visit.

Consultants must identify classified and trade secret information in the case file. Managers or Supervisors should be made aware of the classified and trade secret information so they may assist with assuring the sensitive information is handled correctly.

APPENDIX 4-A
LETTER – LOW PRIORITY EMPLOYER REQUEST

[Region Address]

[Mailing Date]

[Employer Representative Name] [Title]

[Employer Name] [Address]

[City State ZIP]

Dear [Employer Representative Name]:

Thank you for your request for an on-site safety and health consultation.

Our Safety and Health Consultation Program is unable to schedule a visit at this time. Although I cannot schedule a visit I am available to assist you over [the telephone or in my office]. We also have a website (<http://www.lni.wa.gov/safety>) that provides employers with a variety of safety and health resources and sample programs and guidance, along with our WISHA rules and regulations.

Although we are unable to provide on-site services at this time, it is still your responsibility to provide a safe and healthy workplace.

Thank you for your interest in employee safety and health. If you have any questions, please feel free to contact me.

Sincerely,

[Consultant or Regional Consultation Supervisor Name] [Job Title]

[Phone Number] [E-mail address] [Fax Number]

Enclosure(s)

CHAPTER 5

ON-SITE SAFETY AND HEALTH VISIT PROCEDURES

A. TYPES OF ON-SITE SERVICES

On-site services can include, but are not limited to:

- Identifying existing hazards, potential hazards, and violations of DOSH requirements (Consultants do not issue citations or assess penalties).
- Assessing worksite safety and health programs.
- Observing and commenting on work processes, methods, and procedures.
- Assessing employer needs for additional services.
- Interviewing employees to locate workplace hazards, and evaluate the effectiveness of safety and health programs.
- Using walk-through findings as a basis for training to show the employer, and employees, the relationship between hazards identified and applicable elements of a safety and health program.
- Conducting training with the approval of the employer, if appropriate.
- Follow-up visits to verify correction of serious hazards (approval required from the Regional Consultation Manager or Supervisor).
- Abatement assistance for hazards cited during a DOSH enforcement inspection (approval required from the Regional Consultation Manager or Supervisor and the DOSH Safety or Hygiene Compliance Supervisor).

B. ELEMENTS OF AN INITIAL VISIT

When requested, or approved by the employer, an on-site consultation visit will be provided to include activities specifically approved by the employer. It will consist of:

- An opening conference
- Delivery of services including a review of the employer's Accident Prevention Program (APP) and other required written programs:
 - A review of the APP is required for full service and limited visits.
 - A review of the other required written programs is required for full service, and all other written programs related to the limited visit.
- A walk-through of the workplace to identify any hazards present, and
- A closing conference.

C. PRE-VISIT PREPARATION

C. 1. Information Gathering. On-site consultation visits will require sufficient information from the employer and from Department records prior to the on-site visit to evaluate the systems in place at the worksite. Information needed includes:

- Existing safety and health programs
- OSHA 300 log and 300A summary for the previous three years , plus the OSHA 300 log for the current year
- First reports of injury or illness
- Accident investigation reports
- Workers' compensation and insurance data
- Copies of programs in place (e.g., accident prevention program (APP), HazCom, respiratory protection, hearing conservation, energy control, confined space, etc.)
- Safety and health committee meeting minutes; site layout; and organizational charts
- Limited service visits will not require the amount of information collected for a full service visit. However, sufficient information must be obtained so quality services can be provided.

NOTE: When conducting a joint consultation, only one consultant needs to keep the required copies of the OSHA 300 Log and 300A Summary. The other consultant must reference in the coverage text box that the copies are in another file and list the visit number. If WIN does not prefill the number of cases from the other consultation, then the consultant will need to enter the information.

C. 2. Research. The DOSH Consultant must review and analyze data provided by the employer. Additionally, the consultant must review the following internal data prior to the visit:

- **Consultation File.** Review the record of previous consultations, if applicable. This may include physical or "hard copy" files or electronic records in the Consultation data system in the WISHA Information Network (WIN).
- **Compliance Case File.** The Consultant should review any previous citations (WIN and/or case files) and, if appropriate, should discuss with the respective DOSH Compliance Officer before visiting the employer's site.
- **Know Before You Go.** The "Know Before You Go" list is accessible to all L&I employees and provides field employees with awareness on employers that have demonstrated hostile behavior towards L&I employees in the past. Consultants should check the "Know Before You Go" list before visiting an employer, customer or clients' site. If the employer or individual's name is

on the list, it means Internal Safety and Health received a security incident report related to the employer and/or individual.

- **Employer Profile.** The Consultant must review a summary of at least the previous 5 years of industrial insurance claims (available through the Data Warehouse Employer Profile report) to assist in determining the type(s) of hazards that may be associated and encountered while visiting the employers establishment. Additionally, the Injury Cost Profile (ICP) Report is a single page report located in the Business Intelligence Center (BIC) that provides a quick review of an accounts premiums and losses compared to industry averages.
- **Technical References.** Review appropriate technical references to become knowledgeable regarding potential hazards and industrial processes that are relevant to the establishment. Review of technical references will also assist with identifying personal protective equipment necessary for protection against anticipated hazards.
- **Sampling Methods.** Appropriate sampling methods should be reviewed based on experience, as well as industry specific and employer provided information.

C. 3. Materials and Equipment.

It is the responsibility of the DOSH Regional Consultation Manager or Supervisor to ensure that all materials and equipment required for an on-site visit are available to the Consultant. The Regional Consultation Manager or Supervisor will ensure that the equipment is usable and that the Consultant is trained in its use and limitations. Additional information on the proper selection and use of protective clothing and equipment, including respiratory protection, is located in the Department's Internal Safety and Health (ISH) Manual.

The Consultant must select sampling instruments and equipment based on knowledge and information on file regarding the establishment. Standard sampling and calibration methods are used in accordance with information contained in the DOSH Directives, manufacturer's recommendations, and other standard calibration procedures and practices. Contact the DOSH Lab staff for questions related to calibration and other IH sampling procedures.

The Consultant must assemble all reports, forms and other materials in sufficient quantity to conduct the on-site visit. The Consultant is responsible for taking and using the equipment needed for the on-site visit.

- a. **Hard Hats, Safety Glasses and Safety Shoes.** The DOSH Regional Consultation Manager or Supervisor must assure that appropriate personal protective equipment (PPE) is provided and used by Consultants. This includes training on the proper use and limitations of the equipment. Approved hard hats, approved safety glasses with permanently or rigidly

attached side shields, and approved safety shoes must be worn by Consultants on the walk around phase of the on-site visit, unless the visit is being conducted at a worksite where no overhead hazards, eye hazards, and/or foot hazards are likely to be present. This will set an example for industry and provide minimum acceptable protection for the Consultant. The Regional Consultation Manager or Supervisor may consult with the Region's Internal Safety and Health Coordinator as necessary. For more information on required use of PPE, refer to the *Department's Internal Safety and Health Policy 8.01, Employee Safety and Health*.

- b. Respirators.** DOSH Consultants assigned to conduct on-site visits which involve the use of a negative pressure respirator must comply with all requirements outlined in the Department's *Internal Safety and Health Policy 8.01, Employee Safety and Health*.

C. 4. Safety and Health Rules or Other Special Policies of the Employer.

- a. Rules and Practices.** DOSH Consultants must comply with all appropriate safety and health rules and practices of the employer, including the wearing of appropriate safety clothing or protective equipment.
- b. Immunizations or Other Special Entrance Requirements.** Immunizations and other special entrance requirements must be observed. The DOSH Regional Consultation Manager or Supervisor must ensure that the Consultant has the proper immunizations for these situations. (Many pharmaceutical firms, medical research laboratories and hospitals have areas with special entrance requirements.)
- c. Personal Security Clearance.** Where personal security clearances are required, the Regional Consultation Manager must assign a consultant who has the proper clearances or ensure that appropriate ones are secured prior to the visit.
- d. Classified Information and Trade Secrets.** Any classified or trade secret information and/or personal knowledge of such information must be kept confidential, and handled in accordance with Chapter 19.108 RCW, Uniform Trade Secrets Act; RCW 49.17.200, Confidentiality Trade Secrets of the Washington Industrial Safety and Health Act; or the regulations of the responsible agency. The collection of such information and the number of personnel accessing it must be limited to the minimum number necessary for the conduct of the on-site consultative survey. The DOSH Consultant must identify classified and trade secret information as such in the official file.

- C. 5. Visit Confirmation.** The consultant should contact the requesting employer within five calendar days of the scheduled visit to confirm the visit date, if the visit date is 30 or more days after the request date. At the time the employer is contacted to verify the scheduled visit, the employer should once again be asked whether any DOSH compliance inspection activity is in progress.

D. RELATIONSHIP TO DOSH COMPLIANCE**D. 1. Enforcement Inspection in Progress.**

- a. An enforcement inspection is considered in progress from the time a DOSH Compliance Officer initially seeks entry to the workplace through the issuance of the final order.
- b. An enforcement inspection is considered in progress until one of the following occurs:
 - The DOSH Compliance Officer seeks entry, the inspection is conducted, the closing conference held, the appeals period has expired and the final order is issued;
 - The Regional Compliance Manager determines that a warrant to require entry will not be sought; or
 - The Regional Compliance Manager and/or the Statewide Consultation Manager determines that allowing a consultation visit to progress is in the interest of employee safety and health.
- c. During and following an enforcement inspection, no consultation visit may take place until:
 - The enforcement inspection is closed with no citation issued; or
 - A citation has been issued and the appeal period has expired, and cited items have become final orders. If the consultant has reason to believe there are citations that have not become final orders, the Regional Consultation Manager must contact the Regional Compliance Manager to determine the employer's status.

Under most circumstances, an on-site consultation visit will only be conducted after a citation becomes a final order. The Regional Consultation Manager, after consulting with the Regional Compliance Manager, must seek pre-approval from the Statewide Consultation Manager before conducting any on-site visit during an appeal period.

D. 2. Consultation Visit in Progress. For conditions covered by the employer's request for consultation, an on-site consultation visit is considered in progress from the beginning of the opening conference through the end of the correction due dates, or approved extensions. For conditions not covered by the employer's request, the consultation visit is only considered in progress while the consultant is at the worksite.

- a. **On-site Consultation Visit Priority.** An in progress consultation visit has priority over DOSH compliance programmed inspections.
- b. **On-site Consultation Visits and Enforcement.** An employer's worksite cannot be subject to concurrent consultation and enforcement-related visits.

- c. **Full Service On-site Consultation Visits.** While a worksite is undergoing a full service on-site consultation visit for safety and/or health, programmed enforcement activity may not occur.
- d. **Full Service Safety or Health On-site Consultation Visits.** An on-site in progress consultation visit is discipline related, whether safety or health. Scheduled enforcement activity may proceed for the discipline that did not have a full service visit once the in progress status is complete. The discipline that received a full-service visit, safety and/or health, cannot have scheduled enforcement activity until 12 months after the end of the in progress status is completed.
- e. **Limited Service On-site Consultation, Follow-up, and/or Training and Assistance Visits.** If a worksite is undergoing a limited service on-site consultation visit, follow-up visit, and/or training and assistance, whether focused on a particular type of work process or a hazard, programmed enforcement activity may not proceed while the consultant is at the worksite. Scheduled enforcement activity must be limited only to those areas that were not addressed by the scope of the consultation visit.
- f. **Suspension of On-site Consultation Visits.** An in progress on-site consultation visit is suspended when compliance initiates any of the following unprogrammed inspections:
 - Complaint, referral, follow-up or monitoring inspections to be conducted while a worksite is undergoing an on-site consultation visit, will not be deferred; however, the scope will be limited only to those areas required to be covered by the complaint, referral, follow-up or monitoring inspection. In these instances, the consultant must halt the on-site visit until the enforcement inspection has been completed. In the event compliance issues a citation as a result of these inspections, the on-site consultation visit may not proceed regarding the newly cited items until they have become a final order. The employer must be advised.
 - For imminent danger, fatality/catastrophe, or accident investigations, the DOSH Consultant must suspend the on-site visit until the compliance inspection is completed. A comprehensive compliance inspection may not be conducted unless the situation is discussed with the Regional Consultation Manager. The employer must be advised.
- g. **Hazard Verification.** The abatement of all hazards identified during the consultation visit must continue to be verified through the agreed-upon hazard correction period.
 - When the consultation visit is interrupted before the written report has been sent, the employer must be informed of their responsibility to fix hazards identified by the agreed upon abatement date via a cover letter. The letter should also explain that the consultant will not be able to return to the worksite until the enforcement inspection is a final order.

- When the enforcement inspection occurs after the written report has been issued, then the consultant must contact the employer via letter, email, or phone call to inform them of their responsibilities. The employer is required to continue to abate all hazards by the agreed upon abatement date and that the consultant will not be able to return until the enforcement inspection is a final order.
- Documentation of all notifications must be in the file.

D. 3. Multi-Employer Worksite. If a programmed inspection is scheduled for a multi-employer worksite, such as a construction site, the following guidelines apply.

- a. If a general contractor has invited a DOSH consultant on site, the consultant is considered on site with respect to the entire worksite.
- b. If a DOSH Consultant is invited on-site by one of the subcontractors and the scope of the Consultant's visit is limited to the operations of that one subcontractor, the programmed compliance inspection of the entire worksite should be conducted. However, the subcontractor who invited the DOSH Consultant to visit will be excluded from the scope of the programmed compliance inspection. (See Chapter 4, Section B.1.g. for more information).

D. 4. Deferral from Scheduled Inspections. Employers requesting an on-site consultation visit will be deferred from a scheduled inspection as follows.

- An employer, who requests a consultation, will be deferred from a scheduled inspection. The number of days from the request date to opening conference cannot be more than 90 calendar days. There can be no extension of the number of days. If the 90 days lapses prior to opening conference then the employer must be taken off the scheduled visit list and be available for compliance inspections.
- An employer in a fixed industry who has received a full-service DOSH safety or hygiene consultation visit is deferred from scheduled inspections within the same discipline as the full-service visit (safety, health or both) at that worksite for the next **12** months. This does not include other worksites of the same employer, construction sites, or employers who received a limited service on-site consultation visit. See Chapter 2, Section B, in this manual.
- If the employer withdraws their request for an on-site consultation visit (after receiving a deferral) then the consultant must return the employer to the scheduled inspection list.

See the *DOSH Compliance Manual* for more information on the relationship between consultation visits and compliance inspections.

E. CONDUCT OF THE ON-SITE CONSULTATION

- E. 1. Entry of the Workplace.** The DOSH Consultant must enter the establishment with an attitude reflecting a professional, balanced, and thorough concern for safety and health.
- E. 2. Presenting Credentials.** Upon arrival at the worksite, the DOSH Consultant must introduce themselves, and produce identification such as a business card, State employee I.D., etc., which at a minimum, identifies the Consultant's name, employer, and place of employment. The Consultant will make clear that they are a representative of the Consultation Program, state the reason for the visit, and ask for the person who requested the on-site consultation.
- E. 3. Opening Conference.** The first phase of the on-site visit is the opening conference. The conference establishes a clear understanding of the purpose of the visit and its procedures. It provides an opportunity to gain the employer's trust, and allows the DOSH Consultant an opportunity to confirm the scope of the visit and to review the terms of the visit with the employer. The Consultant must cover the following information during the opening conference:
- a. Introductions.** The Consultant must identify themselves and anyone else in the party. The employer, other company representatives, and employees must be identified and their names recorded in the official file notes.
 - b. Scope of Visit.** The scope of the visit must be discussed with the employer and any employee representatives of affected employees based on the type of visit (e.g., full service or limited service) the employer has requested. The employer retains the right to expand or reduce the scope of the visit. The DOSH Consultant must complete the *Safety and Health Program Assessment Worksheet (DOSH Form 16)* for all full service consultations. In addition, Consultants must fill out the worksheet to the extent possible, for all limited service visits (refer to Chapter 6, section D, for form completion requirements).
 - c. DOSH Compliance Inspection in Progress.** The DOSH Consultant must ask the employer whether a DOSH compliance inspection is in progress or has recently been conducted. If an inspection is in progress, the Consultant must determine the scope (comprehensive or partial) and type of inspection (programmed or unprogrammed such as complaint, referral or accident). If appropriate, the Consultant will explain that such an inspection takes priority over an on-site consultation visit, explain when a consultation visit could be rescheduled, and terminate the visit. *See Section D.1.a., of this chapter*, for a definition of when a compliance inspection is considered to be in progress.

- d. **Required Information – Employer’s Obligations and Rights.** The DOSH Consultant must discuss the employer’s obligations and rights, and employee participation requirements outlined in Chapter 2, which the employer must agree to in order for the consultation visit to continue. This includes the requirement to immediately correct any imminent danger situations, and correct serious hazards by the established correction date or approved extension, to prevent a referral to DOSH Compliance. The Consultation Visit Checklist must be used to verify that required information is provided to the employer. *See Appendix 5-A, Consultation Visit Checklist*, in this chapter.
- e. **Evaluating Employer’s Injury and Illness Rates.** The consultant must review and keep the employer’s current OSHA 300 Log and the previous three years of OSHA 300 logs and OSHA 300A Summaries to identify trends and calculate the employer’s rates. The current year will most likely be a partial year. The consultant must calculate the rates, compare them to the national average for the employer’s NAICS code, and inform the employer of the results. *See Appendix 6-A for instructions on calculating injury and illness rates.*

The Consultant must keep a copy of the Log and Summary in the case file. The most current and complete year of data must be entered into the WIN system for initial full and limited-service visits.

Employers that are exempt from DOSH recordkeeping regulations include those who do not exceed more than 10 employees at any time during a calendar year for all of their establishments combined, or are in one of the industries identified as exempt. *See Appendix 5-C, Recordkeeping Exemptions*, in this chapter.

NOTE: Consultants are also expected to review claims data for all employers.

- f. **Information on DOSH Compliance.** The DOSH Consultant must fully explain the relationship between the DOSH Consultation and Compliance Programs as follows:
 - (1) **Shared Purpose.** The purpose of both the Consultation Program (voluntary compliance) and the Compliance Program is to “assure, insofar as may be reasonably possible, safe and healthful working conditions for every man and woman working in the state of Washington” (RCW 49.17.010). Both programs are administered through the Division of Occupational Safety and Health Services within the Department of Labor and Industries. The programs function independently, although staff of both programs are encouraged to work together when appropriate to achieve the Division’s mission to assure worker safety and health.

(2) Limited Compliance Access to Consultation information.

Under no circumstances will DOSH Compliance Officers be given direct access to consultation files. Although RCW 49.17.250(3) gives the Department statutory authority to “take into consideration any information obtained during the consultation visit...in determining the nature of an alleged violation and the amount of penalties to be assessed, if any,” such consideration can normally result only if the employer voluntarily shares the information with the DOSH Compliance Officer.

In no case will a consultation visit initiate compliance action, nor will it be used to determine the scope or subject of a compliance visit. However, follow the guidance in *Chapter 8, Section F.4., Referral to DOSH Compliance*, when the employer fails to correct a serious hazard or imminent danger situation. Only in circumstances where the Compliance Officer has information clearly suggesting that an employer may not be relating to the Department in good faith, will the Regional Consultation Manager or Supervisor make information available that would otherwise be found only in the consultation files.

The DOSH Regional Compliance Manager will request the specific information needed from the DOSH Regional Consultation Manager or Supervisor, who will review the file and provide pertinent information to the Regional Compliance Manager. In the event of a disagreement between Regional Consultation and Compliance about whether information should be shared, the Statewide Program Managers for Consultation and Compliance will determine what information will be shared with Compliance.

- (3) Subsequent Inspection.** There may be cases where an employer has relied on the advice of a DOSH Consultant to correct a hazard, but in a subsequent compliance inspection, the Compliance Officer finds that a hazard still exists. The DOSH Compliance Officer must follow the procedures in the DOSH Compliance Manual to evaluate the situation before making a determination whether to issue a citation. The Compliance Officer will attempt to substantiate previous guidance given to the employer by the Department. Any good faith effort by the employer to correct hazards identified by the Consultant will be taken into account. If the employer chooses to provide the Compliance Officer with a copy of an on-site visit report, it can be used by Compliance to determine the employer’s “good faith” for purposes of adjusting any assessed penalties, as well as determining the scope of the inspection.

- g. Explanation of the Hazard Assessment Process.** The DOSH Consultant will explain to the employer what will occur during the hazard and program assessment process following the opening conference. The Consultant will discuss the use of DOSH Form 16 to acquaint management (and, preferably, an employee representative) with the elements of a safety and health program. The employer's safety and health systems and practices will be discussed and supporting documents gathered. This discussion enables all parties to speak the same language and helps the Consultant determine the current complexity and formality of the employer's program.

The Consultant should remind the employer that employee interviews are required for all consultation visits. Frontline employees involved in the actual processes, or production tasks, are selected for interviews in order to properly access hazards and verify aspects of the safety and health program. The Consultant should explain that these interviews will not be held without the employee's permission and will include questions about training, documented/prescribed work practices, PPE and hazards to which the employee may be exposed. The Safety and Health Program Assessment Worksheet (DOSH Form 16) is available on the DOSH Intranet.

- h. Hygiene Consultations.** During a Hygiene Consultation or, as appropriate, during a safety consultation when evaluating a potential health hazard, DOSH consultants must briefly examine all health-related workplace records pertinent to the inspection. If a detailed review is necessary, consultants may wish to proceed with the initial walkaround and return later to examine records more thoroughly. Many valuable insights can be obtained from a records review, including:

- Symptomatology which may relate to workplace exposure
- Medical surveillance records
- Frequency of injuries, illnesses or diseases
- Dermatitis
- Personal protective equipment usage
- Monitoring data
- Audiometric test results
- Ventilation tests
- Process flow charts

A list of hazardous raw, intermediate, and final product materials. In some facilities, sampling for obvious health hazards can be initiated soon after the opening conference. Details of the walkaround can be accomplished while collecting samples.

- i. Explanation of the Closing Conference Process.** The closing conference process must also be explained at this time.

- E. 4. Site Walkaround.** During this phase of the on-site process, the DOSH Consultant must become familiar with plant processes through collecting information on hazards, observing employee activities, conducting interviews, and offering advice on hazard control or elimination as appropriate.

All field notes, observations, results of analyses, interview statements and other written documentation, as well as photographs, negatives, video or audiotapes, sketches, and hazard descriptions are part of the survey record and must be retained in the official file.

Consultants must take adequate, readable field notes, and include them in the official file. They are necessary to preparing the report and a valuable source of information if questions arise concerning the visit.

- a. Safety and Health Program Assessment.** The primary purpose of program assistance is to promote the improvement of safety and health systems. *See Chapter 6, Safety and Health Program Assessment*, for detailed instructions on conducting the assessment and completing DOSH Form 16. The DOSH Consultant must review the employer's Accident Prevention Program (APP) during this phase of the on-site visit (**required for both full service and limited service consultations**).
- b. Hazard Assessment.** A safety and health program provides systematic policies, procedures, and practices which address continued hazard control. During the walk through, the Consultant should consider how each hazard observed could have been prevented or corrected by appropriate elements of the safety and health program and should be prepared to explain how to improve the program so that the same or similar hazards will not occur. The hazards must be referenced to applicable safety and health program elements.

EXAMPLE: Lack of a machine guard may indicate a need for development of, or improvement in:

- Rule development and enforcement by supervisors (Management Leadership).
 - Positive attitude toward safety (Employee Involvement).
 - Job hazard analysis (Worksite Analysis).
 - Attention to guards as part of equipment maintenance (Hazard Prevention).
 - Safety interlocks integrated into machine design (Hazard Control).
 - Employee training in the use of machine guards (S&H Training)
 - Self-inspection
-

- (1) Imminent Danger.** If an imminent danger exists, the Consultant must immediately inform the employer and all exposed employees. The employer must remove the employees from exposure immediately.
- (2) Failure to Correct Imminent Danger.** If the employer does not correct the imminent danger hazard or remove exposed employees, the Consultant must issue an Order of Immediate Restraint (and a Red Tag, if machinery or

equipment is involved) and must promptly refer the case with all relevant information to the Regional Consultation Manager. The Consultant must communicate that the employer has declined to correct the hazard in question and recommend that appropriate action be taken.

- (3) Identifying Hazards and Potential Hazards.** The Consultant must document as much information as necessary to establish the specific characteristics of each identified hazard or potential hazard. Hazards must be brought to the attention of the employer or employer representative and any employee representative at the time they are recorded. *Refer to the DOSH Compliance Manual, Chapter 5, for detailed information on how to classify hazards as either serious or general.*
- (a)** Describe the observed hazardous conditions or practices, i.e., the facts that constitute a hazardous condition, operation or practice, and the essential facts as to how a standard is violated. Specifically, identify the hazard(s) to which employees have been or could be exposed and the relationship of each hazard to the appropriate safety and health program element(s).
- (b)** Describe the type of accident which could reasonably be predicted to result from each identified hazard. Identify the name and exposure level of any contaminant or harmful physical agent to which employees are, have been, or could be exposed. If more than one type of accident or exposure could reasonably be predicted to occur, describe the one which would result in the most serious injury or illness.

NOTE: Consultants must encourage employers to abate all serious hazards at the time of the consultation visit, if immediate correction is feasible.

- (4) Work Processes.** Observe and comment on work processes, methods, and procedures.
- (5) Employee Exposure Not Observed.** If employee exposure is not observed, describe what could occur in the event of employee exposure.
- (6) Interim Protection.** Indicate in the official file notes whether interim protection is required, the nature of the interim protection, and the date the interim protection will be in place.
- (7) Hazards Corrected on the Spot.** If the employer or the employer's representative is able to correct the hazard "on the spot," note the hazard and the correction method in the official file notes.
- (8) Referrals.** Note potential health/safety problems for referral to a respective health/safety DOSH Consultant. If a Consultant identifies a hazard not within their specific expertise, they must refer the hazard to another Consultant with that specific expertise.

c. Hazard Correction Assistance. DOSH Consultants must offer appropriate correction assistance, within their level of training and experience, as to how workplace hazards might be eliminated. If additional technical expertise is needed, the Consultant must discuss the situation with the Regional Consultation Manager or Supervisor. The information should provide guidance to the employer in developing acceptable correction methods or in seeking other appropriate professional assistance.

(1) Type of Assistance. The type of assistance provided to the employer will depend on the needs of the employer and the complexity of the hazard. Where standards specify correction methods, such as guarding of belts and pulleys, the DOSH Consultant must ensure that the employer is aware of the specifications. For more complex problems, the Consultant must offer information on types of controls and procedures commonly used to correct the hazard. More than one alternative method should be provided whenever possible.

(2) Disclaimer. The DOSH Consultant must inform the employer of the following:

- The employer is responsible for selecting and carrying out an appropriate correction method.
- The methods explained may not be effective in all cases.
- The employer is not limited to the correction methods suggested by the Consultant.
- The advice of the Consultant and the written report are not binding on a Compliance Officer. See E.3.f.(3), *Subsequent Inspection*, in this chapter.

d. Interviews. Assessment requires talking with managers, supervisors and employees. Employee interviews are required for all consultation visits. If employees are not available for an interview during the on-site visit, the consultant must schedule an additional time to meet with the employee(s). The DOSH Consultant may need privacy to conduct the interviews and/or to make notes. To preserve confidentiality, it is not necessary to record names or other potentially identifying background information. See *Appendix 5-B* for sample interview questions.

Determining a representative number of employees to confer with is dependent on multiple factors including, but not limited to the following:

- Scope of the employer's request for the consultation visit;
- Observations made during the walkthrough;
- Nature of the business and the complexity of the operations or processes;
- Number of employees at the workplace;
- Number of work shifts;
- Most hazardous area of the workplace; and
- Type of employee positions.

- e. **Training and Assistance.** Training and assistance services may be delivered during the visit. Training should be based on findings of the workplace assessment. *See Chapter 9, Section B, On-site Training and Assistance*, in this manual.
- f. **Industrial Hygiene Sampling.** Using information collected during the walkaround and from the pre-visit review, the industrial hygiene consultant will determine as early as possible whether sampling, such as but not limited to noise sampling, air sampling, and surface sampling, is required. The consultant will select and use appropriate methods to evaluate employee exposures, including estimation, professional judgement, screening instruments and full shift sampling. The industrial hygiene consultant will make every effort to conduct such evaluations during the initial walkaround, or promptly thereafter.

When sampling cannot be completed within 30 days of the opening conference, the consultant will complete the consultation with the information gathered up to that point and conduct the sampling in a follow-up consultation. Follow-up visits can only be generated in WIN if the original visit contained hazards. If the initial visit resulted in a No Hazard Report then a new visit must be opened and the initial visit number must be referenced in the report.

g. Best practices to avoid sampling delays.

- a. Ask the following questions at intake stage:
 - Ask about possible noise or air contaminant exposures, e.g. stainless steel welding, dust, lead, solvents, asbestos, nitrous oxide, isocyanates, silica, ventilation, air flow measurements?
 - Ask about scheduling or timing of operations where above exposures occur. If possible, tentatively set date for sampling after initial walk around to get it on the calendar at this stage.
 - Ask the number of employees are involved (to identify needs for equipment and sampling media)?
- b. Take direct reading instruments on initial walk through (as appropriate for the industry being visited) e.g., sound level meter.
 - Temp/humidity
 - Drager tubes
 - Photoionization detector
 - Bulk sample jars or bags
 - Wipe sample kits
 - Lead check sticks
 - Direct reading dust monitor
 - Carbon monoxide detector
 - Light meter

E. 5. Closing Conference. This is normally the final phase of the on-site activity; however, in rare instances, a closing conference may be conducted virtually with supervisor approval. There may be more than one closing conference (safety and health). The DOSH Consultant must encourage the employer to invite employee participation in the closing conference

- a. Hazards Identified.** The Consultant must discuss any hazards identified with the employer, and how a safety and health program would address and assure their continued control.
- b. Hazard Correction Assistance.** Along with a discussion of hazards observed, the Consultant must discuss standards violated, the classification of hazards, possible solutions, and correction dates for serious hazards. The Consultant must discuss other sources of hazard correction assistance, such as the use of private consultants, the employer's insurance company, or possible in-house expertise.
- c. Reporting Correction of Hazards.** The Consultant must explain to the employer the process of reporting hazard corrections by the agreed dates. The correction due dates must be the shortest interval within which an employer can reasonably be expected to correct the hazard. *See Chapter 8, Ensuring Safety and Health Hazard Abatement*, in this manual.
- d. Safety and Health Program Assessment Findings.** The Consultant must complete the Safety and Health Program Assessment Worksheet (DOSH Form 16) for all full service consultations. In addition, consultants must fill out the worksheet (DOSH Form 16) to the extent possible, for all limited service visits.

The Consultant must explain why any aspect of the workplace safety and health program needs improvement, and utilize the DOSH Form 16 as a reference. The Consultant should explain to the employer that employee involvement is key to the implementation of a safety and health program and encourage their participation. A completed copy of DOSH Form 16 must be included with the employer's written report.

- e. Safety and Health Program Improvement Plan.** When the Consultant and employer agree that comprehensive implementation, or improvement of a nonexistent or minimal program, will require considerable time and further visits, they may agree to establish a multi-step program assistance plan. Upon approval from the Regional Consultation Manager or Supervisor, reviewable goals and timetables based upon program indicators should be developed.
- f. Additional Training Needed.** The Consultant and employer must discuss recommendations for additional training. If the employer makes the request, the Consultant may assist in developing a training plan. The Consultant will, where appropriate:

- Assist employer with identifying in-house resources to conduct training.
 - Provide training resources that may include web based trainings and information on contacting third party consultants that could assist the employer with future training needs.
 - Inform the employer that additional trainings may be provided by DOSH Consultation and they should schedule the required trainings as part of the training plan.
- g. Copies of Forms and Publications.** The Consultant must ensure that the employer has copies of required posters and access to appropriate standards. The employer should be given example documents, forms and procedures for recommended activities. Examples might include forms for employee notification of safety problems, job-hazard analysis procedures, self-inspection procedures and self-inspection report forms.
- h. Written Report to the Employer.** The Consultant must review the content and timetable of the written report.
- i. Sampling Results.** The Consultant must explain that the outcome of industrial hygiene sampling analyses, other than direct readings, will be provided at a later date when the results are available.
- j. Sampling that could not be completed.** The Consultant must explain employer operations that require sampling but could not be completed during the initial visit in the report. The employer will be informed of the standards requiring the sampling, and the option to have sampling done in a follow-up visit or to use other services, the next time the operation occurs. The consultant will review applicable interim protection with the employer.
- E. 6. Consultation Visit Checklist.** The consultation checklist in *Appendix 5-A* is required for all consultants to use. This ensures the consultant is covering all required elements of a consultation. The consultant can also use additional lists to assist in documenting items covered during the consultation.

APPENDIX 5-A

Consultation Visit Checklist

Company:	Date:	Time:
Contact(s):	Union Shop:	Employee count:
Email(s):	Phone number(s):	
Visit #:	Type of Visit:	
ITEMS REQUIRED TO BE COVERED		
1	Identification and business cards, record names of participants and job positions.	
2	Union Rep offered to participate. If unable to participate, but would like a copy of report and findings, they must request that information from the employer due to confidentiality.	
3	Determine if a compliance visit is in progress or recently conducted.	
4	Confirm type of visit: full service, limited, follow-up, or training. Explain difference if necessary.	
5	Report is confidential; ER may share report and/or IH data with compliance.	
6	ER has the right to modify the scope or terminate the visit.	
7	ER must agree to confidential EE interviews.	
8	Determine the number of EE's.	
9	Hazards will need to be fixed: serious within reasonable time, imminent danger immediately.	
10	Uncorrected serious or imminent danger hazards are referred to DOSH compliance.	
11	Hazards observed outside scope of visit must also be corrected.	
12	Ensure ER representative has the authority to commit resources to correct hazards.	
13	APP and other applicable programs must be reviewed if available.	
14	OSHA 300/300A for the most current complete year and OSHA 300 for current year.	
15	Identify required PPE for walk-through.	
16	Get permission to take video or pictures.	
17	Review Injury Cost Profile (ICP) and Employer Profile if not self-insured	
18	Explain walk-through, and begin.	
19	Identify items that need correction during walk around.	
20	Conduct Closing conference.	
21	If samples were taken, inform ER of the results (in some instances this may be a later date).	
22	Explain the written report: hazards, findings & recommendations, correction form, extensions.	
23	Explain Form 16 contents, recommendations	

24	If a compliance inspection occurs, the inspector is not bound by the consultant's advice.	
25	Posting requirement for the written report.	
26	Additional resources: risk mgmt., ergonomics, return to work, posters, workshops, standards	
27	Promote START and/or VPP	
28	Promote Website; explain how to access rules, templates, and training resources.	
29	Promote Risk Management Consultation and provide contact information.	
30	Ask if employer has any questions and close	

PROGRAMS REVIEWED			
	Accident Prevention Program (APP)		Exposure Control Plan (Bloodborne Pathogens)
	Energy Control (Lockout/Tag out)		Confined Spaces
	Personal Protective Equipment (PPE)		Emergency Action Plan
	Chemical Hazard Communication Program		Emergency Response Plan
	Hearing Protection Program		Respirator Program
	Fall Protection Plan		Infectious Diseases Prevention
	Hazardous Materials: Silica, Lead, Hexavalent Chromium, Asbestos		Agriculture Standard Requirements
	Electrical Rules		Machine Guarding
	Other		Other

OPENING MEETING ATTENDEES:

NOTES

APPENDIX 5-B

INTERVIEW QUESTIONS

- A. **INTERVIEW QUESTIONS.** These questions are intended for use by the DOSH Consultant as an interviewing tool to help determine an organization's effectiveness in managing safety and health in the workplace. If at all possible, be sure you are in a quiet, comfortable and private area. Explain your purpose in being at the site and in conducting the interview. You may wish to ask questions about position, work shift and length of employment, to establish the context of the individual's response, but to preserve confidentiality, it is not necessary to record names or other potentially identifying background information. Be sure to request any documentation or written policy and procedure that may support supervisory or management statements.
- B. **EMPLOYEE QUESTIONS.**
1. **Background.**
 - a. What is your job here?
 - b. How long have you worked here?
 2. **Management Commitment and Employee Participation.**
 - a. Is there a policy here regarding employee safety and health? If so, can you tell me in your own words what it is or tell me where to find it?
 - b. How important is employee safety and health protection to management in this company? What have you seen or heard that leads you to this conclusion?
 - c. Are you aware of any safety or health goals that have been set for your organization recently? If so, do you know how they will be achieved?
 - d. Does management set a good example when it comes to doing things in a safe and healthy way? What (else) does top management do to demonstrate interest in worker safety and health? Is it enough? If not, what do you think should be done?
 - e. What are your responsibilities for safety and health in your job? How were you made aware of these responsibilities?
 - f. What happens to employees when safety or health responsibilities are not met, or safety or health rules are not followed? Have you or anyone you know ever been disciplined for not following safety or health procedures? Have you or anyone you know ever been rewarded or reinforced for following safety or health procedures or working in a safe and healthy way?
 - g. How easy is it to get rid of a safety or health hazard? Give an example.
 - h. What happens when a safety or health goal is not reached?
 - i. Have you ever participated in an evaluation of your company's safety and health program? If so, can you explain how the review process works?

APPENDIX 5-B INTERVIEW QUESTIONS (Continued)

3. **Worksite Analysis.**

- a. Are periodic walkthroughs done of your worksite to identify potential safety or health hazards? If so, who does them? Do you think they know what to look for?
- b. Is there a system in place that allows for identification of potential hazards with new equipment, processes, facilities or materials before they are introduced to the worksite?
- c. Have you ever discovered a safety or health hazard? If so, what did you do about it? What would you do about it now? Would you feel comfortable bringing a safety or health hazard to the attention of management?
- d. What usually happens after a safety incident or accident? Is the most likely cause usually identified? Can you give an example?

4. **Hazard Prevention and Control.**

- a. Are there procedures available to keep you working safely? If so, do you follow them? If not, why not?
- b. Are there any hazardous substances around your work area? If so, how are you protected from them? Do you feel this is adequate?
- c. Is the facility usually kept clean? Is management concerned with cleanliness?
- d. Is maintenance performed regularly on equipment? Facilities? Tools? If you perform any maintenance, is there a set of instructions you use?
- e. Have you been informed of what to do in certain types of emergencies? How was this information relayed to you?
- f. Is there a medical or first aid program here? If so, how does it work?

5. **Safety and Health Training.**

- a. What type of safety and health training did you receive when you first started in your current position? Do you feel it was adequate? If not, what did you do about it?
- b. Do you receive ongoing safety and health training? When, what, and by whom? Do you feel you have all the training and information you need to perform your job safely?
- c. What do you think your company does well regarding safety and health? Where do you think it could improve?

APPENDIX 5-B INTERVIEW QUESTIONS (Continued)

C. SUPERVISOR QUESTIONS.

1. Background.

- a.** What is your job here?
- b.** How long have you worked here?

2. Management Commitment and Employee Participation.

- a.** Are you familiar with the DOSH requirements that affect your work area?
- b.** Is there a policy regarding employee safety and health? If so, can you tell me what it is and where I can find it?
- c.** Are you aware of, or have you participated in establishing any safety or health goals that have been set for your organization recently? If so, do you know how they will be achieved?
- d.** How are you held accountable for safety and health in your area? Does your performance evaluation include safety and health issues?
- e.** What are the safety or health responsibilities of your subordinates? How are they informed of these responsibilities? How do you involve employees in the prevention of injuries in the workplace?
- f.** How often do you spend time observing employees' work practices?
- g.** Do you include safety and health issues as part of your subordinates' performance evaluations? How do you assess their performance?
- h.** What happens to employees when safety or health responsibilities are not met, or safety or health rules are not followed?
- i.** Have you ever disciplined or fired an employee for not following safety or health procedures or for violating a safety or health rule?
- j.** Is there a system in place for rewarding or reinforcing employees for following safety or health procedures, or working in a safe and healthy way? Have you ever used it?
- k.** Have you ever participated in an evaluation of your organization's safety and health program? If so, can you explain how the review process works?
- l.** Do you feel you get adequate support from upper management for dealing with safety and health issues?

APPENDIX 5-B INTERVIEW QUESTIONS (Continued)

3. Worksite Analysis.

- a.** Are periodic walkthroughs done of your worksite to identify potential safety or health hazards? If so, who does them? How often? How do they know what to look for?
- b.** Is there a system in place that allows for identification of potential hazards with new equipment, processes, facilities or materials before they are introduced to the worksite?
- c.** What is the procedure once a safety or health hazard or concern has been identified?
- d.** Do you feel your subordinates would be comfortable bringing a safety or health hazard to your attention? Give an example. How was it resolved?
- e.** Are you aware of the types and locations of any accidents that are or may be occurring? How do you get this information?
- f.** What is the procedure after a safety incident or accident has occurred? Is the most likely cause usually identified? Can you give an example?

4. Hazard Prevention and Control.

- a.** Are there procedures in place to help employees work safely? Are they followed? How do you make this determination?
- b.** Are there any hazardous substances around your work area? If so, how are employees protected from them? Do you feel this is adequate?
- c.** Is maintenance performed regularly on equipment? Facilities? Tools? Are procedures in place for regular maintenance activities?
- d.** What are employees responsible for doing in an emergency? How is this information relayed to them?
- e.** Is there a medical or first aid program here? If so, how does it work?

5. Safety and Health Training.

- a.** What type of safety and health training do you provide when employees are first hired or start new jobs? How do you determine their ability to perform their jobs safely?
- b.** Do you provide ongoing safety and health training? When, what, and by whom?
- c.** What do you think your organization does well regarding safety and health? Where do you think it could improve?

APPENDIX 5-B INTERVIEW QUESTIONS (Continued)

D. MANAGEMENT QUESTIONS.

1. Management Commitment and Employee Participation.

- a.** Are you familiar with the DOSH requirements that affect your worksite?
- b.** Is there a policy stating your commitment to employee safety and health? If so, can you tell me what it is and where I can find it?
- c.** Are there safety or health goals that have been set for your organization recently? If so, how do you plan to achieve them?
- d.** What are the safety or health responsibilities of your supervisors? How are they informed of these responsibilities? What resources are provided that will enable them to meet these responsibilities?
- e.** How do you hold supervisors accountable for safety and health in their areas? Are safety and health issues a part of their performance evaluations? How do you assess their performance?
- f.** How often do you spend time meeting with employees about safety and health concerns?
- g.** What happens to supervisors when safety or health responsibilities are not met, or safety or health rules are not followed?
- h.** Have you ever disciplined or fired a supervisor for safety or health procedures not being followed, or for a safety or health requirement not being met in their area?
- i.** Is there a system in place for rewarding or reinforcing employees for following safety or health procedures, or working in a safe and healthy way? Have you ever used it?
- j.** Do you have a system of evaluating your organization's safety and health program? If so, how does the review process work?
- k.** How do you encourage employees to participate in the prevention of injuries in your workplace?

2. Worksite Analysis.

- a.** Is there an information system in place to track trends in injuries? If so, who is responsible for viewing this information and acting on it? Do you request this information?
- b.** Are periodic walkthroughs done of your worksite to identify potential safety or health hazards? If so, who does them? How often? How do they know what to look for?

APPENDIX 5-B INTERVIEW QUESTIONS (Continued)

- c. Is there a system in place that allows for identification of potential hazards with new equipment, processes, facilities or materials before they are introduced to the worksite?
- d. What is the procedure once a safety or health hazard or concern has been identified?
 - Do you feel employees or supervisors would be comfortable bringing a safety or health hazard to your attention? Can you give an example? How was it resolved?
 - What is the procedure after a safety incident or accident has occurred? Is the most likely cause usually identified? Can you give an example?

3. Hazard Prevention and Control.

- a. Are there procedures in place to help employees work safely? Are they followed? How do you make this determination?
- b. Is maintenance performed regularly on equipment? Facilities? Tools? Are procedures in place for regular maintenance activities?
- c. What are employees responsible for doing in an emergency? How is this information relayed to them?
- d. Is there a medical or first aid program here? If so, how does it work?

4. Safety and Health Training.

- a. What resources do you allocate for safety and health training? Can you give an example?
- b. What level of safety and health training is required for your supervisors? How often to they receive training?
- c. What type of safety and health training have you received?
- d. What do you think your organization does well regarding safety and health? Where do you think it could improve?

APPENDIX 5-C APPOINTMENT LETTER

455 Linderson Way, Tumwater, WA 98512

May 06, 2013

First Last, Owner
C WALTER SMITH
ROOFING Contractors, Inc.
P O Box 929
Everett, WA 98206

I am writing to confirm our appointment for a workplace safety and health consultation at 3815 Smith St., Everett, WA 98201 on April 26, 2013 at 10:00 AM.

These are your legal rights and protections:

- Your consultation report is confidential. Although you must share the report with your employees and/or their collective bargaining representatives, we do not make this document public or share it with the Division of Occupational Safety and Health (DOSH) compliance inspectors (except under very limited circumstances, such as when the department is required under subpoena, or if you refuse to correct a serious hazard).
- If, in the future, your workplace is inspected by DOSH compliance, you are not required to tell the inspector about this consultation or share the report. However, certain Occupational Safety and Health standards require access to exposure monitoring results. You must show these to the inspector if requested.
- If I give you specific guidance that you follow, you would not be cited if a DOSH inspector later finds my guidance did not address (or adequately address) a hazard. You would still have to fix the hazard by the correction date assigned by the inspector.

However, it is possible for an inspector to cite you for a hazard not identified during my consultation. This could be because work conditions changed, we had a misunderstanding, or I may have overlooked the hazard. In such cases the inspector would consider any good faith effort by you in determining the penalty.

- You have the right to limit the scope or stop the consultation at any time. You must still correct any serious hazards I have already identified. You also can ask me to look at areas not mentioned in your original request. (However, if I find a serious hazard outside the scope of your request, I will describe it in my report and you must correct it).
- This consultation is free. Our costs are covered by federal and state funding in the public interest.
- I want to remind you that I, as a consultant, do not issue citations or penalties.

APPENDIX 5-C

APPOINTMENT LETTER

(Continued)

These are your obligations:

- You remain legally obligated to provide safe and healthful working conditions for employees while using DOSH's consultation services.
- You must agree to a review of your Accident Prevention Program (APP) to receive an onsite full service consultation. The APP review includes all required written programs such as hazard communication or lock-out/tag-out. I encourage you to agree to this review even if you have requested only a limited service consultation.
- You must provide me with the most recent complete calendar year of your OSHA 300 log and 300A summary, as well as the log for the current year to date, specific to the location I will be visiting. This applies only if you had 11 or more employees the previous calendar year for your entire business in Washington and you are in an industry that is not exempt from keeping these records.
- If I find an imminent danger situation, you must correct the situation immediately or remove employees from the area of danger. Failure to do this would result in an immediate referral to a DOSH Compliance Officer.
- You must fix, by an agreed correction date, any serious hazards I may find during my visit.

Note: I am legally required to verify correction of all serious hazards. You must send me a written certification that you have corrected these hazards. I may also make a short follow-up visit to confirm correction of hazards. Failure to correct serious hazards within the established time frame or any approved extension may result in a referral to DOSH Compliance. You will also be expected to correct general hazards in a timely manner.

- You are required to share the written report that will be issued to you following the consultation, with your employees and/or their collective bargaining representatives as soon as possible, but no more than 30 days from receiving it (RCW 49.17.250(3)).
- If hazards are found during my visit, a list of "Hazards Identified" will accompany the written report. This list of "Hazards Identified" will include a description of the hazard(s) and the date by which we mutually determined that the hazard(s) would be corrected. This "Hazards Identified" list must be posted, unedited, in a prominent location where it is readily observable by all employees for a minimum of 3 working days, keeping it posted until all identified hazards are corrected.

APPENDIX 5-C
APPOINTMENT LETTER
(Continued)

You must encourage your employees to participate in the consultation:

- If a union represents your employees, their union representative must be given the opportunity to participate in the consultation.
- You must give your employees the opportunity to participate in the consultation. We find that it is very effective to have employees help make decisions about how to remove hazards from the workplace.
- I may privately interview some of your employees. I may ask questions about specific equipment or processes. This will help me assess your overall safety program.

I look forward to our upcoming safety and health consultation. If you have any questions, please feel free to contact me.

Sincerely,

WIN CNS2235
Safety Consultant
Phone: (455) 788-4512

CHAPTER 6

SAFETY AND HEALTH PROGRAM ASSESSMENT

A. INTRODUCTION

- A. 1. Safety and Health Programs Produce Results.** The emphasis on safety and health program implementation is based on DOSH's experience with hazard control. The fact that an employer has hazards under control at a particular point in time does not mean that the hazards will continue to be under control and that other hazards will be prevented. Hazard identification in and of itself does not result in a lasting, comprehensive basis for continued elimination of hazards by the employer. Hazards may recur.

A safety and health program incorporates workable policies, procedures, and practices to keep hazards under control and to prevent new hazards from occurring. Safety and health programs, when effectively implemented, empower employers and employees to help keep their workplace free of injury-and-illness causing problems by controlling hazards and improving work practices.

Employee involvement in developing and maintaining safety and health programs improves productivity. Empowering employees improves their self-esteem. Appropriately increasing their responsibilities encourages them to assume more ownership and responsibility. Asking for their help can quickly bring out information that may otherwise require long and costly studies by management. Safety and health programs produce lasting results, since they involve employers and employees in continuous control of hazards and continual review and improvement of worker safety and health.

- A. 2. Safety and Health Program Assessment Worksheet (DOSH Form 16).** The *Form 16 worksheet* is an evaluation tool to assess the employer's safety and health system.

B. ELEMENTS OF A FULLY IMPLEMENTED SAFETY AND HEALTH PROGRAM

- B. 1. Management Leadership and Employee Involvement.** Involvement from management and employees will establish safety and health accountability at all levels. Management should include employees in policy formulation, establishing goals, and program review to achieve employee empowerment.

Employee empowerment gives employees the responsibility to make decisions about their work. It is based on the view that employees know how to do their jobs and can and should be trusted to do so without having to check or get permission for issues that fall outside a narrow realm.

- B. 2. Worksite Analysis.** A thorough analysis of a worksite will identify current and potential hazards. It includes a baseline survey to review work processes and individual potential hazards; management of change (to deal with facilities, equipment, and the physical, economic and regulatory environment); job hazard analysis (written safe operating procedures for specific tasks); a self-inspection program using checklists; a system for reporting hazards; accident and incident investigation; and, analysis of injuries and illnesses.
- B. 3. Hazard Prevention and Control.** Prevention consists of measures such as regular maintenance and housekeeping; emergency planning and preparation; first aid and CPR training; ready access to emergency care; medical surveillance; and may include measures such as preventive health care. Control includes guards, enclosures, locks, protective equipment, safe work procedures (the result of job hazard analysis), and administrative placement or rotation of personnel to minimize hazards.
- B. 4. Safety and Health Training.** Educating all personnel about the hazards they may be exposed to, and the identification, prevention, and control of those hazards must be included in Safety and Health Trainings. Managers and supervisors also need training in program management (e.g., enforcing rules, conducting drills, and accident investigation). Training can demonstrate management commitment and facilitate employee involvement.

C. FLEXIBILITY IN THE APPLICATION OF CRITERIA

- C. 1. Complexity and Formality.** The complexity, formality and degree of documentation needed for a safety and health program will vary considerably with the size of the establishment and the nature of operations. The smaller and less hazardous a business, the less complex, formal and documented the safety and health program will need to be.
- C. 2. Effective in Practice.** The Consultant must determine whether the employer's program is "effective in practice." Three key questions in making this decision are, "Does it work?", "Is it consistently followed and applied?" and "Is it open to review and to change as necessary?"
- C. 3. Written Format.** The employer's safety and health program must be readily available in a written format that can be stored electronically and/or as a hard copy to document accountability and clearly state safety and health policies and objectives. Certain standards require that safe work practices must be reduced to writing. However, these written materials must be communicated to all affected employees, which includes communication to and training of employees. Consideration must be given to ensure that training, and training materials, are understandable to employees with limited English skills, and to employees with disabilities.

D. USE OF FORMS

- D. 1. Form Completion Requirements.** DOSH Form 16 is a required form used to summarize the DOSH Consultants' review and evaluation (assessment) of an employer's safety and health program. Form 16 is not required for construction sites, but the worksheet can be used as an evaluative tool. However, the completion of Form 16 is required when visiting a Construction company's headquarters or fixed location.

During a joint Safety and Health Consultation, the consultants must collaborate on the completion of Form 16. One consultant must complete Form 16 and send to the employer with the written report. The other consultant must reference in the "coverage text box" the consultation visit number associated with Form 16.

Type of Visit	FORM
Initial – <i>Full Service</i>	Form 16
Initial – <i>Limited</i>	Form 16: All relevant elements
Follow-Up	Form 16: Optional
START – <i>Full Service</i>	Form 33
Intervention Activities	Form 66

- D. 2. DOSH Form 16.** DOSH Consultants will use *Form 16* to determine if indicators of a safety and health program are in place, if the program operates effectively, and document how the Consultant made their determination. (DOSH "Form 16" is available on the DOSH Intranet.)

- D. 3. Elements of Form 16.** There are four elements of Form 16:

- (1) Management Leadership/Employee Involvement
- (2) Worksite Analysis
- (3) Hazard Prevention and Control
- (4) Safety and Health Training

Within each of the elements you will assess specific questions and determine the degree of implementation by the employer. Each question evaluates safety and health implementation and together form a comprehensive overview of the Safety and Health Program. The Consultant will be assessing each of these questions to determine the Operational, Managerial, and Cultural health of the organization and apply this to determine effectiveness of the safety and health program.

- a. Criteria.** The form provides space for the DOSH consultant to make observations, suggestions, and other comments. Each question has an option to select for yes, no or needs improvement. Consultants are discouraged from “guessing.” It is critical to have primary source documents, interview notes, and/or observations for all questions.
- b. Worksheet Comments.** Comments are necessary to help your client improve their safety and health program. It is important to remember that anything besides a “yes” indicates that something needs to be improved. The comment section will be used to provide the following information:
- A rationale for the selection of either yes, no or needs improvement
 - Meaningful recommendations on how to meet or improve on a specific element
 - Guidance on which area to prioritize for action
 - Comments for use in completing the safety and health program evaluation portion of the Written Report
- c. Tool for Program Improvement.** A copy of the completed form must be provided with the employer’s written report so that it can be used to improve their program. This will reinforce the efforts that employers and their employees have already made, and will suggest achievable next steps in the facility’s program improvement.

APPENDIX 6-A INJURY/ILLNESS INCIDENCE RATES

Calculating Injury and Illness Incidence Rates

What is an incidence rate?

An incidence rate is the number of recordable injuries and illnesses occurring among a given number of full-time workers (usually 100 full-time workers) over a given period of time (usually one calendar year).

How do you calculate an incidence rate?

You can compute an occupational injury and illness incidence rate for all recordable cases or for cases that involved days away from work for your firm quickly and easily. The formula requires that you follow instructions in paragraph (a) below for the total recordable cases or those in paragraph (b) for cases that involved days away from work, *and* for both rates the instructions in paragraph (c).

- (a) *To find the total number of recordable injury and illnesses that occurred during the year*, count the number of line entries on your OSHA Form 300, or refer to the OSHA Form 300A and sum the entries for columns (G), (H), (I), and (J).
- (b) *To find the total number of non-fatal recordable injuries and illnesses that occurred during the year*, count the number of line entries on your OSHA Form 300, or refer to the OSHA Form 300A and sum the entries for columns (H), (I), and (J).
- (c) *To find the number of injuries and illnesses that involved days away from work*, count the number of line entries on your OSHA Form 300 that received a check mark in column (H), or refer to the entry for column (H) on the OSHA Form 300A.
- (d) *The number of hours all employees actually worked during the year*. Refer to OSHA Form 300A and optional worksheet to calculate this number:

You can compute the incidence rate for all recordable cases of injuries and illnesses using the following formula:

Total number of injuries and illnesses x 200,000 ÷ Number of hours worked by all employees = Total recordable case rate.

(The 200,000 figure in the formula represents the number of hours 100 employees working 40 hours per week, 50 weeks per year would work, and provides the standard base for calculating incidence rates.)

The total ***non-fatal*** recordable case rate is calculated by not including column “G” number of deaths.

You can compute the incidence rate for recordable cases involving days away from work, days of restricted work activity or job transfer (DART) using the following formula:

(Number of entries in column H + Number of entries in column I) x 200,000 ÷ Number of hours worked by all employees = DART incidence rate.

APPENDIX 6-A INJURY/ILLNESS INCIDENCE RATES (Continued)

What can I compare my incidence rate to?

The Bureau of Labor Statistics (BLS) conducts a survey of occupational injuries and illnesses each year and publishes incidence rate data by various classifications (e.g., by industry, by employer size, etc). You can obtain these published data at www.bls.gov/iif.

Injury and Illness Incidence Rates Worksheet

Total number of injuries and illnesses Columns H+I+J				Number of hours worked by all employees		Total non-fatal recordable case rate (TRC)
<input type="text"/>	x	200,000	÷	<input type="text"/>	=	<input type="text"/>
Total of entries in Column H + Column I				Number of hours worked by all employees		DART incidence rate
<input type="text"/>	x	200,000	÷	<input type="text"/>	=	<input type="text"/>

APPENDIX 6-B

Worksheet to Help Estimate Average Number of Employees and Hours Worked by All Employees

(This information should be available on the OSHA 300A Summary.)

How to figure the average number of employees who worked for your establishment during the year:

➊ Add the total number of employees your establishment paid in all pay periods during the year. Include all employees full-time, part-time, temporary, seasonal, salaried, and hourly.	The number of employees paid in all pay periods =	➊ _____
➋ Count the number of pay periods your establishment had during the year. Be sure to include any pay periods when you had no employees.	The number of pay periods during the year =	➋ _____
➌ Divide the number of employees by the number of pay periods.	<div style="text-align: center;"> ➌ _____ = ➍ </div>	➌ _____
➍ Round the answer to the next highest whole number. Write the rounded number in the blank marked <i>Annual average number of employees</i> .	The number rounded =	➍ _____

For example, Acme Construction figured its average employment this way:

For pay period.....	Acme paid this number of employees			
1	10			
2	0		Number of employees paid = 830	➊
3	15			
4	30		Number of pay periods = 26	➋
5	40			
▼	▼			
24	20		$\frac{830}{26} = 31.92$	➌
25	15			
26	+10		31.92 rounds to .32	➍
	830		32 is the annual average number of employees	

APPENDIX 6-B
Worksheet to Help Estimate Average Number of Employees and
Hours Worked by All Employees
(Continued)

How to figure the total hours worked by all employees:

Include hours worked by salaried, hourly, part-time and seasonal workers, as well as hours worked by other workers subject to day to day supervision by your establishment (e.g., temporary help services workers).

Do not include vacation, sick leave, holidays, or any other non-work time, even if employees were paid for it. If your establishment keeps records of only the hours paid or if you have employees who are not paid by the hour, please estimate the hours that the employees actually worked.

If this number isn't available, you can use this optional worksheet to estimate it.

Optional Worksheet

_____	Find the number of full-time employees in your establishment for the year.
X _____	Multiply by the number of work hours for a full-time employee in a year.
_____	This is the number of full-time hours worked.
+ _____	Add the number of any overtime hours as well as the hours worked by other employees (part-time, temporary, seasonal).
_____	Round the answer to the next highest whole number. Write the rounded number in the blank marked, <i>Total hours worked by all employees last year.</i>

CHAPTER 7

WRITTEN SAFETY AND HEALTH CONSULTATION REPORT

A. COVER LETTER

The cover letter, which is included in the written report, should contain the following required information:

- A summary of the employer's request and the scope of the services provided
- For full-service comprehensive visits the Consultant must identify any areas of the site that were not evaluated (an example might be a locked electrical room that was not looked at or a process not evaluated because it wasn't operational.)
- For limited visits, the cover letter must explain, in detail, the specific area or hazard evaluated and programs reviewed.

B. WRITTEN REPORT TO THE EMPLOYER

The Written Report to the employer must be prepared at the conclusion of any initial visit and must include laboratory results, if applicable, of samples submitted for analysis. Visits other than initial visits do not require a written report, but must be concluded with a letter to the employer summarizing the activity. If a follow-up visit is conducted and additional hazards are identified, a new written report is required. The new written report should reference the original consultation visit number.

All written reports must be concise and directed to the specific issues identified during the consultation visit. Any incidental or optional information should be added as an attachment to the case file and referenced in the written report.

The consultation written report contains information considered confidential and because disclosure of such reports would adversely affect the operation of the DOSH Consultation Program, the program does not disclose the Consultant's written report except to the employer for whom it was prepared. RCW 49.17.250(3) states that *"Information obtained by the Department as a result of employer-requested consultation and training services shall be deemed confidential and shall not be open to public inspection."*

In no case other than a referral where an employer has failed to correct hazards will a consultation visit **initiate** enforcement action, nor will it be used to determine the scope or subject of a compliance visit.

B. 1. Timing of the Written Report. The Written Report must be sent to the employer as soon as possible but not longer than 15 calendar days after the closing conference. However, when Industrial Hygiene (IH) sampling has been completed then the report can remain open until the results from the sampling are received. The IH report must then be closed as soon as possible following the analysis of the sampling results.

B. 2. Responsibility for Preparing the Written Report. The Consultant who conducted the initial visit prepares the report. If more than one Consultant in the same discipline participated in the visit, the Consultant to whom the visit was initially assigned is responsible for preparing the written report and seeking input from the other Consultants.

When both disciplines (Safety and Health) are included in the Consultation then a written report must be completed for each discipline. In these instances there will be two separate reports submitted to the employer.

B. 3. Required Elements of the Written Report. Consultants must use the report template provided in the WISHA Information Network (WIN) System.

- **The first page of the report identifies the following:**

- Company Name
- Report Number
- Date of Workplace Visit
- Consultant's Name
- Company and Employee Representatives
- Scope of the services provided
- Summary of employer's request

- **The following sections are included in every report:**

(1) Introduction. The introduction includes a definition of serious and general hazards, employer's responsibilities for reporting corrections to serious hazards, and Department's obligation to verify the correction of any serious hazards.

(2) Hazards Identified. This is a description of all hazards identified during the visit, the classification of the hazard, a correction due date for each serious hazard, the potential effects the uncorrected hazards may have, and recommended methods to eliminate or control the hazard. Interim protection, if needed, is also stated here. If a hazard is corrected on the spot, the report must describe the method used to correct the hazard. All serious hazards are listed first, followed by general hazards.

(3) Evaluation of Safety and Health Programs. This section provides an analysis of the employer's safety and health program utilizing the Safety and Health Program Assessment Worksheet (DOSH Form 16). To avoid duplication, the consultant may direct the reader to comments on the attached Form 16 or vice versa.

- (4) Sampling Data.** When industrial hygiene sampling is conducted, the consultant must include a summary of the results in the Written Report (e.g., exposure levels, exposure limits, any hazards identified, recommended hazard correction measures, applicable OSHA or State Plan standards). The Written Report should also include information such as: sampling dates, duration, description of operation, job classification of employee(s) and personal protective equipment worn, types of sampling and analytical method(s) used, any variable or condition that may have affected the results, exposure limits, and the results. If requested by the employer, the consultant should provide a copy of the sampling sheets and laboratory results. The consultant will use for a summary an appropriate template, such as tables, forms, and charts or narrative format to display results.
- (5) Training Provided.** This section provides a brief summary of any formal or informal training given during an initial visit. The summary must identify the training topic, the audience receiving the training and any recommendations for additional training.
- (6) Other Findings and Recommendations.** In this section the DOSH Consultant must discuss, as appropriate to the scope and findings of the consultation, significant observations, findings or recommendations, including:
- A description of the workplace and the working conditions, if needed for clarity.
 - Items of importance covered in the opening and closing conference.
 - A comparison of the site's DART and TRC rates to the national industry average with a brief explanation of what it means, if applicable or meaningful.
 - Findings, if any, regarding increased claim costs, patterns of injury, etc. that are not subject to DOSH jurisdiction. For example, observations and recommendations regarding employee complaints of specific symptoms for which no recognized hazards could be found, or a discussion of other safety and/or health related state or local government regulations.
- (7) Notice of Obligation.** This section is prefilled and contains information about the Employer's Rights and Obligations located in Chapter 2 of this manual. *See Section A.1., Employer Obligations, and Section A.2., Employer Rights.*
- (8) Applicable Washington Administrative Codes (WACs).** This section is pre-filled in WIN and includes the text of all WACs (serious and general) which were cited during the consultation.

B. 4. Attachments to Written Report. Attachments included with the written report may include but are not limited to:

- A Certification of Hazards Corrected form, for the employer to use when reporting when and how any serious hazards were corrected.
- The results of any hygiene sampling performed at the work site. This attachment may be particularly valuable in situations where exposure records are releasable under specific WAC requirements, because the required sampling data could be provided without surrendering the entire written report.
- A consultation services questionnaire.
- Any publications or training materials that the DOSH Consultant offered to provide.
- Any incidental or optional information, such as claims history, should be added as a report attachment.
- All attachments must be listed in the report.

B. 5. Certification of Hazards Corrected. The DOSH Consultant must ensure that all serious hazards which were identified during a consultation visit are corrected by the employer. When serious hazards were identified but not corrected during the visit, a Certification of Hazards Corrected form must be sent to the employer with the Written Report findings. *See Chapter 8, Section B, Employer Must Submit Certification*, in this manual.

B. 6. Case File. All documents associated with the report must be uploaded into WIN to ensure that Managers, Supervisors and potential Auditors have access to all relevant information when reviewing the report. *See Appendix 7-B for the Case File Order*. At a minimum, each case file must include:

- **Consultation Forms.** All Consultation forms (such as Request Forms, Visit Forms, Checklist, Form 16/33, Hygiene Sampling Forms, etc.), field notes, observations, analyses, OSHA 300 logs and other written documentation gathered prior to and during the hazard survey.
- **Written Report.** The written report discussed in this Chapter.
- **Employer Requests for Abatement Extension.** All requests for abatement extension must be included in the case file. Any extensions to the correction due date (request and response must be in writing) must be documented. The documentation must include an explanation of why correction was not completed in the established time frame and evidence that the employer is safeguarding employees against the hazard with interim protection during the correction. *See Chapter 8, in this Manual*, for additional guidance.
- **Training and Assistance Visits.** Documentation that either a hazard survey was performed by a compliance officer or private consultant within the 12 months preceding the date of the requested training must be included in the file if not associated with an initial or follow-up consultation.

APPENDIX 7-A**LIST OF LETTERS AND REPORTS AVAILABLE THROUGH THE WIN SYSTEM**

(The letters and reports are generated by filling in data fields in the WIN system)

- Appointment Confirmation
- Cover Letter for Employer Report
- Employer Report with No Hazards
- Employer Report with All Abated or General Hazards
- Employer Report with Unabated Hazards
- Certification of Hazards Corrected
- Updated Certification of Hazards Corrected
- Past Due Notice (10 - Day Certification of Hazards Corrected)
- Follow-Up Visit

APPENDIX 7-B

CASE FILE REPORT ORDER TO BE SUBMITTED TO WIN – QA

Consultation Case File Documents

1. **Cover Sheet (generated in WIN)**
2. **Cover letter (contained in written report)** – Ensure that a copy, not green letterhead is included with the case file
3. **Written Report** – Includes Certification of Hazards Corrected form, if applicable, and copies of any additional documents sent to employer such as Updated Certification of Hazards form; Past Due Notices.
4. **Requests for Extensions** – Original (if applicable). Requests must be in writing.
5. **Completed Certification of Hazard Corrected Form** –
 - Original document signed by employer, indicating how hazard(s) were corrected; OR
 - E-mail from employer indicating how hazard(s) were corrected. E-mail must include the item number cited. If employer does not indicate the item number, only verbiage of correction, consultant must indicate item number on document prior to closing; OR
 - Other written document from employer with all the required information as indicated above.
 - Consultant must sign the bottom of the Certification of Hazards Corrected form.
6. **Appointment Confirmation Letter**
7. **Sampling information** – Original, results and field notes
8. **DOSH Form 33/16** – Copy, original to employer (*DOSH Form 33 is used for START and VPP employers; DOSH Form 16 is used for other employers*).
9. **Consultation Check List** – Original
10. **Work Notes, Photos, SDS, etc.** – Original plus any additional documentation relevant to the consultation.
11. **OSHA 300 Log and 300A Summary** – Copy (if applicable) of one complete year of the OSHA 300 Log and 300A Summary plus current year's OSHA 300 Log.

Please secure documents at the left corner with either a large paperclip or binder clip, whichever will hold the documents more securely.

APPENDIX 7-C COVER LETTER

455 Linderson Way, Tumwater, WA 98512

April 28, 2013

First Last, Owner
C WALTER SMITH
ROOFING Contractors Inc
P O Box 929
Everett, WA 98206

RE: 505704882

I have enclosed the findings of your consultation, beginning 4/26/2013 at 3815 Smith St, Everett, WA 98201.

In the enclosed report, you will find a detailed description of my findings and recommendations. You are required to share this report with your employees and/or their collective bargaining representatives as soon as possible, but no more than 30 days from receiving it (RCW 49.17.250(3)).

If hazards were found during my visit, this report will also include a list of “Hazards Identified”, which includes a description of the hazard(s) and the date by which we mutually determined that the hazard(s) would be corrected. This “Hazards Identified” list must be posted, unedited, in a prominent location where it is readily observable by all employees for a minimum of 3 working days, keeping it posted until all identified hazards are corrected.

If you have any questions about this report, or need further assistance, please contact me. For on-line access to our safety and health rules, go to www.lni.wa.gov/safety.

Sincerely,

WIN CNS2235
Safety Consultant
Phone: (455) 788-4512

Attachments:
Report Findings

CHAPTER 8

ENSURING SAFETY AND HEALTH HAZARD ABATEMENT

A. TIMELY ABATEMENT OF SERIOUS HAZARDS

Certification of Hazards Corrected. The DOSH Consultant must ensure that the employer corrects all serious hazards identified during a consultation visit. When serious hazards are not corrected during the visit, a Certification of Hazards Corrected form must be sent to the employer with the Hazard Found Report.

The abatement period must be the shortest interval within which the employer can reasonably be expected to correct the violation. Consultants must use professional judgment to establish the shortest practical abatement date.

The Certification of Hazards Corrected form must be generated from WIN. The form lists the item number, number of instances, and correction due date for each serious hazard(s) found.

The employer must complete the Certification of Hazards Corrected form with the hazard correction date(s), and how each instance was corrected. The employer must submit the completed form to the DOSH Consultant by the abatement due date. The system-generated form includes an instruction sheet that describes how to request an extension if any hazard(s) cannot be corrected by the assigned date.

If the Consultant approves an extension, a new form with new correction dates must be generated in the WIN system and sent to the employer. *See Appendices 8-A and 8-B*, at the end of this chapter for procedures and sample forms.

NOTE: Consultants must encourage employers to abate all serious hazards at the time of the consultation visit, if immediate correction is feasible. Abatement verification is not required for general hazards but consultants must remind employers that they can be cited for general hazards if a subsequent compliance inspection were to occur.

B. EMPLOYER MUST SUBMIT CERTIFICATION

The employer must correct all serious hazards and return the certification form(s) by the abatement due date(s). Hazard abatement verification may be accepted by the DOSH Consultant in a written format that can be stored electronically, or in hard copies. Alternative forms of verification must include the date the hazard/instance was fully corrected, an explanation of what the employer did to correct the hazard/instance, and the employer or employer representative's signature. (Electronic correspondence does not require an employer representative's signature.) Consultants may request additional verification in the form of photos, manuals, receipts, etc. if they feel the abatement in question requires further documentation.

C. REQUESTS FOR EXTENSIONS

An employer may request, and the Consultant may grant, an extension of the abatement date established for the Certification of Hazards Corrected form. The request must be received in a written format that can be stored electronically, or in hard copies. This extension may only be granted when the employer has met all of the following criteria:

- Demonstrated that a good faith effort has been made to correct the hazard within the established time frame
- Shown evidence that correction has not been completed because of factors beyond the employer's reasonable control, and
- Shown evidence that the employer is taking all available interim steps to safeguard affected employees against the hazard during the correction period. Extensions to correction due date(s) will be approved for the shortest reasonable duration, and must be in a written format that can be stored electronically and/or as a hard copy.

Requests for extensions must:

- Be received in writing by either fax, postal or electronic mail.
- Contain the reason(s) why the hazard has not been corrected.
- Contain the number of days needed for the extension; and
- Describe and provide documentation of the interim protection provided to affected employees to protect them from the particular hazard(s).

When a Consultant grants an extension, they must prepare an updated Certification of Hazards Corrected form and send it to the employer. The employer must then post the updated list of hazards for a minimum of 3 working days. All hazards must be corrected before the form can be removed.

For any hazard correction due date, whether initial or extended of 90 days or greater, the Consultant may require the employer to submit a protection plan of action for each serious hazard.

D. INTERIM PROTECTION

Where a serious hazard is identified, and is not immediately corrected in the presence of the Consultant, employers must provide interim protections for affected employees at the worksite while the identified hazards are being corrected. Interim protection includes, but is not limited to, the following:

- D. 1. Engineering Controls.** Engineering controls consist of, but are not limited to, substitution, isolation, ventilation and equipment modification.

- D. 2. Administrative Controls.** Any procedure that significantly limits daily exposure by control or manipulation of the work schedule or manner in which work is performed is considered a means of administrative control. The use of personal protective equipment (PPE) is not considered a means of administrative control.
- D. 3. Work Practice Controls.** Work practice controls are one type of administrative control in which the employer modifies the manner in which the employee performs assigned work. Such modification may result in a reduction of exposure through such methods as changing work procedures, improving sanitation and hygiene practices, or making other changes in the way the employee performs the job.
- D. 4. Personal Protective Equipment (PPE) and/or Clothing.** Providing the proper PPE to all affected employees and training them in the proper selection, use, and maintenance of the required PPE.

E. EMPLOYER ACTION PLAN

- E. 1.** In circumstances where a consultant determines that an identified serious hazard (s) requires a **complex correction solution(s)** that may take more than 90 days to institute, the employer is required to submit an action plan. Circumstances that may require such an action plan may include, but are not limited to the following:
- Extensive redesign requirements (such as the installation of a ventilation system) **and/or**
 - Factors delaying correction that are beyond the employer's control.
- E. 2.** The date for submitting the action plan will be established by the DOSH Consultant. A separate action plan must be submitted for each identified hazard.
- E. 3.** The action plan, where appropriate, should:
- a.** Identify the hazard and steps to be taken to correct it,
 - b.** Outline the anticipated long-term hazard correction procedures,
 - c.** Include milestones (or a schedule) for correcting the hazard, and
 - d.** Include information regarding how affected employees will be protected from the hazard or hazardous condition in the interim until hazard correction is completed.
- E. 4.** The employer must provide written periodic progress reports on the status of the hazard correction process. The employer must submit the initial progress report within **30 calendar days** after submission of the action plan.

F. EMPLOYER CERTIFICATION NOT RECEIVED

If an employer fails to correct a serious hazard or fails to notify the department within the established time frame, the DOSH Consultant must:

- F. 1. Contact Employer.** Contact the employer for abatement status and determine if there needs to be an extension. The employer must submit the extension request in a written format that can be stored electronically or in hard copies (*see Section C in this chapter*).

NOTE: A follow-up visit may also be initiated at any stage of this process, if deemed appropriate by the Regional Consultation Manager or Supervisor (*see Section G in this chapter*).

- F. 2. Past Due Notice Sent by Consultant.** If the employer does not provide adequate justification for an extension, or does not respond to the consultants attempts to contact them, the DOSH Consultant must send the employer a Past Due Notice using the WIN system template. The abatement date listed on the new certification form will either be the original abatement date, or an approved extension date which the employer did not meet. The notice will request a report back from the employer within 10 days, and will state that if serious hazards are not corrected, the case must be referred to DOSH Compliance. *See Appendix 8-A* for a sample of a Past Due Notice of the “Certification of Hazards Corrected”.
- F. 3. Final Action by Consultation – Manager or Supervisor Letter Sent.** If the employer still does not submit verification that the hazards have been corrected, the Regional Consultation Manager or Supervisor will send a certified letter (drafted by the supervisor) summarizing what has occurred, including the date of the consultation visit, abatement due dates, a list of items not abated, any extensions granted, a description of phone contacts with the employer, and the fact that the employer has not responded to the DOSH Consultant’s Past Due Notice. The letter will indicate that if abatement verification is not received within 10 calendar days, a referral to Compliance will be made.
- F. 4. Referral to DOSH Compliance.** If abatement verification is not received, the Regional Consultation Manager or Supervisor must, in collaboration with the Regional Consultation Manager:
- Notify the DOSH Statewide Consultation Manager that a referral is being made to DOSH Compliance.
 - Complete a DOSH Referral Report (F418-045-000), items 1 through 14, 16 and 17, and if appropriate, 18.
 - Make copies of the Referral Report for inclusion in the official consultation file in Tumwater.
 - Meet with the appropriate Regional Compliance Manager or Supervisor to make the referral and to provide a copy of the Referral Report.

G. FOLLOW-UP VISITS

A follow-up visit may be necessary to verify abatement of serious hazards identified by a DOSH Consultant during a previous visit and hazard survey. Follow-up visits are conducted at the discretion of the Regional Consultation Manager or Supervisor. The consultant should contact the employer to schedule the follow-up visit. If the employer does not respond to the Consultant's efforts to schedule a follow-up visit then the Regional Consultation Manager should be notified to determine a course of action.

Follow-up visits are attached to the original visit number in WIN. If the consultant is planning on conducting a follow-up visit then they should not close the original consultation visit in WIN. The option in WIN for a follow-up visit appears within the original consultation visit when hazards have been identified and the report has supervisor approval. A follow-up visit cannot be generated from a no hazard report.

Situations that may require a follow-up visit would include:

- Verification of hazard abatement has not been received, or
- Verification has been received, but the Consultant has reservations about whether actual abatement was completed, or
- Assistance in implementing a safety and health program

The Consultant must send a follow-up letter to the employer after the visit, using the template in the WIN system. The letter generated in WIN relates to the hazard abatement from the original consultation.

When new hazards are identified during a follow-up visit, the Consultant must send the employer a new letter and report identifying the new hazards with abatement dates, using a new visit number. *See Appendix 8-B for a sample "Hazards Corrected" Follow-up Letter.*

APPENDIX 8-A
SUPERVISOR LETTER/ PAST DUE NOTICE – FINAL ACTION
(Not in WIN)
(FOR 10-DAY NOTICE)

LETTERHEAD

[Today's Date]

[Name of Contact]

[Title of Contact]

[Name of Business]

[Address]

[City, State ZIP]

RE: *[Visit Number]*

Dear []:

The Department of Labor and Industries has not received confirmation of abatement from you for the serious hazards found during the *[Visit Date]* Consultation visit conducted by *[Consultant's Name]* at your *[Site Address]* facility. These hazards were to have been corrected by *[Hazard Abatement Date]*.

When confirmation of abatement was not received, *[Consultant's Name]*, DOSH Consultant sent you a notice dated *[Past Due Notice Date]* requesting abatement certification by *[Past Due Notice Date + 10 Days]* and again, no response was received.

We are required by law under RCW 49.17.250 to verify abatement of all serious hazards. We must refer to DOSH Compliance any serious hazards for which we have no record of abatement. This could result in an unannounced inspection, citation and possible fines.

A copy of the Consultant's *[Written Report Date]* report and a duplicate Certification of Hazards Corrected Form (***Note: Use duplicate of certification form sent with Past Due Notice***) is attached for your use. Please indicate the method you used to correct the hazard for each item listed. Please sign and date the form where indicated and mail or fax a copy to me by *[Final Action Date – 10 days from date of this letter]*.

If I do not receive hazard abatement certification from you by [Final Action Date – 10 days from date of this letter], I am required to make a referral to DOSH Compliance for action. No further notice will be sent.

Please call me if you have any questions. Thank you for your immediate attention to this matter.

Sincerely,

[Consultant Supervisor/Manager Name]

[Title]

[Phone]

[FAX]

[E-Mail]
Enclosure

APPENDIX 8-B FOLLOW-UP LETTER

[Today's Date]

*[Name of Contact] [Title of Contact] [Name of Business] [Address]
[City, State ZIP] RE: [Visit Number] Dear [Name]:*

On [date of revisit], I revisited your workplace at [address] to verify that you had corrected the serious hazards identified during my DOSH consultation.

[Optional text field]

Thank you for giving me the opportunity to help you improve the on-the-job safety and health of your employees.

Sincerely,

*[Consultant Name] [Title]
[Phone] [FAX]
[E-Mail]*

CHAPTER 9

TRAINING AND ASSISTANCE

A. INTRODUCTION

- A. 1. Purpose.** Training and assistance from consultants provides valuable tools for employers to develop and implement safety and health systems through the identification and correction of hazards.
- A. 2. Types of Training and Assistance.** Training and assistance may be provided by Consultants during an initial consultation visit, as part of a follow-up visit, or as an Intervention Activity (Form 66).
- a. Informal Training.** Training and assistance, which occurs during the initial visit and typically involves a brief interruption of work to instruct individuals, or small groups, on concepts, techniques, or methods.
 - b. Formal Training.** Training and assistance on a specific subject which is structured, scheduled, and usually takes place in a classroom setting. Formal training sessions are typically longer than informal sessions. These types of trainings may be conducted during the initial visit, but are more likely to occur as a follow-up, or Intervention Activity (Form 66).
 - c. On-site Training.** Informal or formal training and assistance takes place at the employer's place of business.
 - d. Off-site Training.** Formal training which takes place at a location other than the employer's place of business. It is often provided to larger groups of employers and employees such as associations and unions.
 - e. Class Description and Roster of Attendees.** If Formal training and assistance is part of an initial visit, or follow-up, then a brief class description, and roster of attendees, must be included in the case file. If the formal training requires a Form 66 then the class description should be included on the Form 66 in the comment box. A roster of attendees is not required with a Form 66 unless the training is a scheduled workshop coordinated through Education and Outreach Services (EOS). The roster, which is provided by the EOS Workshop Registrar, is returned to the Workshop Registrar within 7 days of the workshop. The consultant must ensure the provided roster is updated to reflect actual attendance.
- A. 3. Safety and Health Consultant Training and Assistance Capabilities.** Consultants need specialized knowledge and skills to provide training and assistance "on demand" during on-site visits, and to present formal training sessions or workshops. See Section D in this chapter for information on Safety and Health Consultant training and assistance skills.

- A. 4. Recording Training and Assistance Time.** Instructions for recording time spent and other data related to training and assistance are located in the WIN Activity Reporting System.

B. ON-SITE TRAINING AND ASSISTANCE

- B. 1. Training during an Initial Visit.** While training and assistance are often a natural part of the consultative process, they should not become the major emphasis of an initial on-site consultation visit. Consultants should help the employer to recognize training needs and assist with the development and implementation of safety and health training.
- a.** Informal on-site training and assistance should complement the Department's formal training and education efforts and any training provided by OSHA, the private sector, or other public agencies.
 - b.** Training and assistance is similar to technical assistance and should be provided to employers, and employees, during an on-site consultation visit when necessary.
- B. 2. Pre-visit Planning.** In preparation for a consultative visit, Safety and Health Consultants should anticipate training and assistance needs and conduct the necessary research in advance to provide incidental or informal instruction.
- B. 3. Examples of Informal Training during Initial Visit.**
- a.** During the site walk around, the Safety and Health Consultant notices that a machine guard has been removed. The Consultant brings attention to the missing machine guard and the employer acknowledges that the removal of guards is a recurring problem at their worksite. The Consultant offers to provide a brief "refresher" session on the purpose, value and use of machine guards. The employer agrees, and asks a small group of employees to stop what they are doing for a few minutes and gather around the machine to watch and to listen to the Consultant's informal training.
 - b.** During the opening conference, the plant manager and supervisors mention that they would like to improve their method of training new employees. The Consultant suggests several methods, and mentions Job Hazard Analysis as an effective, easy-to-use procedure for analyzing a job, determining the best way to perform it, and identifying an employee's training and education needs. When the managers express an interest, the Consultant shows them a Job Hazard Analysis form, discusses how to apply it to new worker training and education, and tells them how to obtain copies of the form and its instructions.

B. 4. On-site Training and Assistance – Not Part of Initial Visit. On-site training and assistance, which is not part of an initial visit, may be conducted as a follow-up visit, or as an intervention activity which would be recorded on Form 66. The employer must have requested or agreed to the training, and a hazard survey that covered the conditions related to the request must have been performed within the last 12 months. A hazard survey may be accepted as a basis for training and assistance if any of the following occurred in the past 12 months:

- A hazard assessment was completed by a DOSH Consultant, DOSH Compliance Officer, or a private consultant, **and**
- The DOSH Consultant has access to the report and is able to confirm that any identified hazards were corrected, or are being corrected, and that no new hazardous conditions exist. If the training and assistance is being recorded on Form 66 as an intervention activity then the Consultant will conduct a brief walk through of the workplace to verify hazard correction, and review current conditions, to determine that no new hazardous conditions exist.

B. 5. Training Documentation.

- a. During the initial Consultation Visit.** If training and assistance services are provided during the initial visit, a summary of the services provided must be included in the written report to the employer. *See Chapter 7, Section B, Written Report to the Employer,* for additional instructions on developing this section of the report.
- b. During a follow-up Consultation Visit.** If training and assistance services are provided during a follow-up visit, the Safety and Health Consultant must place a training syllabus and roster of attendees in the case file. In addition, the Consultant must send a letter to the employer documenting the training. *(See Appendix 9-A for sample letter.)*
- c. As part of an Intervention Activity (Form 66).** Training and Assistance that is not part of a visit must be recorded in WIN using Form 66. A course description and information about the participants, such as class size and type of industry, must be recorded in the comment box.

B. 6. Employer Dependence on DOSH Training Services. Training by Consultants should foster self-sufficiency of an employer's workplace protection programs and enhance their ability to conduct workplace training and education without DOSH intervention. Consultants should always encourage employers to develop their own training programs in order to reduce reliance on consultants and to ensure that training programs are readily available for delivery to new employees and/or for annual employer refresher training.

C. INTERVENTION ACTIVITY REPORT, FORM 66

- C. 1. Intervention Activities.** For the purpose of this chapter, an intervention is defined as DOSH Consultation services or activities delivered to external customers or stakeholders with the ultimate goal of reducing injuries and illnesses. Intervention Activities are outside the scope of an initial or follow-up visit and must be recorded on Form 66.

The Intervention Activity Report, Form 66, is a tool used to record information about specific consultation-related activities that affect external stakeholders in a manner that furthers the DOSH mission. Some examples of intervention activities include conference presentations and technical assistance not related to a specific on-site consultation visit. Form 66 is located in the online WIN Consultation data system.

EXCEPTION: Self Insurance APPA reviews and Right-to-Know may develop into regular Consultation visits. If this occurs, the visit must be documented using the WIN Consultation data system and *must also* be recorded on a Form 66.

- C. 2. Reporting.** All Safety and Health Consultants must report Form 66 activity data. Consultants can enter their Intervention Activity directly into WIN by adding a new Form 66 Intervention.
- C. 3. Consultation Form 66 Activities.** The Consultation Form 66 is used to collect data for the intervention activities listed below whenever performance of any of these activities achieves a threshold of significance. This list may change over time as agency goals and priorities change. A more detailed explanation defining each of the categories below is available in *Appendix 9-B*.

- Conference Seminar
- Formal Training
- Interpretation
- Outreach
- Safety and Health Program Assistance
- Scheduled Workshop
- LEP/NEP
- Campaigns or Stand Downs
- Other

- C.4. Interventions Not Recorded on Form 66.** Data for the following intervention activities is recorded as part of a consultation visit and should not be reported on Form 66.

- Hazard Surveys
- Hazard Correction Assistance
- On-site Safety and Health Program Assistance
- Informal Training Provided On-site
- Off-site Training Associated with a Visit

- C. 5. Reporting Team Interventions.** If more than one Safety and Health Consultant participates in the same intervention, each Consultant must submit a Form 66.

D. TRAINING AND ASSISTANCE SKILLS

D. 1. Skills Required for All Safety and Health Consultants.

All Safety and Health Consultants must have the training outlined in DOSH Directive 40.0, New Hire Training Program for DOSH Safety and Health Staff.

- a. Informal Training.** To be qualified to provide informal training the consultant must have:
- Completed DOSH New Hire training
 - Subject matter knowledge in the area of the training being offered.
- b. Formal Training.** To be qualified to deliver formal training the consultant must meet all of the requirements for providing informal training in addition to the following:
- Be selected by the consultation manager to deliver formal training; and
 - A minimum of two (2) years training experience for adults; or
 - Be trained as a trainer through internal means or by an accredited institution.
- c. Knowledge, Skills and Abilities.** All Safety and Health Consultants must possess the following knowledge, skills and abilities:
- The ability to recognize workplace problems, hazardous conditions or situations which can be addressed effectively through training and assistance.
 - The ability to recognize appropriate opportunities for training and assistance.
 - The skill and ability to provide informal training and assistance during or subsequent to the initial visit.
 - The ability to help employers and employees identify their needs for additional training and assistance, to propose solutions which will help them meet these needs, and to recognize when it is appropriate to refer employers to other training resources.
 - The ability to select training materials which are technically correct and appropriate to the workplace.
 - The ability to assess employer and employee training and assistance needs in light of both the workplace and the industry.
 - Effective communication skills for training and assisting both employers (management) and employees.
 - Knowledge of effective methods of instruction, and how to adapt them to the learning situation.
 - Knowledge of sources of information for training materials.

- Ability to evaluate training programs and to plan future programs based on these evaluations.
- Technical skills and abilities to evaluate an employer's safety and health programs.
- Ability to relate hazards identified to program deficiencies.

D. 2. Preparation for Training.

a. Preparation for Informal Training.

- (1) Preparation for a consultation visit should include the compilation of sufficient information about the workplace, any hazards and potential hazards, information on controlling these hazards, claims information, and general industrial processes or trends so that if the employer requests it, informal training and assistance can be provided on-the-spot.
- (2) Safety and Health Consultants who frequently consult with employers in the same or similar industries may want to prepare informal or formal training programs in advance of a visit and use the same presentation at more than one workplace.

b. Preparation for Formal Training.

- (1) Preparation of formal training programs should be specific to the request of the employer and the needs of the audience.
- (2) The planning of formal training programs typically involves the following:
 - Identification of training and education needs.
 - Selection of content.
 - Development of objectives to produce the desired changes in the audience.
 - Development of learning activities.
 - Design of methods or instruments to evaluate the results of the training.

APPENDIX 9-A LETTER - TRAINING VISIT

[Today's Date]

[Name of Contact]

[Title of Contact]

[Business Name]

[Address]

[City, State ZIP]

RE: *[Visit Number]*

Dear []:

Recently, I visited your workplace to provide safety and health training to your organization. This training took place at *[site address]*, beginning *[opening conference date]*.

Thank you for giving me the opportunity to help you improve the on-the-job safety and health of your employees.

If you or your employees wish to know more about our safety and health services, please feel free to call me. For on-line access to our safety and health rules, go to www.lni.wa.gov/safety.

Sincerely,

[Consultant Name]

[Title]

[Phone]

[FAX]

[E-Mail]

[blank text for optional attachments]

APPENDIX 9-B

Form 66 Intervention/Activities		
Intervention Type	Definition	Examples
Conference/ Seminar	Participation at the State of Washington's Governor's Industrial Safety and Health Conference or other conferences.	<ul style="list-style-type: none"> • Liaison to or member of panels. • Presenter. • Work crew. • Exhibit staff.
Formal Training	Prepared talks of more than one hour on one or more subjects involving occupational safety and/or health, not given in conjunction with a consultation visit. (Do not include preparation time or travel; that time is included in the Activity Reporting System.)	<ul style="list-style-type: none"> • Workshops by request. • All other formal training: • A two-hour presentation on Energy Control. • An eight-hour rigging safety course.
Interpretation	Review of a WISHA standard and related documents to help an employer or other customer/stakeholder understand a WISHA provision, (Excluding on-site consultation issues.)	<ul style="list-style-type: none"> • Explaining requirements for a safety committee. • Explaining requirements for OSHA recordkeeping.
Outreach	Contact initiated by a consultant or consultation project with an employer or an organization that could benefit from the consultation project's services	<ul style="list-style-type: none"> • Creation and use of a mailing list to promote consultation services to small businesses within SICs shown on DOSH scheduling lists. • Creation of promotional materials in support of the DOSH Consultation Program, such as written outreach materials, explanatory documents, training materials, and other safety & health program information.
Safety & Health Program Assistance	Review of documentation and recommendations for improvement in one or more specific aspects of an establishment's safety and health program and is not part of an open request for on-site services. This is off-site safety and health program assistance not tied to a specific on-site consultation visit.	<ul style="list-style-type: none"> • Assisting an employer with required written programs in the Regional Office. • Review of a construction contractor's proposed written safety and health program, prior to the start of work on a new site. • Right-To-Know (RTK), and Self-Insurance. • Office Ergo Assistance. <p><i>(May also include a formal consult – See Section D in this chapter.)</i></p>
LEP/NEP	Marketing and promotional activities related to National Emphasis Programs (NEP) and Local Emphasis Programs (LEP), which are temporary programs that focus resources on particular hazards and high-hazard industries.	<ul style="list-style-type: none"> • Developing a marketing letter to distribute to employers that are part of a LEP/NEP. • Researching employers in WA that are included in a LEP/NEP to promote consultation services.
Scheduled Workshop	These workshops are scheduled in advance and are available on-line for registration.	<ul style="list-style-type: none"> • These workshops are usually 3 hours in length and are on basic safety and health topics. • Other topics may be included for a selected period of time because of some identified need such as new rule requirements.
Campaigns or Stand Downs	Campaigns or "Stand Downs/Up" are nationally recognized events that occur during a specific timeframe to provide an opportunity to break from normal activities and focus on a particular safety topic.	<ul style="list-style-type: none"> • Assisting an employer with putting on a campaign event. • Marketing and/or promoting an upcoming campaign • Training provided to an employer as part of a campaign event.
Other Information	Provision of information not necessarily requiring safety or health expertise, but related specifically to the DOSH Program.	<ul style="list-style-type: none"> • A demonstration of DOSH resources available on the Internet. • Working at an information booth at a trade show, professional conference, job fair or similar gathering to provide information about the consultation program and its services.

CHAPTER 10

START PROGRAM

Safety Through Achieving Recognition Together (START)

A. OVERVIEW OF THE START PROGRAM

Safety Through Achieving Recognition Together (START) is an exemption and recognition program required by Federal OSHA and administered by DOSH. START is equivalent to OSHA's recognition program, nationally known as the Safety and Health Achievement Recognition Program (SHARP). START provides an incentive and plan of action for employers to work with their employees to find and correct hazards, to develop and implement effective safety and health programs, and to become self-sufficient in managing occupational safety and health programs.

The process of START Certification requires a thorough assessment of the employer's safety and health program using the Safety and Health Program Assessment Worksheet (Form 33). Throughout the consultation process, the organization should acquire the necessary knowledge and skills to complete future prevention efforts independently. Additionally, START participants are exempt from DOSH scheduled enforcement inspections.

The overall goal of START is to:

- Recognize employers for their achievements in workplace safety and health.
- Reduce workplace injuries and illnesses.
- Provide a means for showing other employers that occupational safety and health can work for everyone.
- Encourage employers to rely less on consultation and more on themselves as they move down a continuum towards self-sufficiency in workplace safety and health programs.

B. SAFETY THROUGH ACHIEVING RECOGNITION TOGETHER (START)

B.1. Employer Eligibility. To begin the evaluation process for START participation, Consultation programs must inform employers that they must meet the following criteria:

- a. Request a consultation visit from Safety and Health that involves a full service safety and health hazard assessment, including a comprehensive review of the worksite's safety and health program using the Safety and Health Program Assessment Worksheet (Form 33).
- b. Request a Risk Management Consultation.

- c. Have at least one year of operating history at the particular worksite for which the employer is seeking START participation.
- d. Operate a small business that has fewer than 250 employees at a specific worksite and no more than 500 employees at all of an employer's worksites statewide. Larger employers will be encouraged to consider participation in DOSH's Voluntary Protection Program (VPP).
- e. Submit injury and illness records, OSHA Form 300 (Log of Work-Related Injuries) and OSHA Form 300A (Summary of Work-Related Injuries and Illnesses), for the current year, and three preceding calendar years or the period that the establishment has been in operation (if less than three years).
- f. The employer must submit a Commitment Letter to the Regional Consultation Manager. A copy of the *Commitment Letter* is located on the DOSH Intranet and in the Appendix of Chapter 10.
- g. The enforcement inspection history of the worksite that an employer is requesting to participate in START will be considered in the twelve months preceding the request. The existence of any of the following at the worksite precludes participation in START.
 - (1) Open enforcement inspections that have not become final order.
 - (2) Willful violation citation in the last 12 months (the consultation manager has discretion to review each case).
 - (3) Work-related fatality in the last 12 months (the consultation manager has the discretion to review each case).
 - (4) Is in the Severe Violator Enforcement Program.

B.2. Program Requirements. DOSH Consultation will inform employers seeking START approval that their worksites must meet the following criteria:

- a. Receive a full-service safety and health consultation visit and a comprehensive review of their safety and health program with all hazards, serious and general, corrected.
- b. Receive a score of at least "2" on all basic attributes of the OSHA Form 33.
- c. Receive a risk management consultation with review of Industrial Insurance rates and premiums, claims and return to work plans, human resource and business best practices.
- d. Agree to notify the Regional Consultation Manager and request a subsequent on-site consultation visit when changes in working conditions or work processes occur that may introduce new hazards into the workplace.
- e. Have injury and illness rates for the preceding year that meets the requirements outlined below (*see B.4*).

- f. Submit a signed Commitment Letter for START participation to the Regional Consultation Manager.
- g. Submit a mutually agreed upon Achievement Plan. At a minimum, the Action Plan must include a list of action items that the employer has agreed to implement and the projected completion dates for each action item to achieve the organization's safety and health goals and objectives for addressing deficiencies in the safety and health program.
- h. Must **not** have incentive programs or similar practices that discourage employees from participating in the safety and health program such as reporting work-related injuries and illnesses or safety and health hazards. *See Appendix 10-C.*

NOTE: All disciplines should coordinate their activities to avoid confusion and redundancy for the employer.

B.3. Anti-Retaliation Program. The DOSH Consultation Program will recommend to START applicants that their establishments implement an anti-retaliation program. The anti-retaliation program should address management leadership, commitment and accountability; provide a system for receiving and responding to reports of retaliation; provide anti-retaliation training for employees and managers; and involve a plan for program management. (*See DOSH Discrimination Investigations Manual*).

- a. To obtain and/or maintain START status the employer must notify the Regional Consultation Manager within three working days of receiving a whistleblower complaint (regarding occupational safety and health issues) and provide a copy of the complaint.
- b. If an employer requesting approval for initial START participation or renewal is the subject of an open discrimination case, the Regional Consultation Manager may exercise discretion to delay approval until the whistleblower complaint is resolved.

B.4. Injury/Illness Rates. In order to establish the DART and TRC rates at their worksite, START applicants must have at least one year of operating history at the particular worksite for which START approval is requested. This section establishes the methods for calculating DART and TRC rates as well as the rate requirements for START participants.

- a. For all applicants, Days Away, Restricted or Transfer (DART) and Total Recordable Cases (TRC) calculations will be based on OSHA Forms 300 and 300A injury and illness information for the last full calendar year preceding the on-site evaluation. The calculated DART and TRC rates will be compared against the most recently published Bureau of Labor Statistics (BLS) rates for their Industrial Classification (NAICS). To qualify for START, the applicant's DART rate must be below the published BLS industry average and their TRC rate must demonstrate a downward trend. *See Chapter 6, Appendices 6-A and 6-B*, for rate calculation formulas and examples, in this manual.

Establishments that fall below the threshold for keeping OSHA Forms 300 and 300A and/or are in an industry exempted from keeping these OSHA logs must

also have their injury and illness rates assessed as part of the process for determining eligibility to participate in START. In these instances, the consultant will determine the worksite's injury and illness rates, using available employer information and data that is similar to the OSHA Forms 300 and 300A, for the most recent full calendar year.

- b. If the DART is NOT below the industry average, there should be a downward trend in those rates over a 3-5 year period. In these instances, the following alternative calculation methods are available to access eligibility.
- (1) **Three-Year Average.** Where the applicant has at least three (3) years of operating history, the DART rate calculations may be based on the OSHA Form 300 information for the most recent three (3) full calendar years preceding the on-site evaluation. The calculated average DART rate for the last three years will be compared to the most recently published BLS national average for that industry. To qualify for START, the applicant's average DART rate must be below the most recently published BLS industry averages and their TRC rate must demonstrate a downward trend.
- (2) **Best Three out of Four Year Average.** For START applicants for whom a single or a relatively small number of incidents would cause the applicant to be disqualified from START when using the three-year rate calculation described above, DART rates may be calculated using the best (3) three out of the most recent four (4) full calendar years' injury and illness data preceding the on-site evaluation. To qualify for START, the applicant's average DART rate must be below the most recently published BLS industry averages and their TRC rate must demonstrate a downward trend when evaluating the best 3 out of 4 year:
- c. The Statewide Consultation Manager may recommend, and the DOSH Assistant Director may approve, START status in those rare instances where an applicant has rates equal to or slightly greater than the industry average after using the calculations as described in *Section B.4.*, above. In determining whether or not to grant an employer approval, the Statewide Consultation Manager must consider the following factors:
- Employer is currently a START participant
 - Employer has a score of at least "2" on all attributes of the OSHA Form 33
 - The employer's history with the DOSH Consultation Program.

B.5. Regional Consultation Manager Responsibilities.

- a. Verification of Employer's Eligibility.** The Regional Consultation Manager must ensure that the employer satisfies all START participation criteria, and that all elements of an effective safety and health program are operational. If hazards are found during the on-site evaluation, which reflect significant deficiencies resulting in a rating of 0-1 on the OSHA Form 33 evaluation of the employer's safety and health program, the site cannot be recommended for START approval.

The Regional Consultation Manager may not recommend START approval until the deficiencies have been corrected and the Regional Consultation Manager is confident that a worksite's safety and health program will operate effectively.

- b. Submission of START Requests for Approval.** After ensuring that the employer has met all of the requirements, the Regional Consultation Manager must confirm the employer's interest in START participation. The Regional Consultation Manager must then submit the request with the following information to the Statewide Consultation Manager, or their designee:
- The Regional Consultation Manager 's recommendation for START approval;
 - The site's DART and TRC rates, and the BLS national averages for that industry;
 - The date, consultation visit number and type of each consultation conducted during the time the employer was working toward START approval or renewal;
 - A copy of the completed OSHA Form 33 for the worksite's full service safety and health consultation visit;
 - A copy of a mutually agreed upon Achievement Plan, which will provide an outline for the continuous improvement of the employer's safety and health program; **and**
 - The signed Commitment Letter verifying the employer's request for START participation.

B.6. Statewide Consultation Manager Responsibilities. Upon receipt of written verification that the employer has met all of the START program requirements, the Statewide Consultation Manager, or designee, will:

- a.** Recommend approval if warranted to the Assistant Director;
- b.** If the Assistant Director approves, then a START certificate, and letter of acceptance, will be provided to the employer;
- c.** Notify the Statewide Compliance Manager of the worksite's status; and, notify the DOSH Information Technology Systems Manager to facilitate the removal of the worksite from DOSH's scheduled inspections for the approved exemption period;
- d.** Provide a copy of the certificate and letter of acceptance for the case file, **and**

- e. Submit a monthly update of START activities to Federal OSHA to ensure that the employer is added or removed from the national database appropriately.

B.7. Duration of START Status.

- a. All initial approvals of START status will be for a period of one year, commencing from the date the Assistant Director approves acceptance of the employer into the START Program. After the initial approval, eligibility for START renewal will occur at 12 months, 18 months and 24 months. The total period for the initial approval and subsequent renewal may not exceed a total of five (5) years.
- b. The exemption period from DOSH scheduled enforcement inspections will begin on the date that the Assistant Director approves the employer's participation in START and will continue for the duration of their participation in the program.
- c. Participating employers must submit the following to the Regional Consultation Manager each February:
 - OSHA Forms 300 and 300A,
 - A copy of the worksite's Injury and Illness incident reports, and
 - Information regarding the completion of item(s) set forth in the achievement plan.
- d. After the Regional Consultation Manager has verified the employer's documentation, the Regional Consultation Manager will submit all documentation to the Statewide Consultation Manager, or designee, for inclusion in the appropriate case file.

NOTE: A site self-evaluation template (*OSHA Form 33, Safety and Health Program Assessment Worksheet*) is available on the DOSH Intranet. Worksites will find this template to be a useful tool for documenting their progress in meeting their achievement plan.

B.8. Renewal Requirements. The DOSH Consultation Program must inform employers seeking a START site renewal that they must request a renewal visit within 180 days prior to the expiration of their exemption status. The Statewide Consultation Manager may begin to process the employer's request for START renewal provided that the steps outlined above, and the following steps have been taken:

- a. The Regional Consultation Manager has provided a full service Safety and Health Consultation visit, and conducted a comprehensive program assessment to ensure that the safety and health management system has been effectively maintained or improved;
- b. The Regional Consultation Manager has confirmed that the employer received a score of at least 2 on all basic attributes of OSHA Form 33;
- c. The Regional Consultation Manager has verified and approved the employer's Achievement Plan for the renewal and confirmed that items from the previous Achievement Plan were addressed and completed.

- d. The Regional Consultation Manager has provided a Risk Management Consultation
- e. The Regional Consultation Manager has verified that the employer continues to meet all eligibility and program requirements, and
- f. The Regional Consultation Manager has received the employer's interim-year self-evaluation and OSHA 300 log data. The employer's interim-year self-evaluation is required as verification of the employer's continued eligibility for renewal.

B.9. Renewal Approval. Renewal for START participation must be approved by the Assistant Director prior to the expiration of START status to assure continued eligibility for exempt status. It is the responsibility of the Statewide Consultation Manager to ensure that the process for renewal of START status is completed before expiration of exempt status. If a START site fails to request a renewal visit within 180 days prior to the expiration of their exemption status, they may still receive a renewal at the Assistant Director's discretion.

B.10. DOSH Inspection(s) at START Worksites. As noted above, employers that meet all the requirements for START status will have the names of their establishments deleted from DOSH's Scheduled Inspections. However, the following types of incidents can trigger a DOSH enforcement inspection at START sites:

- Imminent danger
- Fatality/Catastrophe
- Hospitalizations
- Formal complaints or referral, **or**
- Follow-up inspections.

C. Pre-START

Pre-START is an achievement recognition program awarded to small businesses that do not meet START participation requirements, but show a reasonable promise of achieving agreed-upon milestones and time frames to meet START participation requirements.. Small businesses that achieve Pre-START status may be granted a deferral from scheduled enforcement inspections for at least 12 months.

C.1. Employer Eligibility. To begin the evaluation process for Pre-START participation, Consultation programs must inform employers that they must meet the following criteria:

a. Initial Requirements.

- Receive a consultation visit that involves a full-service safety and health hazard assessment and a complete review of the establishment's safety and health program using Form 33.
- Receive a Risk Management Consultation.

- Correct all identified hazards (serious and general).
- Provide evidence of having the foundation of a safety and health program.
- Operate a small business that has fewer than 250 employees at a specific worksite and no more than 500 employees at all of an employer's worksites statewide.

b. Pre-START Achievement Plan Requirements.

- Implement an Achievement Plan developed with the consultant and approved by the Regional Consultation Manager outlining the necessary achievements and time frames required for the employer to achieve START status.
- The Achievement Plan must include achievable and measurable goals, objectives, and corrective measures to address deficiencies in the implementation of the safety and health program (i.e., attributes of Form 33 for which the employer received a rating of 0 or 1).
- At a minimum, the Achievement Plan must include a list of action items that the employer has agreed to implement and the projected completion dates for each action item to achieve the organization's safety and health goals and objectives for addressing deficiencies in the safety and health program and attain START status.

c. Participation Requirements.

- Inform employees and employee representatives of the intention to participate in Pre-START and include them in the process.
- Notify the Regional Consultation Manager of changes in working conditions, ownership or major organizational changes that could affect the effectiveness of the safety and health program.
- Notify the Regional Consultation Manager immediately in the case of an enforcement inspection at the establishment. See section D.1. in this Chapter.
- Agree to a Risk Management consultation and a consultation visit that involves a full-service safety and health hazard assessment and a complete safety and health program review using Form 33, at the end of the Pre-START deferral period, which will initiate the process for evaluating the employer's eligibility to participate in START.

C.2. Pre-START Time Frame. The period an employer is allowed to remain in Pre-START status before obtaining START certification is decided on an individual basis. As long as the employer continues to show a reasonable promise of achieving agreed-upon milestones and time frames to meet START participation requirements then they may continue in the Pre-START program.

C.3. Consultation Program Requirements. The Consultation Program must:

- Determine if the employer is capable of meeting all START requirements within the recommended timeframe, including DART rate requirements.

- Assist the employer in the development of an Achievement Plan to be implemented by the employer.
- Provide a letter or email to the employer that documents their intent to participate in Pre-START.
- Recommend a pre-START timeframe to the employer and the Statewide Consultation Manager

D. ADDITIONAL REQUIREMENTS

D.1. Fatalities or Catastrophes at START Sites. Consultants must advise employers that in the case of a fatality, catastrophe or hospitalization at a START site, the employer must notify DOSH within eight (8) hours of the incident as required by law. Consultants must also inform employers that they must notify the Regional Consultation Manager and Statewide Consultation Manager as soon as possible after notification of the incident.

Consultation personnel are not permitted to discuss with the employer any issues related to the fatality, catastrophe, or hospitalization until the enforcement inspection has become a final order.. After the enforcement inspection is concluded, and the inspection has become a final order, then the Statewide Consultation Manager must evaluate the START status of the worksite using the following criteria:

- a. If no citation is issued, an on-site visit must be conducted by a consultant to ensure that all elements of the safety and health system continue to be effective.
- b. If a serious or repeat citation is issued, a consultant must conduct an on-site visit to ensure that the alleged hazardous condition(s), which resulted in violation(s), have been corrected and that the safety and health system is operating effectively.
 - (1) If the Regional Consultation Manager believes that a serious or repeat citation is connected to a reduction in the effectiveness of the company's safety and health system, the Statewide Consultation Manager will recommend the employer's withdrawal from START.
 - (2) If the Regional Consultation Manager believes that there is no connection between the serious or repeat citation and the effectiveness of the employer's safety and health system, the employer must be counseled on how to prevent a recurrence.
- c. If a willful citation is issued or there is evidence that the site's application or interim self-evaluation is inaccurate, the employer will be asked to withdraw from the START program. If the employer does not withdraw voluntarily within 5 working days, participation must be terminated. The employer may re-apply to the program 12 months after withdrawal or termination

D.2. Changes that May Affect a START or Pre-START Employer's Eligibility.

- a. Relocation.** Consultants must inform employers planning to relocate their facilities that they must notify the Regional Consultation Manager 60 days in advance of the move. Consultants must also visit the new site within 30 days after the new site becomes operational to ensure that an effective safety and health system is in place and that the employer still meets all the requirements for exemption or deferral. If this is not the case, the Statewide Consultation Manager must ask the employer to withdraw from the START program.
- b. Change in Ownership and Organizational Changes.** Whenever ownership or major organizational changes occur that may impact the effectiveness of the company's safety and health system, the employer or employer representative must notify the Regional Consultation Manager. The Regional Consultation Manager will confer with the Statewide Consultation Manager and must then discuss the changes with the employer and schedule an on-site visit, if necessary

D.3. Failure to Maintain START Requirements. If an employer fails to maintain the participation criteria outlined in this Chapter, the Statewide Consultation Manager should give the employer the opportunity to voluntarily withdraw from the program.

- a. Voluntary Withdrawal from the Program.** Any approved START participant may withdraw at any time. Withdrawal may occur as a result of plant closing, economic difficulty, change in management, or at the request of the employer or Statewide Consultation Manager. To withdraw, the employer must send a letter explaining the withdrawal and/or return the START certificate to the Statewide Consultation Manager. The withdrawal is effective immediately upon receipt of the letter. The Statewide Consultation Manager will notify the Assistant Director of the employer's withdrawal from START. Withdrawal from the Program will result in all program benefits including exemption or deferral status being withdrawn.
- b. Conditional Approval.** A START employer that is meeting the spirit of START participation, but falls short in certain areas during the renewal evaluation may be considered for a conditional approval. The conditional approval status must be discussed with the statewide consultation manager and a planned approach developed for the achievement plan process. START employers who are not eligible for renewal or graduation will be given one of the following two choices:
 - The employer can agree to a time-specific conditional approval, not to exceed two years, during which time they will focus on completing an achievement plan aimed at ensuring they are eligible to renew at the end of the decided upon time-frame.
 - The employer will be asked to voluntarily withdraw from START

- c. Termination of Exemption or Deferral.** If an employer fails to maintain the participation criteria outlined in this Chapter and refuses the opportunity to voluntarily withdraw from the program, the Statewide Consultation Manager must request that the Assistant Director terminate the employer's participation in START. The employer, DOSH Statewide Compliance Manager, and the IT Systems Manager must be notified in writing when START participation is terminated. The written notice to the employer must contain the reason(s) for the termination and outline the requirements for re- entry into the program.

APPENDIX 10-A START Commitment Letter

<Date>

<Name of Regional Consultation Manager>

<Mailing Address>

<City, State, Zip>

RE: Commitment to pursue the Safety Through Achieving Recognition Together (START) certification

Dear <Name of Regional Consultation Manager>,

The management staff and employees of <Company Name> in <City>, Washington would like to formally declare our commitment to work with the DOSH Consultation staff to become a Safety Through Achieving Recognition Together (START) employer. The Washington START program was explained to us by <Consultant's Name> on <month, date, and year>.

By signing this letter, we agree to:

1. Undergo a comprehensive consultation of all conditions and operations at our establishment, including a complete safety and health program review and risk management consultation.
2. Involve employees in the development, operation, and improvement of all elements of the workplace safety and health program. *If the employees or their representatives object to our organization's involvement in Safety Through Achieving Recognition Together (START), we understand we cannot move forward until both labor and management agree on participation in the START program.*
3. Accomplish the following to achieve and maintain START status:
 - a) Correct all identified safety and health hazards and provide DOSH Consultation with written confirmation that each identified hazard has been corrected within an agreed upon time frame.
 - b) Develop, implement, or improve all elements of an effective safety and health program at the site.
 - c) Develop, implement, or improve all elements of an effective claims management plan at the site.

APPENDIX 10-A

START Commitment Letter (continued)

- d) Achieve a Days Away, Restricted, Transferred (DART) Rate and Total Recordable Case (TRC) Rate for the establishment at a level that is below the national average for your industry, based on at least one full year of operation.
 - e) Satisfy the requirement to achieve an acceptable rating on the required attributes of the DOSH Safety and Health Program Assessment Tool (two or better on each applicable element).
4. Inform the Regional Consultation Manager prior to making any changes in working conditions or work processes that might introduce new hazards into the workplace. *These "changes" could include such things as: relocation of facilities, change of ownership or management, major organizational changes, additions to buildings, implementing new processes, i.e., painting of parts rather than purchasing them already painted, new lines of machinery, etc.*
5. Notify the Regional Consultation Manager when all elements of START have been fully implemented so a follow-up visit can take place.

We understand that START certification must be renewed prior to the end of the designated recognition period and that failure to initiate the renewal process will result in automatic termination of the START certification.

We at <Company Name> understand that this letter must be signed and submitted before we begin the Action Planning phase of the START consultation. We look forward to working with DOSH Consultation staff as we work through the process of becoming certified as a START company.

Sincerely,

(Chief Executive Officer)

(Safety and Health Manager)

(Safety Committee Chair)

(Union Representative)

(Other)

(Other)

(Printed Name, Address and Telephone of Primary Contact Person)

APPENDIX 10-B START Checklist

Company Name:										
Consultants Names:										
Date:										
Consultants and Supervisor Verify:										
<input type="checkbox"/>	Employer has a least one year of operating history at applicable worksite.									
<input type="checkbox"/>	Received a full-service consultation as part of the application process: <table border="0" style="width: 100%;"> <tr> <td style="width: 40%;">• Safety Consultation</td> <td style="width: 20%;">Date:</td> <td style="width: 40%;">Visit #:</td> </tr> <tr> <td>• Hygiene Consultation</td> <td>Date:</td> <td>Visit #:</td> </tr> <tr> <td>• Risk Management Consultation</td> <td>Date:</td> <td></td> </tr> </table>	• Safety Consultation	Date:	Visit #:	• Hygiene Consultation	Date:	Visit #:	• Risk Management Consultation	Date:	
• Safety Consultation	Date:	Visit #:								
• Hygiene Consultation	Date:	Visit #:								
• Risk Management Consultation	Date:									
<input type="checkbox"/>	Received a comprehensive review of their safety and health programs.									
<input type="checkbox"/>	Form 33 completed with at least a score of 2 on all elements.									
<input type="checkbox"/>	All hazards (serious and general) found by safety and health consultants must be corrected and verified either as on-site or employer assurance.									
<input type="checkbox"/>	DART rate for the preceding year for the employer is below the published BLS industry average. – OR –									
<input type="checkbox"/>	Rates were calculated using the best three (3) of the last four (4) full calendar years preceding the on-site consultations and are below the published BLS industry average. – OR –									
<input type="checkbox"/>	DART rate is slightly greater than the published BLS industry average but the consultants still recommend the employer move forward with START after considering all factors. The Statewide Consultation Manager and DOSH Assistant Director have approved the exception.									
<input type="checkbox"/>	Verification that any incentive programs the employer may have promotes safety awareness, injury and illness reporting, and worker involvement.									
<input type="checkbox"/>	Consultant has recommended that their establishment implement an anti-retaliation program.									
<input type="checkbox"/>	Received employer's request for START participation by completing the START commitment letter (initial certification only).									
<input type="checkbox"/>	Mutually agreed upon Achievement Plan was submitted, which outlines areas for improvement.									
<input type="checkbox"/>	Employer agrees to request a subsequent on-site consultation visit if changes occur in working conditions or work process that may introduce new hazards into workplace.									
<input type="checkbox"/>	Agrees to provide Risk Manager with Injury and Illness data every February during process.									
Risk Manager submits to START Coordinator:										
<input type="checkbox"/>	START checklist.									
<input type="checkbox"/>	Completed START commitment letter (initial certification only).									
<input type="checkbox"/>	Injury and illness data / DART calculation sheet.									
<input type="checkbox"/>	OSHA 300 log and 300 A. (Current year plus 3 full years, if available).									
<input type="checkbox"/>	Copy of mutually agreed upon Achievement Plan, which outlines areas for improvement.									
START Coordinator:										
<input type="checkbox"/>	Prepares approval letter and START Certificate for signature by DOSH Assistant Director and statewide Consultation Manager. (Certificates are for initial and graduates only)									
<input type="checkbox"/>	Submits signed letter to Risk Manager.									
<input type="checkbox"/>	Submits signed certificate to Risk Manager (initial and graduates only).									
<input type="checkbox"/>	Notifies OSHA.									
<input type="checkbox"/>	Notifies district senator and representatives									
<input type="checkbox"/>	Coordinates with Public Affairs for a press release (initial and graduates only).									
<input type="checkbox"/>	Updates L&I internet webpage (initial and graduates only).									
<input type="checkbox"/>	Notify RCM of upcoming recertification (Sharepoint). Due Date:									
Risk Manager:										
<input type="checkbox"/>	Submits signed approval letter to Employer									
<input type="checkbox"/>	Contacts employer to set up recognition event (initial and graduates only). Location/Date:									
<input type="checkbox"/>	RCM, Consultants and START Coordinator are notified of the date and time of recognition event									
<input type="checkbox"/>	Ensures Framed START Certificate and START Banner are delivered to recognition event									
<input type="checkbox"/>	Confirms the RCM has removed employer from inspection scheduling list									

APPENDIX 10-C

INCENTIVE PROGRAMS MEMO (OSHA)

U.S. Department of Labor

Assistant Secretary for
Occupational Safety and Health
Washington, DC. 20210



SEP 17 2013

MEMORANDUM FOR REGIONAL ADMINISTRATORS

FROM: DAVID MICHAELS, PhD, MPH

SUBJECT: Incentive Programs and Safety and Health Achievement Recognition Program (SHARP) Applicants

This memorandum clarifies actions for the Occupational Safety and Health Administration's (OSHA) On-site Consultation Projects in implementing the Agency's efforts to improve the administration of the Safety and Health Achievement Recognition Program (SHARP). This instruction clarifies policies and procedures for the review and evaluation of safety and health incentive programs at SHARP applicant and participant worksites. These instructions are effective immediately.

SHARP Incentive Program Evaluations

Incentives that promote safety awareness, injury and illness reporting, and worker involvement are an acceptable part of a SHARP injury and illness prevention program. A positive incentive program encourages or rewards workers for reporting injuries, illnesses, near-misses, or hazards and for involvement in injury and illness prevention programs. Examples of positive incentives include providing tee shirts to workers serving on safety and health committees, offering modest rewards for suggesting ways to strengthen safety and health, or throwing a recognition party at the successful completion of a company-wide safety and health training.

Incentives that discourage injury and illness reporting and worker involvement are not acceptable. Companies with incentive programs that have the potential to discourage reporting of workplace injuries and hazards do not meet the injury and illness prevention program requirements to qualify as a SHARP participant. An incentive program that focuses on injury and illness numbers often has the effect of discouraging workers from reporting an injury or illness. When an incentive program discourages workers reporting injuries or hazards or (in particularly extreme cases) disciplines workers for reporting injuries or hazards, problems remain concealed, investigations do not take place, nothing is learned or corrected, and workers remain exposed to harm. Disincentives to reporting may range from awarding paid time off or other benefits and forms of recognition to a unit that has the greatest reduction in incidence rates to rewarding workers with a pizza party for achieving an injury/rate reduction goal or maintaining an injury and illness free worksite for a period of time.

Incentives that may discourage workers from reporting injuries and illnesses include corporate bonuses. Note that executive level bonuses based on injury and illness rates or reductions are outside the scope of this memorandum and are not a basis for excluding a site from participating in SHARP. The primary area of concern involves bonuses for front line workers. For this group, incentives based on injury and illness rates or reductions would be considered unacceptable. Bonuses for lower level management that are based on injury and illness rates or reductions would be evaluated on a site-by-site basis.

APPENDIX 10-C

INCENTIVE PROGRAMS MEMO (OSHA)

(continued)

SHARP Incentive Program Management Procedures

Applicant for SHARP participation. The CPM (Consultation Program Manager (or designee)) must ensure that a SHARP applicant's incentive program does not contain provisions that could discourage injury and illness reporting, worker participation, or both. The CPM must advise the applicant of OSHA's position and SHARP policy. The applicant may choose to make an immediate change to its incentive program that will bring the program in line with SHARP policy. If the applicant needs 90 days or less to eliminate the disincentive, to revise its program, or both, the CPM should reappraise the site once the change to the applicant's incentive program takes place. If an applicant for SHARP status refuses to make the needed change, the CPM will inform the site that they are not currently eligible for SHARP participation.

Current SHARP participant. If a site has already been awarded SHARP status, the CPM must advise the participant of OSHA's position and SHARP policy and confirm that the existing incentive program complies with Agency policy. To confirm that an incentive program does not contain provisions that could discourage injury and illness reporting, incorporate this element into the review criterion when participants submit interim year self-evaluations, enter the reapplication processes, and provide other reports. If disincentives are found, the CPM will assist the SHARP participant in reaching compliance with OSHA's position and SHARP policy.

The participant may choose to make an immediate change to its incentive program that will bring the program in line with the SHARP policy. If the participant needs time to eliminate the disincentive, revise its program, or both, designate this needed improvement as an item on the Action Plan. The participant will be given the opportunity to bring its incentive program in line with OSHA policy consistent with a 90-day item. Following the 90-days, the CPM will assess progress in completing this action item. Extensions beyond 90 days require approval from the Regional Administrator. The CPMs will monitor SHARP participants' progress and report the status to the Region as indicated in the extension.

Refusal to make the recommended improvement to an incentive program is grounds to terminate a participant from the SHARP. Failure to demonstrate effective implementation of incentive program changes during agreed upon time frames (90-day action item, Regional Administrator- approved extensions, or both) is also grounds to terminate a SHARP participant. The established termination procedures will apply, including the Regional Administrator's written notice of intent to terminate and the participant's right to appeal in writing to the Assistant Secretary.

OSHA's goal is the use of safe work practices all day, every day. This is also a goal for the companies that have worked very hard to get into SHARP and to stay there. SHARP sites have the opportunity to lead the way by example and to inspire positive and creative change throughout their industries. By working cooperatively, OSHA, On-site Consultation Projects, and SHARP participants can demonstrate that incentive programs, which emphasize positive worker involvement in safety and health activities and conscientious hazard reporting and correction, can be one element in an effective injury and illness prevention program.

CHAPTER 11

SELF-INSURANCE

A. OVERVIEW OF SELF-INSURANCE

When employers self-insure, they pay worker's compensation benefits directly to employees who are injured on the job or become ill as a result of their work. L&I's Self-Insurance Program is operated within Insurance Services and is dedicated to supporting employers and protecting workers by providing impartial oversight and timely, expert services to the self-insured community.

Self-Insurance Overview:

- Employers must meet stringent financial standards before they can self-insure.
- L&I annually reviews self-insurers' financial strength to make sure they can meet their workers' compensation obligations.
- Self-Insured employers may save money by maintaining an effective accident prevention program and by managing their own worker injury claims, but they also are obligated to pay benefits for the lifetime of their claims.
- Self-Insured employers manage their own day-to-day claims functions, usually through another company (third-party administrator) that handles the claims for them, but only L&I can handle claim disputes, protests, appeals and pensions, or decide to reject and reopen claims.

B. ROLE OF DOSH CONSULTATION IN SELF-INSURANCE ASSESSMENTS

Employers wishing to Self-Insure their employees against injury and illness losses in lieu of being protected by the Washington State Industrial Insurance fund may apply to the Department of Labor and Industries' Self Insurance Program.

The DOSH Consultation Program is an integral part of the assessment for determining whether the employer is eligible for self-insured status. In addition to the financial analysis done by Self-Insurance, DOSH conducts on-site consultations of selected sites to determine if the company should be approved for self-insurance based on the safety and health of their organization.

If DOSH Consultation determines that the company does not have safety and health programs that are current, applicable, and effective, they will recommend not approving the request for self-insurance.

C. THE SELF-INSURANCE ASSESMENT PROCESS**C. 1. Safety and Health Program Assessment Requests for Employers that have submitted an application for Self-Insurance.**

- a. L&I's Self-Insurance Program sends initial requests for the review of an employer's safety and health program to the DOSH Statewide Consultation Manager.
- b. The DOSH Statewide Consultation Manager has delegated the responsibility to the Consultation Operations Specialist for coordinating requests with the appropriate Regional Consultation Managers (RCM), Supervisors and Self-Insurance staff.
- c. The Consultation Operations Specialist contacts the employer representative to make sure they understand the process, that all company sites are listed on the application, and identifies the contact for the regional consultants to work with when setting up the consultation visit.
- d. The Consultation Operations Specialist selects which sites will receive a visit. For example, if the company has 20 locations in WA then a representative sample, approximately 10 locations, will receive consultations. If the employer only has 10 locations in WA, then all of those locations will be included in the consultation process. The number selected by the Consultation Operations Specialist is determined by available resources within consultation and the variety of operations performed by the employer across locations. The number selected must be efficient to complete a thorough review of the employer's safety and health program.
- e. The Consultation Operations Specialist will search WIN for any locations that have an open enforcement inspection that has not become final order. Open enforcement inspections preclude consultation visits and may delay the consultation process if there are not alternate locations for consultation to visit.
- f. The Consultation Operations Specialist will provide a list of sites to the RCM and Supervisor along with contact names, due dates and any additional information that was provided by the employer.
- g. RCM or Supervisor assigns the request to a consultant for a consultation visit. The DOSH Consultant assigned to conduct the evaluation will contact the employer and arrange a convenient time for the on-site review. Sometimes this will also require coordination with a corporate office located outside the state of Washington.

- h. The DOSH Consultant must complete a comprehensive safety and health program review and either a full-service or a follow-up consultation. The decision about whether to do a full-service or follow-up consultation will be made with the RCM, Operations Specialist and the Statewide Consultation Manager based on if the employer received a full-service consultation within the 12 months leading up to the consultation request.
- i. The DOSH Consultant must complete a comprehensive review of the employer's safety and health programs using DOSH Form 16. In addition, injury and illness logs, if applicable, claims history, and previous inspection and consultation history, must be evaluated. If the visit is a follow-up consultation, a walk-through of the entire establishment is required.
- j. The DOSH Consultant must also complete the *Self-Insurance Safety and Health Program Analysis Evaluation Review Form* as part of the consultation process. Guidance and information on the Self-Insurance review form is discussed in Section D of this chapter. The signed Self-Insurance review form must be included with the case file.
- k. The RCM or Supervisor must notify the Consultation Operations Specialist when the Self-Insurance review form is complete. The Consultation Operations Specialist will then schedule a meeting with the regions involved to ensure there is consistency and an agreement on whether or not they recommend the employer for Self-Insurance.
- l. The Consultation Operations Specialist will then notify the Self-Insurance Program if consultation recommends the employer for Self-Insurance or if the employer does not meet the requirements. If they do not meet the requirements, the employer must wait 6 months before they can reapply for self-insurance.

C. 2. Pre-Application Self-Insurance Requests for Safety and Health Program Assessment. An employer may choose to complete the consultation process prior to submitting the Self-Insurance application. The process for assessing the employer's safety and health program would follow the same guidelines listed above in C.1 except they would not be required to wait 6 months to reapply if they are not approved after their initial visit.

In the instances when the employer has not applied, and they are not recommended for Self-Insurance following their full-service visit, then the employer will receive a follow-up visit. The follow-up visit allows consultation

to confirm the correction of all identified serious hazards and reevaluate the employer's readiness to apply for self-insurance. The **Consultation Operations Specialist** will schedule a second meeting with the regions once notified that the follow-up visits are complete.

D. SELF-INSURANCE EVALUATION REVIEW FORM

D.1. Completing the Self-Insurance Safety and Health Program Analysis Evaluation Review Form.

- Upon completion of the Consultation Visit and issuance of the written report, the DOSH Consultant must complete the *Self-Insurance Evaluation Review Form* for each location they visit. This form summarizes the findings of the consultant and assists in determining whether the employer should be recommended for self-insurance.
- One form may be used for both Safety and IH.
- All items rated 1 or 2 must be listed in sufficient detail in the "Summary of Evaluation and Recommendations" in section 3 of the review form to clearly show the deficiency and appropriate recommendations for improvement. The consultant should reference the written report for recommendations or comments that will assist the employer in reducing injuries or accidents. Additionally, this provides documented rationale necessary for the Statewide Consultation Manager, and Self-Insurance Manager, to have as justification for the denial of the self-insurance request.
- The Self-Insurance Evaluation Review Form must be signed by the **DOSH Consultants**, and their supervisor, with a "yes" or "no" checked, indicating the employer does or does not meet the safety and health program requirements. A "no" means the employer most likely will not be recommended for self-insurance by DOSH.
- The **Consultation Operations Specialist** will review the forms and determine if there appear to be inconsistencies between reports. If so, they will follow-up with the consultants to determine if there are inconsistencies, or if the different sites are operating at different levels of safety and health effectiveness.
- The **Consultation Operations Specialist** provides the documentation to the Self-Insurance Coordinator, along with the recommendation for whether or not to self-insure.
- Check "self-insurance" in the "Source of Request" drop down box on the request form in WIN.

D.2. Final Review Process and Recommendation. The Self-Insurance review process involves regions working simultaneously to review the safety and health programs of multiple worksites within the same organization. Consultants should collaborate across regions to ensure the effectiveness of the employer's safety and health program. The consultants must not communicate to the employer the outcome of their findings in regards to the Self-Insurance recommendation until communication has occurred with all of the regions involved in the process, and there is an agreement on what the recommendation will be. This is to ensure that the employer, as a whole, meets the requirements for Self-Insurance.

CHAPTER 12

RISK MANAGEMENT SERVICES

A. PROGRAM DESCRIPTION

Risk Management is an integral part of the Consultation program within the Division of Occupational Safety and Health (DOSH). Risk Management Consultants help employers increase their awareness of business and insurance risks, and the value of evaluating, mitigating and preventing risks. This enables employers to make informed decisions about human resource management, claim management, safety and health, and best practices for their business.

B. TRAINING REQUIREMENTS

Newly hired Risk Managers will follow the training plan located on the shared drive at: G:\Tumw-WISHA\RMS\Training Plan, in conjunction with the DOSH Consultation Manual. Risk Managers will also attend DOSH New Hire Training.

- In addition, training will be provided by:
 - Regional Managers
 - Central Office Risk Management Operations Specialist
 - Veteran Risk Managers
- Risk Managers must have a broad base of knowledge in:
 - Safety
 - Human Resources
 - Insurance rates
 - Management’s commitment to a safety program
 - Claims management and Return to Work

C. SOURCES OF WORK BY PRIORITY

C.1. Employers.

Employers requesting consultation services will be prioritized for service, based on their experience factor, incidence rates, or if they appear on the high hazard list(s).

C.2. Referral Sources Include, But Are Not Limited to:

- Employer requests
- Safety and/or Health Consultation Staff
- Other Department staff
- Requesting referral from employer following Consultation or Technical Services

- Civic, community, chamber of commerce or similar groups
- Labor organizations
- Agency or regional emphasis
- Professional contacts and other referrals
- Outreach activities
- Associations
- Unions
- Any other sources, referrals, or requests for assistance (See section E.2 in this chapter, for details on referrals received and sent).

C.3. Marketing.

Marketing activities generate customers (employers) through outreach, workshops, letters, phone calls, associations, industries, labor, and community activities. See section E.1., in this chapter, for specific criteria on marketing.

C.4 Lists of Employers.

Lists of employers will be developed at the agency, division, or regional level based on experience rates, injury types, industries and/or agency emphases. At times, based on agency or division initiatives, customer contact lists may have priority as a primary recommendation source. Risk Management Consultants will select firms from an agency or division-initiated list for priority attention.

NOTE: Risk Management does not typically provide service to self-insured employers.

D. TYPES OF SERVICES

The services identified in this section may be offered by the Risk Manager to the employers based on need, through a variety of resources, including templates, sample forms, industry best practices, and review of employers' existing programs. Check for resources with peers, the Risk Management Operations Specialist, the internet, LINIIS, WIN, Claim and Account Center (CAC), Data Warehouse, and SharePoint. Additional resources can be found in section E in this chapter, and on the shared drive at G:\Tumw-WISHA\RMS.

NOTE: Services are not intended to substitute for subject matter experts in human resources, business and safety. Risk Managers may refer the employer to a subject matter expert, such as a Safety and Health Consultant.

D.1. Management.

Management must demonstrate their commitment to incorporate equal value in:

- Safety
- Quality
- Production
- Profitability

Commitment should be displayed through providing resources, behavior modeling, employee involvement and communications.

D.2. Human Resources.

To ensure safety and business excellence, a business should have a Personnel Management Plan that includes:

- Recruiting and hiring practices
- Training and retention programs
- Corrective action plans
- Employee assistance programs
- Adherence to safety policy
- Return to Work policy and procedures
- Hazard reporting
- Exit interviews/separation questionnaires
- New employee orientation

NOTE: For other policies and procedures, companies should consult with subject matter experts.

D.3. Claims Management Plan and Return to Work (RTW)

A Claims Management Plan includes all policies and activities necessary to monitor, communicate and control costs associated with workers' compensation claims. Topics to be covered in the plan include:

- Claim initiation and monitoring
- Accident investigation
- Return to Work (RTW)
- Stay at Work
- Communication throughout.

D.4. Rates.

Understanding of Industrial Insurance rates and premiums is imperative to an employer's motivation to operate safely and manage their claims. Rates explanations should include:

- Risk classes
- Base rates
- Premium calculation
- Experience factor
- Experience rating window
- How claims impact base rates, experience rates and premiums.

(See section E.3.b (3) regarding On-site Visit, in this chapter)

D.5. Safety.

Safety goes hand in hand with efficiency, productivity, quality and profitability. Effective safety programs establish a framework in which an organization can achieve its goals. Discussions with the employer should include:

- Elements of a Safety Plan, including Accident Prevention Programs (APP)
- Safety committee/meetings
- Hazard specific programs
- OSHA recordkeeping
- Accident investigation
- Supervisory training
- Trend analysis
- Safety communication

The Risk Manager should ensure the employer has an understanding of these elements and provide them with any needed resources or referrals.

E. RISK MANAGEMENT PURPOSE AND PROCESSES**E.1. Marketing.**

Marketing activities are to be entered into the WIN system so other Risk Managers can see what marketing efforts have been completed. This data is used in monthly reports generated for management.

Marketing may be accomplished in a variety of ways in order to reach the appropriate employer. Prior to marketing, an account review and analysis should be done. Account reviews and analyses help determine potential candidates, and the type and level of services needed.

The following are suggested marketing techniques:

- Mail. (Marketing letters that are mailed must be followed by phone calls within a few days. Enter calls in WIN under “follow-up.”)
- Email
- Phone
- In Person
- Conferences
- Associations

The following are specific criteria used to identify evidence of high enough risk levels to merit a contact:

- a. Experience Factor currently above 1.0 or trending upward.
- b. Claims:
 - Open and closed
 - Affecting current and future rates.
 - Potential loss of a Claim Free Discount
- c. Injury trends:
 - Injury rates above industry average.
 - Changes or patterns in number, type, nature and source of injuries
- d. Account status and premium size:
 - Open and current, or an organization preparing to hire workers
 - Reflects number of hours and assigned risk classes
- e. In agency focus, initiative or scheduling program.

NOTE: Marketing reports are available in the Data Warehouse, located in the Risk Management folder. The marketing reports will be updated annually by the Risk Managers to meet their marketing needs. For questions or training, contact the Risk Management Operations Specialist in Central Office.

E.2. Referrals.

- a. **Referral Received.** Verify all referral information and research the issue. Provide appropriate service. Document all “*referrals received*” in the RMS-WIN system.

NOTE: A referral received from internal or external services is entered into WIN if the Risk Manager provides the direct service to the employer. If the referral is forwarded to another Risk Manager, the WIN note type becomes “general” or “technical” depending on the level of service.

- b. **Referral Sent.** During the course of consultation or technical services, a referral may be appropriate to provide necessary services to the employer. Provide all contact information to the discipline whose service is needed or to the employer. Document all sent referrals in the RMS-WIN system.

Appropriate referrals include:

- Company name
- Account number
- Contact name and number
- Reason for referral with any expectations the contact may have
- Other pertinent account information

E.3. Consultation.

Risk Management consultations are typically done in one visit to the employer, and will consist of the following risk management practices:

a. Pre-visit Preparation

(1) Review account history and create summary.

- Establish RMS WIN entry.
- Review prioritization criteria.
- Check with the referral source, if appropriate, for useful insights and information about the employer.
- Review existing files if appropriate.
- Identify key individuals with authority to make decisions and put programs in place, and make contact and/or an appointment with that individual whenever possible.

Consider using:

- LINIIS screens. (See Appendix 12-B in this chapter)
- Employer Profile report.
- RCANT characteristics of the risk class or NAICS code.
- Loss Run and other reports. The Loss Run report includes information on claims affecting current and future rating years:
 - Review loss run chronological injury date report.
 - Review all claims for impact on employer's rates.
 - Identify trends and problems through summary report pages.
 - Prepare to introduce solutions.
- EMRE/EMPR. If the employer needs to discuss their entire account history, order the EMRE, or view the EMPR report.
- Experience Rating Calculation sheet (ERC)

(2) Compile packet of handout materials tailored to the visit.

Consider using:

- Injury and Cost Profile
- Loss Run reports
- Sample claims program
- Information on accessing the Claims and Account Center
- L&I and Access Washington Website information and materials.
- Resource lists, contacts for other programs, business cards for referrals.
- Data Warehouse: Data and graphics, experience factor history, payroll deduction and premium trends prepared by the Risk Management Consultant before the visit.
- Appropriate WAC and RCW information.

- Other materials – required postings, safety posters, sample documents or reports and items directly requested by the employer
- Retrospective Rating information if appropriate
- Washington Stay at Work Program
- Preferred Worker Program
- FileFast
- Medical Provider Network

b. On-site Visit.

(1) Personal Safety. When conducting an on-site walk-through, be prepared with appropriate Personal Protective Equipment (PPE) for the site. Also refer to Chapter 5, Sections C.3 and C.4, in this manual.

(2) Scope of Visit (Purpose). Explain the purpose of Risk Management Services. The primary purpose is to assist the employer in efforts to develop systems that reduce occupational injuries and illnesses and to prevent or reduce long term disability and related costs.

- Include an explanation that:
 - The responsibility of the Risk Management Consultant is not to identify code violations or hazards.
 - Working with Risk Management will not prevent compliance activity.
 - The service is discretionary and at the request of the employer, with no obligation, and no charge. Refer to Section G in this chapter, regarding relationship to Compliance.
- Explain the consultation process, including assessment, recommendations, and referral process. Describe the services available from DOSH.

(3) The Employer or Company's Current Status.

The Risk Management Consultant will:

- Provide premium and experience rate history, including additional costs or cost savings based on experience factor
- Provide current risk classifications
- Provide claims history, including claims currently affecting the employer's premium rate and any open claims, are identified

Consider using:

- Loss Run
- Employer Profile
- Injury and Cost Profile
- Claims and Account Center

- (4) Consultation Process.** The Risk Management Consultant performs an assessment by using an effective Risk Management Assessment tool. The assessment process should result in appropriate analysis, evaluation, and recommendations for actions to be completed by the employer.

In order to be classified as a consultation, the Risk Management Consultant must provide discussion and explanation on all of the following elements and their relationships to the employer's workers' compensation premium rates and workplace safety during the consultation. Risk Management consultations are typically done in one visit to the employer.

Suggested measurements to be used are:

(a) Management: Commitment and Knowledge.

- Management's commitment in reducing injuries and the associated industrial insurance costs.
- Does the safety program have equal value with quality, production and profitability?
- Does management delegate, empower and provide resources to the safety program, Return to Work and human resources?
- Is management using safety performance in supervisor's evaluations?
- Do they receive copies of the safety committee or safety meetings, and take an active part in supporting the program?
- Does management enforce company safety and health rules
- Does management encourage and empower employees to take an active role as part of their safety program?
- If the employer meets OSHA Recordkeeping requirements, does the highest ranking company official review and sign the 300A Annual Summary?

NOTE: If the employer at the time of the consultation demonstrates an interest in developing a safety culture, the Risk Manager should help the employer pursue START or VPP.

(b) Human Resources:

Suggested questions for discussion during consultation:

- Does the employer use a job application, and check references?
- Does the employer have a management statement on their commitment to safety?

- Does the employer have policies regarding safety, reporting on the job near misses and injuries, Return to Work, progressive disciplinary policies or corrective action plans, and exit interviews?
 - Does the employer provide New Employee Orientation that covers the following?
 - Employer’s expectation about safety and commitment to returning injured workers to modified duty
 - Content and location of the Accident Prevention Program (per WAC 296-800-14005) that includes:
 - A description of their total safety and health program.
 - On-the-job orientation showing employees what they need to know to perform their initial job assignments safely.
 - How and when to report on-the-job injuries, including instructions about the location of first-aid facilities in their workplace.
 - How to report unsafe conditions and practices.
 - The use and care of required personal protective equipment (PPE).
 - What to do in an emergency, including how to exit the workplace.
 - Does the Human Resources department or owner use performance evaluations that include safety on the job?
 - Does the employer have an Employee Handbook?
 - Does the employer provide training that is monitored?
- (c) Claims Management and Return to Work.
- Suggested questions for discussion during consultation:
- Does the employer have a pre-injury plan in place for Return to Work?
 - Has the employer identified modified duty jobs, and is the packet easily available on the day of injury so they can be provided to the attending physician?
 - Is there a designated person to monitor claims activity and act as a Return to Work coordinator?
 - Does the employer use the Claims and Account Center?
 - Does the employer know about “My L&I?”
 - If the employer has a Third Party Administrator, do they understand roles and responsibilities?
 - Is the employer a member of Retro, and do they understand the commitment required for success?

- Does the employer use a job offer letter?
- Will it be helpful to give the employer a copy of L&I Insurance Services *Interim Policy 5.15 - Adjudicating Transitional Job Offers and Eligibility for Time-Loss Compensation and Loss of Earning Power Benefits*

(d) Industrial Insurance Rates and Premiums.

The Risk Manager will discuss:

- Risk classifications, base rates and cost drivers
- Experience rate, expected vs. actual losses, and correlation between injuries and premiums
- Medical only discount
- Claims Free Discount, if it applies
- Rule of 1 and 25% rule for rate adjustments
- Maximum claim and death value
- +2/+3 rule (when a claim affects rates)

NOTE: The Risk Manager may want to explore further opportunities for training on Intro to Rates and Claims for their employees, if desired by the employer.

(e) Safety Program:

When employers need assistance with their safety or injury prevention programs, Risk managers will refer them to subject matter experts within DOSH Safety and Health Consultation or Ergonomics programs.

The Risk Managers will discuss the employer's current safety and health program using the following discovery questions:

- Does the employer have an Accident Prevention Program?
- Does the employer have a safety committee, or conduct safety meetings?
- Do they provide safety training?
- Do they have an OSHA Log if required?
- Do they conduct Job Hazard Analyses?
- Do they provide and enforce the use of PPE?
- Does the employer use the Claims and Account Center trend report, to help identify trends?

Consider using:

- Walk-through survey (See Appendix 12-A and 12-C in this chapter, for assessment samples):
 - The Risk Management Consultant may conduct a walk-through of company operations to get familiar with the operation and inherent risks.
 - While the Risk Management Consultant's primary role is not to identify code violations or unsafe conditions, when serious hazards are identified; those hazards may be brought to the attention of the employer to encourage a voluntary consultation with a Safety and Health Consultant.

NOTE: When a serious hazard is believed to be identified in a walk-through survey, the Risk Management Consultant will inform the Consultation Regional Manager or Consultation Supervisor for further action as they deem appropriate.

(5) Recommendations. Recommendations are based on the assessment and are meant to:

- Prevent injury and illness
- Increase risk awareness
- Address workers' compensation cost containment, Return to Work, and help prevent long term disability.

The Risk Management Consultant will:

- Communicate all recommendations to the employer within 15 calendar days of closing the consultation. This must be done in writing, using the Assessment Template in the WIN system.
- Explain the results of the assessment, suggesting areas that will benefit from attention.
- Recommend and assist the employer with immediate and long term goals.

Goals may include:

- On-site training
- Assistance with program development or refinement (accident prevention and workers' compensation plans).
- Referrals to Safety and Health and other agency staff or resources

(6) Referrals.

Promote and encourage the use of other appropriate services available from the Department as indicated by the assessment and discussion. Provide descriptions of these services, offer to make a referral or provide phone numbers.

c. Closing.

At the conclusion, the Risk Management Consultant will:

- Use WIN to generate a customized Risk Management Consultation to the employer within 15 calendar days of closing the consultation that lists accomplishments and reviews the recommendations, implemented or not.
- Provide employer with the feedback survey form.
- Remind the employer of the Risk Management Services (RMS) ongoing availability.
- Make employer aware of all DOSH services.
- Prior to sending consultation to the employer, the Regional Manager or Supervisor will review and provide approval in the WIN system.
- Close the assignment in RMS-WIN
- See Appendices, 12-A and 12-C, for samples.

A consultation is generally done in one visit and closed. Exceptions to this time frame should be discussed and approved with the Regional Consultation Manager.

E.4. Technical Assistance. Technical Assistance is defined as anything less than the 5 required elements of a consultation. Technical Assistance does not require an assessment or closing letter. Assistance is typically provided in a single visit, by phone or email, and may include the following:

- Information, materials or statistical analysis provided to help the employer respond to their identified needs.
- On-site training tailored to the employer's needs.
- Services requiring research or follow-up
- Other limited scope services may include:
 - Rates and experience factor information
 - Claims assistance
 - Claim and Account Center (CAC)
 - Accuracy of Loss Runs or reports
 - HR issues
 - Safety
 - Incentive programs
 - Vocational Services
 - Ergonomics
 - OSHA Recordkeeping
 - Predetermined visit(s) with an employer for singular or limited purposes.

NOTE: Details on how the Risk Manager met the needs of the employer must be documented by selecting “Technical Assistance” in WIN.

Example 1: When a Risk Manager provides information to an employer on how a claim will affect their future rates, this *is considered technical assistance*.

Example 2: When a Risk Manager provides an employer their Proposed Experience Rate in October, this *is not considered technical assistance*, **unless** there is a technical discussion in which the Risk Manager explains why the employer's rates went up or down. The Risk Manager's WIN entry should support how the employer was helped and what technical assistance was provided.

E.5. Workshops. Risk Managers present two types of workshops based on need:

- a. Scheduled Workshops** are offered to registered audiences at designated sites. Workshop material is available through the shared DOSH Workshop folder on the G drive at G:/tumw-WISHA/DOSH workshops 2011-- current.
- b. Specific or Tailored Workshops** may be offered to groups or organization. Risk Managers will use materials appropriate for the audience.

NOTE: Workshops presented to groups or organization with multiple employers attending are recorded under "Outreach" in the WIN system.

E.6. Follow-up.

- a.** Following completion of any service, Consultants may contact employers and provide information about future rates, Loss Run, and L&I initiatives.
- b.** Follow-ups may include calls to the employer to check on how the employer is doing with recommendations or to follow-up on marketing letters sent out by Risk Managers

F. DOCUMENTATION

F.1. Account File Documentation.

The Risk Management Consultant will create a file for consultations as well as technical assistance visits using the RMS-WIN system. The WIN file is the official file.

F.2. Correspondence.

Retain any correspondence sent to and received from the employer during the consultation process in RMS-WIN

G. RELATIONSHIP TO COMPLIANCE – OPEN INSPECTION

If DOSH Compliance opens an inspection while a Risk Management Consultation is in progress, all risk management activities must be suspended until the Compliance and Consultation Manager or Supervisor meet and discuss the situation and basis of the compliance activities.

If it is deemed that no conflicts exist, the Risk Management Consultation can resume, but the risk management activities must be limited to mitigating and controlling losses related to worker compensation claims or topics related to the insurance side of Labor and Industries.

The Risk Management Consultant will:

- Verify if the employer wishes to continue, and has resources available to continue with the consultation.
- **Not** make any statements to the employer in regards to the basis or components of the compliance inspection, or any findings related to the compliance activities.
- Refer questions related to interpretation of the regulatory standards to the appropriate DOSH program, i.e., Compliance, Regional Consultation Manager or Technical Services.

APPENDIX 12-A

RISK MANAGEMENT ASSESSMENT TOOL

Firm Name: _____

Acct: _____

Contact: _____

Date: _____

1. MANAGEMENT	
Assessment	Comments
<ul style="list-style-type: none"> Is management committed to reducing injuries and the associated industrial insurance costs? Is management committed to a safety program that has equal value with quality, production and profitability? Is upper management involved in the planning and evaluation of safety and health policies and performance? Does management policy establish clear priority for safety and health? Do managers support safety and health policies, including allocating necessary resources? Do managers follow safety and health rules? Does management encourage and empower employees to take an active role as part of their safety program? Is management using safety performance in supervisor's evaluations? 	
2. HUMAN RESOURCES	
Assessment	Comments
<p>Does the employer's hiring practices include:</p> <ul style="list-style-type: none"> Use of standard application form? Face-to-face interviews? Work history verification? Written job descriptions? Corrective action plan? Policy on Return to Work (RTW)? New employee orientation? Ongoing training plan for all positions? Exit interviews/separation questionnaires? 	

3. CLAIMS MANAGEMENT AND RETURN TO WORK (RTW)	
Assessment	Comments
<ul style="list-style-type: none"> • Does the employer have a RTW policy in place and covered during new employee orientation? • Is there a RTW packet available and explained during new employee orientation? • Is assistance provided to injured workers following an injury? • Does management/employees understand the benefits of RTW? • Is there a person assigned to review claims and provide assistance to injured worker(s)? • Is the employer a member of retro and do they understand the commitment required for success? • Does the employer use the Claims and Account Center and do they review claims? • If the employer has a TPA, do they understand roles and responsibilities? • Does the employer use Stay at Work? • Could the employer benefit from a Preferred Work Program? • Will providing L&I Insurance Services Policy 5.15 help the employer understand what is a valid job offer? 	
4. RATES	
Assessment	Comments
<p>Does the employer understand:</p> <ul style="list-style-type: none"> • Risk classes? • The need for correctly reporting injuries in risk class? • Base rates? • Premium calculation? • Experience factor and their experience rate? • Rating window and claims impact? • Maximum claim and death value? • Rule of 25% and rule of 1? 	

5. SAFETY	
Assessment	Comments
<p>Does the employer:</p> <ul style="list-style-type: none"> • Have an Accident Prevention Program? • Comply with OSHA Recordkeeping requirements? • Have a safety committee or safety meetings that meet or exceed the requirements in WAC 296-800-130? • Provide safety training? • Involve both management and employees in injury trending, hazard analyses and preventive measures? • Conduct safety and health inspections? • Have a hazard specific program? • Conduct accident investigations? • Provide supervisory training on leadership, managing and modeling safe behavior? • Provide safety communications? • Know about or use the Claims and Account Center, trend report and/or My L&I? 	

APPENDIX 12-B

LIST OF LINIIS SCREENS

EMPLOYER

NSEA- search by name of company or firm
 RACC- account status, active dates (Y or N for Retro Group enrollment)
 RRHI- rate Hx by risk class, Experience rated funds
 RNHR- rate Hx by risk class base rates in 3 funds
 RPOL- experience rate hx, A in "option" brings up all related accounts
 RMES- messages on account
 CONT- contact messages on account
 RRIS- risk classes listed, N in "option" gives desc of RC
 RADD- all addresses and type of address (physical locations, TPA, claims and QR mailed to.)
 EMPR- employer claim hx, status of claims(open/close, compensable, PPD, Case Reserve, med costs)
 SGBR- ownership Also RAOI
 SAF2- trends (# of claims, total costs), ownership, L&I activity, F9= claims by Risk Class
 RBUS- review business detail
 CITE- individual quarterly reports/ hours by risk classes
 ITEM- premium hx by quarter
 RERE/RERA/RERF- rates data (F11 to print)
 PMCT- policy/account manager assigned
 EMRE- order employer claim hx report
 PERC- order proposed Experience Rating Calculation ("Y" for the proposed rates notice)
 LOSS- request loss report (leave sub account blank to get all related accounts)
 RRAT- base rate data by Risk Class- not attached to account Claims
 RZIP – find out what region employer is in
 RPAC – provides employer's PAC #
 ROWA – Employer Safety inspection date

CLAIMS

LSSC- quick claims status
 PRFL- claims detail
 RCMP- claim status/ pd to date, reserves
 RCRP- Pd to Date, pymt totals
 RCNA- address for all
 CCHI- claimant hx
 RICH- inactive claims hx
 RROA- report of accident
 REPO- employer portion of ROA only R
 CAO/RLTR/MAIL- correspondence
 AFPI- listing of all payments
 RLOG- activity log (3rd pty, preferred worker, occ dis.)
 RAPN/TAPS- claims managers working screen, plan
 RPRT- protest status ATHR- authorized diagnosis and tx. Also ELIG, RDAI RPRT- protest log
 CEIN- employer liability rw. Also RPOD with adjustment # from RMES for details
 RVOC- Voc status
 RCRP- payment totals, 3rd party recovery data
 RLTR – Letters sent by claims manager requesting information
 RAPS – Claims manager plan of action

GENERAL RATES

RCLV – Review Claim Values (Table I)
 RWBL – B&N Values (Table II)
 REXM – Claim Free Experience Modifications (Table IV)

APPENDIX 12-C

SAMPLE RISK MANAGEMENT ASSESSMENT	
Employer Name Company Name	Date Conducted: (date)
Account ID:	
Conducted with: Phone:	Consultant: Risk Manager
<p><i>Dear John,</i></p> <p><i>It was a pleasure meeting you, and thank you for giving me time to discuss your safety program and various risk management strategies. You made it clear during our meeting you are striving for safety excellence. I am confident you will find the time and effort spent preventing injuries and managing claims will be worthwhile.</i></p> <p><i>Below are my recommendations and summary of topics discussed.</i></p>	
CLAIMS MANAGEMENT	
<ul style="list-style-type: none"> You are a member of a retro program and have a claim management plan in place You have one open claim and the injured worker is currently working on modified duty. Your Third Party Administrator has provided you with an injured worker packet that outlines your modified duty jobs available Consider using the Washington Stay-at-Work Program (WSAW). WSAW will compensate an employer for 50% of the wage (within limits) when an injured employee is returned to the workplace in a light duty capacity. Please review the handout for additional details and options or call <i>(add phone number)</i> for further details. Remember you can review claim information on the Claims and Account Center. Although you have a Third Party Administrator (TPA), you as the employer can stay current on the medical progress of your injured worker and provide helpful feedback to your TPA by staying current on medical progress, KOS, should that apply, wages and hours worked, etc. 	

APPENDIX 12-C (continued)

SAFETY

- We went over the safety pyramid and discussed how the severity of injuries can increase with each subsequent event and that reducing the number of hazards can reduce the number of injuries. These are good messages to share with your employees on a regular basis.
- Most of your injuries occurred on Monday morning. Consider having short safety meetings each Monday morning to keep safety on everyone's mind.
- Involve your safety committee in accident investigation and recommendations for preventing injuries.
- We reviewed your Injury and Cost Profile and found that the majority of your injuries are from falls to the same level. We discussed some housekeeping corrections that could be made to help prevent these types of injuries.
- I would recommend a Safety and Health Consultation. This program can help you improve upon your current safety program and ensure you are in compliance. To schedule an appointment contact *(add name)* at *(add phone number)*.

MANAGEMENT

- I am certain that Safety is a priority at your organization. I believe that your positive attitude and concern for employees is appreciated and respected by your employees. It is my experience that even when safety is a priority, the vision for safety sometimes gets lost among the other priorities that take place daily. It is my recommendation that you make every effort to communicate the message of safety often.
- Make sure everyone in the business understands there is no job so important that it should be done in an unsafe manner regardless of circumstances. The time and energy that you spend doing this will be time well spent and will serve to build your safety culture even further.
- Build into your safety program a system that will include employee involvement in maintaining a safe work environment. Employees that understand how valued they are will have good morale, and studies have shown tend to stay with companies longer, reducing turnover.
- I would like to provide additional training on Supervisor Safety Leadership in the near future. I will call you in a few weeks to get this scheduled
- We discussed that you would be a great candidate for our Safety Through Achieving Recognition Together (START) program. Following the Supervisor Leadership training I would like to discuss this further with you and the benefits of achieving this federally recognized program.

Appendix 12-C (continued)**RATES**

- We reviewed your risk classification and discussed how base rates are adjusted each year.
- Although you have an in-house report of accident and this is required to be completed following an injury, I would strongly encourage you to also complete the Employers Report of Accident for the Department of Labor and Industries.
- You have an excellent experience rate history and have maintained a Claim Free Discount for over 4 years.
- Should you have an injury, remember the importance of your Return to Work program. A claim will not become compensable unless time loss is paid or it results in a Permanent Partial Disability award. If you have any questions following an injury, please give me a call.
- If you haven't done so already, contact your Account Manager, (name and phone number), and review your risk classes. During our meeting it sounded like you would be eligible for the clerical rate, 4904. With the expansion of the business you may also want to review for other risk classes that may be required.

HUMAN RESOURCES

- Review your hiring process to insure hiring of the most qualified candidates. Reference checks are often a valuable tool in vetting a potential hire.
- During new employee orientation cover how and when to report near misses and injuries, your safety program, and your Return to Work program. Remember you are setting the stage for achieving safety excellence.
- Have your new hired employees attend a few safety committee meetings and encourage them to be an active part of your program.
- In building a culture of safety excellence, we know that safety begins during the hiring process. If you are not doing so already, I suggest you consider asking applicants for their views on safety during the interview. Responses to this question may provide insights into the candidate's attitude toward safety, their work habits, and their ability to contribute to your safety culture.
- Develop a process to evaluate a new employee's progress during their probationary period. Check often to ensure your new hired employee is receiving exceptional training so they succeed and become a member of your team.

NOTE: An optional "closing letter" can also be created in the WIN system.

CHAPTER 13

LOGGER SAFETY INITIATIVE PROGRAM

A. BACKGROUND

The Logger Safety Initiative (LSI) is a manual logging safety-based program where, if certain requirements are met, employers receive up to a 20 percent discount on their workers' compensation insurance rates.

The Logger Safety Initiative (LSI) began in 2012 when industry leaders from the Washington Contract Logger Association (WCLA), the Washington Forest Protection Association (WFPA), and Public Lands Commissioner began meeting with L&I to discuss the workers' compensation rates, trends and injury statistics for non-mechanized or manual logging operations (5001). In recent years, risk class 5001 has experienced catastrophic and costly claims, but fewer hours have been reported by employers. From the beginning, a key focus has been on finding ways to improve the safety performance of the industry so that both the frequency and severity of injuries could be reduced.

L&I agreed to work with industry representatives to organize a Logger Safety Taskforce that would develop a Washington State Logger Safety Initiative. In January 2013, a letter confirming their commitment to providing the time and resources to build a successful safety program was finalized and signed by all of the parties. Governor Jay Inslee signed the commitment letter on May 21, 2013. The Logger Safety Taskforce was initiated in March 2013. In January 2015, a formal Taskforce was established and meets on a quarterly basis. Other members include logging company representatives, Washington Contract Loggers Association (WCLA), forest landowners, Washington Forest Protection Association (WFPA), L&I, and the Washington State Department of Natural Resources.

The Logger Safety Initiative was supported by the passage of Engrossed Substitute Senate Bill (ESSB 5744) by the Washington State Legislature in April 2013 and signed by Governor Inslee in May 2013. This legislation acknowledges the need for the Logger Safety Taskforce's work recognizing that workers in manual logging (especially younger workers new to the industry) have more frequent and more severe injuries than in other industries.

B. LSI PROGRAM REQUIREMENTS AND GOALS

The LSI program has standard ongoing requirements to maintain enrollment in the program. The requirements include:

- Enrollee's workers' compensation premium account must be in good standing as outlined in WAC 296-17-31004(4).
- Companies must accurately report worker hours in the appropriate risk classification each quarter.

- Submit on time monthly supplemental reports for hours worked in the manual logging risk classification of 5001.
- Fulfill the annual training requirements of the crew and owner/appointed safety officer of the company.
- Continually comply with applicable safety and health standards administered by L&I's Division of Occupational Safety and Health.

The LSI Program was developed to achieve the following goals:

- Promote a safety first culture for the logging industry employers and employees.
- Reduce the frequency and severity of injuries and deaths.
- Increase proper reporting of worker hours.
- Explore options to reduce costs in the logging industry.

C. COMPLIANCE WITH DOSH SAFETY AND HEALTH STANDARDS

LSI is a three-tier program. The employer begins at Tier One and progressively works their way towards Tier Three by meeting additional requirements. Each tier has its own set of requirements and a specific policy that must be followed in order to stay “in good standing” and continue in the program. L&I will immediately suspend from the program any employer receiving a safety and health inspection resulting in a Severe Violator Enforcement case designation (DOSH Directive 2.68).

C.1. Tier One. To achieve Tier One status the company must apply for the program, implement the LSI Accident Prevention Program(s), and tailor it to their company. Once the requirements are met, they will receive a 5% discount on their workers' compensation insurance premium.

Employers must undergo DOSH Consultation for certification of manual logging conditions and operations to gain certification.

- a. The employer has some flexibility in determining the appointment for the consultation, but cannot defer the appointment in an effort to avoid certification. Even if the employer doesn't think they are ready for the consultation, they must contact the DOSH consultant to develop a plan and a timeline to move forward.
- b. When an employer fails to respond to DOSH Consultation's efforts to schedule an initial consultation visit, the following escalation method applies:
 - If the employer does not contact the consultation program within 10 business days from the second phone call, a certified letter will be sent to the employer instructing the employer to contact the consultation program by a set date.

- If the employer does not comply by the set-date, the LSI Program Office will terminate the employer from the program. The employer will then be notified in writing of the department's decision.
- C.** Tier one employers agree to send written confirmation when all safety and health hazards identified by the DOSH consultant have been corrected.
- If an employer doesn't correct findings by the time specified by the consultant, the consultant follows the process outlined in the DOSH Consultation Manual.
 - If the employer does not provide the verification by the final action date, the LSI Program Office may terminate the employer from the program. LSI Program Office notifies the employer in writing of the department's decision.
- C.2. Tier Two.** Tier Two is achieved by the completion of a Safety and Health Consultation. Once all identified hazards have been corrected, the company will receive a 10% discount on their workers' compensation insurance premium.
- C.3. Tier Three.** Becoming fully LSI certified includes the completion of a workers' compensation premium audit which will result in a 20% discount on their workers' compensation insurance premium.

Employers agree to comply and remain in compliance with applicable safety and health standards administered by DOSH. A LSI safety review panel will respond to serious safety issues involving LSI participants in a timely manner.

Employers agree to undergo an annual comprehensive DOSH safety and health consultation of all manual logging conditions and operations. Employers are required to contact DOSH Consultation for scheduling. To meet this requirement an LSI participant must have a confirmed consultation appointment scheduled with DOSH Consultation within one year from the date the Program's Memorandum of Participation (MOP) was signed.

Employers who fail to respond to DOSH Consultation after the MOP is signed may face possible suspension or termination. Employers who do not contact DOSH Consultation will receive two phone calls from DOSH to set up an appointment. DOSH Consultation will leave voice messages if the employer does not answer, with instructions to contact the consultation program. If the employer does not contact the DOSH Consultation program within 10 business days from the second phone call, the LSI Program Office will send a certified letter instructing the employer to contact the consultation program by a set date. If employer does not comply by the set-date, the LSI Program Office will make a determination to terminate the employer from the program.

The employer will be notified in writing of the department's decision. Employers must provide written confirmation that they have corrected all identified safety and health hazards. If an employer has not corrected all safety and health hazards by the date identified by the DOSH consultant, the consultant will follow the process outlined in the DOSH Consultation Manual. If the employer has not provided the confirmation by the final action date provided by the DOSH consultant, the LSI Program Office will make a determination to terminate the employer from the program.

D. CONSULTATION RESPONSIBILITIES

LSI is managed and overseen by L&I's Insurance Services division. DOSH Consultation is responsible for overseeing and ensuring that LSI program participants comply with applicable DOSH safety and health standards.

1. DOSH Logging Supervisors:

- Coordinates with the Logger Safety Initiative Program Manager.
- Assign LSI consultations to consultants.
- Tracks and ensures timely scheduling of LSI companies.
- Attends the quarterly LSI Taskforce meetings.
- Assists Logging Consultants with scheduling LSI consultations.

2. DOSH Logging Consultant Responsibilities:

- Schedule and perform an annual consultation for logging companies that participate in LSI.
- Review the companies LSI Accident prevention program
- Fill out form 16
- Complete additional required checklist.
- Provide or participate in LSI quarterly training.
- Review LSI quarterly trainings
- All consultants attend or participate in the annual LSI training.
- Review LSI provided specific training curriculum(s) for each employee and written safety plans for pre-setting chokers.
- Review LSI monthly self-inspection checklist. (Cutting, cable yarding, wind when applicable, weekly training logs for new cutters).

E. SCHEDULING LSI CONSULTATIONS

The Logging Supervisor is responsible for making assignments for the consultants so they can then schedule the initial and annual consultation visits with LSI companies. SharePoint contains a list of companies with associated dates of when an employer's annual visit is due. The Logging Supervisor is required to monitor the list and contact LSI companies three months in advance of their scheduled visit.

When LSI companies do not respond to the initial contact made by the Logging Supervisor to schedule a consultation visit then the logging supervisor must make a second attempt to contact the LSI company two weeks after the first attempt was made. If the LSI company continues to disregard the request for scheduling a consultation visit then LSI policy requires the Logging Supervisor to contact the LSI Program so that they may take corrective action.

- 1. LSI Consultations.** All companies participating in the LSI program will receive an initial and annual full-service consultation. The full-service consultation will include a comprehensive review of the employer's safety and health programs using DOSH Form 16. The DOSH consultant must also review the employer's LSI Accident Prevention Program, LSI trainings and LSI self-inspection checklists. The employer must complete a correction of hazards form for each visit to verify abatement is complete
- 2. LSI Visit When There is an Open Compliance Visit or Active Appeal.**
The Logging Supervisor must conduct a search of WIN to ensure the LSI company scheduling a consultation visit does not have an open enforcement inspection. Open enforcement inspections, that have not become final order, preclude consultation visits and may delay the LSI consultation process. Refer to Chapter 5, D.1 for more information on how to handle an inspections in progress.

CHAPTER 14

OTHER PROGRAMS

A. VOLUNTARY PROTECTION PROGRAM (VPP)

The VPP is designed for worksites with comprehensive, exemplary safety and health programs. The VPP encourages cooperative action among government, industry and labor to address worker safety and health issues and expand worker protection. Requirements for VPP participation are based on comprehensive safety and health management systems with active employee involvement to prevent and control potential safety and health hazards at the worksite.

Employers who meet eligibility requirements may apply for and achieve approval for participation in the VPP. Any company with days away, restricted/transferred (DART) injury and illness rate below the industry's average may apply for STAR level. Companies with DART incidence rates above the industry's average may qualify to apply for MERIT level. Additional requirements are outlined in the *DOSH VPP Manual*. Approved VPP sites will not be scheduled for scheduled inspections.

However, participation does not diminish employer or employee rights and responsibilities under WISHA. Unscheduled inspections for fatalities, catastrophes, referrals or complaints **may still be conducted**.

Application for the VPP is made to the Department of Labor & Industries through the DOSH Education and Outreach Services, Special Employer Programs and they are responsible for administering the program statewide. The VPP Specialist coordinates with the DOSH Regional Consultation Managers or Supervisors for technical expertise in evaluating the applications and to schedule teams for on-site evaluations. (Refer to the DOSH VPP Manual for more detailed information.) VPP activities should be documented using Consultation Form 66, unless the activity is considered a visit. (See *Chapter 9, Section C, for more information about Form 66*). When the VPP evaluation is a consultation visit then it must be documented in the WIN Consultation online data system and Form 33 must be used to evaluate their safety and health program.

B. DOSH REGIONAL CONSULTATION MANAGER

The DOSH Regional Consultation Manager, or their designee, does the following:

- a. Provides handout literature describing the VPP, application instructions, and other informational materials, as developed, to interested parties upon request. Such parties are then referred to the VPP Specialist.

- b. Promotes the VPP in appropriate public presentations, using available material geared to audience interest.
- c. Ensures that DOSH Consultants know the requirements and objectives of the VPP, and encourages them to identify possible candidates.
- d. Refers likely VPP candidates to a VPP Specialist for follow-up.
- e. Upon request, provides professional staff resources to participate on VPP onsite teams. Each VPP review team usually includes a consultant from each discipline, safety and health.
- f. After scheduling the VPP onsite review, the Team Leader requests that the DOSH Consultation Manager and Compliance Manager defer any scheduled inspection until a decision concerning the site's VPP participation has been made. The worksite must be removed from the scheduled inspection lists no more than 75 days before the scheduled onsite review.

C. RIGHT-TO-KNOW ASSESSMENT REVIEW

The Right-to-Know evaluations are coordinated by the Right-to-Know program Central Office and assigned to Regional Consultation Managers or Supervisors for employer Right-To-Know fee assessment reviews. Reviews are conducted by DOSH Consultants to determine if hazardous chemicals are present at the employer's worksite. This should include an on-site visit. DOSH Consultants are encouraged to offer full service consultations to these employers. DOSH Consultants are required to communicate their findings to the Right-To-Know Coordinator and to complete a Form 66 Intervention form. If a full/limited service consultation is conducted, then the visit must also be documented in the WIN Consultation data system.

D. THE GOVERNOR'S INDUSTRIAL SAFETY AND HEALTH CONFERENCE

D.1. Purpose and Goals. The goal of the Governor's Safety and Health Conference is to educate and make attendees aware of the latest information and technology in the fields of accident prevention and industrial safety and health. The purpose of the conference has not changed since its inception in 1949. This annual conference provides the agency an excellent opportunity to demonstrate its commitment to safety and health and to reach a wide audience from nearly every industry.

D. 2. Conference Staff. The Governor's Safety and Health Conference staff are a part of the DOSH central office programs. They work in conjunction with other DOSH and L & I agency staff and the Governor's Industrial Safety and Health Advisory Board to coordinate and promote the annual conference. DOSH Consultants provide the primary staff support for the conference. Consultants must complete Form 66 in WIN to document conference related activities (see Chapter 9, Section C, for more information about Form 66).

Chapter 15

Process Safety Management of Highly Hazardous Chemicals

A. Purpose

This chapter provides mandatory guidance that DOSH Consultation will use to evaluate processes or operations covered by WAC 296-67 *Safety Standards for Process Safety Management of Highly Hazardous Chemicals* (i.e., the PSM standard). (See Sections D.3. and D.4. of this chapter for additional information.)

A. 1. Overview.

- a. The PSM Evaluation Worksheet (available for internal DOSH use upon request to the Consultation Operations Manager) contains guidelines for assessing processes covered by the PSM standard. The worksheet is a tool for evaluating an employer's PSM program and should be used in conjunction with other relevant technical resources (e.g., consensus standards, Recognized and Generally Accepted Good Engineering Practices (RAGAGEP)).
- b. The worksheet is designed to assist PSM qualified consultants with evaluating processes covered by the PSM standard consistent with DOSH requirements in:
 - 1) WAC 296-67 *Safety Standards for Process Safety Management of Highly Hazardous Chemicals*;
 - 2) WAC 296-67-285 *Appendix A—List of highly hazardous chemicals, toxics, and reactives (mandatory)*;
 - 3) WAC 296-67-289 *Appendix B—Block flow diagram and simplified process flow diagram (nonmandatory)*; and
 - 4) WAC 296-67-291 *Appendix C—Compliance guidelines and recommendations for process safety management (nonmandatory)*.
- c. Each section of the worksheet contains assessment questions to review the implementation of a PSM program element required by the PSM standard. Some assessment questions in the worksheet include evaluation tips. The assessment questions and evaluation tips are not all-inclusive.
- d. The worksheet includes assessment tables. These are optional resources that PSM qualified consultants may use when conducting PSM evaluations:

- 1) Table C-1 *Hazards of Highly Hazardous Chemicals Used at the Establishment*;
- 2) Table C-2 *Relief System Design and Design Basis Used at the Establishment*;
- 3) Table D *Assessment of the Employer's Written Schedule for Implementing Process Hazard Analyses Recommendations*;
- 4) Table E *Review of Equipment Inspection Records*; and
- 5) Table M *Workers Training Review*.

A. 2. Qualification and Training Requirements for Consultants.

a. Qualification requirements for consultants:

- 1) The assessment of a PSM process and completion of the PSM Evaluation Worksheet must be done or led by consultants that the respective Regional Consultation Manager has determined have the appropriate education, training, skills and experience (i.e., PSM qualified consultants).
- 2) Regional Consultation Managers will apply the following guidance to determine the qualification level of a consultant:
 - a) Regional Consultation Managers will use guidelines established for training and experience in DOSH Directive 24.40 *Chemical Facility Process Safety Management NEP* (May 4, 2018) to determine a consultant's qualification level or follow guidelines established for DOSH occupational safety and health professionals specific to PSM.
 - b) When requested by the Statewide Consultation Manager, Regional Consultation Managers will review training and experience acquired prior to working for the Consultation program, to determine a consultant's qualification level following the guidance in paragraph a) above.
 - c) When requested by the Statewide Consultation Manager, Regional Consultation Managers will review the training and experience of consultants who have led a PSM assessment, following the training and experience requirement of DOSH Directive 24.40 *Chemical*

Facility Process Safety Management NEP. If the Regional Consultation Manager finds that the requirements for Level 1 qualification in DOSH Directive 24.40 were met, those consultants do not have to meet the six PSM assessment experience criteria for Level 1 qualification specified in DOSH Directive 24.40.

- b.** Consultants who intend to use training courses external to DOSH and OSHA to comply with training requirements must obtain prior approval from the Consultation Operations Manager.
 - 1)** Options that Regional Consultation Managers can explore to help consultants gain professional/field experience include the following:
 - a)** Regional Consultation Managers may coordinate with other Regional Consultation Managers for consultants seeking professional experience opportunities to actively participate in PSM assessments led by qualified DOSH personnel.
 - b)** Regional Consultation Managers may also coordinate the active participation of consultants in PSM assessments led by consultants or consultation supervisors who meet the qualification requirements to lead PSM assessments.
 - c)** For a professional experience activity to count towards PSM qualification, consultants accompanying PSM qualified personnel to evaluate PSM covered processes must actively participate (i.e., identify hazards, corrective actions, and complete draft PSM Evaluation Worksheets describing findings and recommendations).
 - d)** PSM training courses should never be taken out of order. Consultants taking the courses should do so in sequence, due to the progressive nature of the course content.

A. 3. Technical Assistance.

Consultation programs may receive technical assistance to address PSM related questions or inquiries through the Statewide PSM Compliance Manager.

B. GUIDELINES

- B. 1.** All guidance specified in this chapter for conducting consultation visits remain applicable when using the PSM Evaluation Worksheet, this includes definitions for the Safety Through Achieving Recognition Together Program (START), Pre-START, full-service consultation visits, and limited-service consultation visits.
- B. 2.** The worksheet serves as a technical guide for PSM qualified consultants to use in assessing PSM processes, in addition to other technical resources. PSM qualified consultants will complete the worksheet by documenting findings and recommendations in the appropriate PSM Program element sections. Findings and recommendations using other technical resources may be documented in the appropriate sections of the worksheet or attached to the worksheet in any format.
- B. 3.** PSM qualified consultants will include completed worksheets in employers' case files. The Hazard Found Report will include identified hazards and recommendations for improvement.
- B. 4.** DOSH Consultation may receive various types of requests for consultation services from employers such as requests for START or Pre-START participation, full-service consultation visits (see Section D.3.); limited-service consultation visits (see Sections D.4. and D.5.); Training and Education visits, and other activities.
- B. 5.** A PSM program evaluation is conducted when the consultant evaluates the whole chemical process(es) at a workplace. This will require an on-site assessment of the whole PSM process(es), and determination of the effectiveness of the implementation of all PSM Program elements specified in WAC 296-67 at the workplace.

C. PSM INTERIM YEAR START SITE SELF-EVALUATION

- C. 1.** DOSH Consultation will advise employers participating in START with PSM processes at their establishments to submit Appendix 15- 2 *PSM Interim-Year START Site Self-Evaluation* (available for internal DOSH use upon request to the Consultation Operations Manager) and the START site self-evaluation template (OSHA Form 33, Safety and Health Program Assessment Worksheet), available on the DOSH Intranet.
- C. 2.** DOSH Consultation will review the PSM Interim-Year START Site Self-Evaluation submitted by the employer, provide guidance to the employer to

address any identified deficiencies, and follow-up with the employer to verify the implementation of necessary corrective measures.

D. EVALUATING A PROCESS COVERED BY THE PSM STANDARD

Appropriate education, training, skills, experience, and preparation are essential to evaluate processes covered by the PSM standard. It is the responsibility of the Statewide Consultation Manager to ensure that only PSM qualified consultants (as verified by the Regional Consultation Manager) conduct PSM process evaluations. The PSM qualified consultant may conduct an evaluation solely or leading a team. The Statewide Consultation Manager determines the appropriate use of Consultation program resources in accordance with the DOSH Consultation Manual requirements and the annual Cooperative Agreement between OSHA and DOSH.

A PSM process evaluation occurs in two phases: Pre-Visit Preparation and On-Site Assessment. Completion of these two phases may take several days or a few weeks depending on the size and complexity of the PSM covered process.

D. 1. Pre-Visit Preparation.

a. Determine PSM Applicability.

The PSM qualified consultant will determine the applicability of the PSM standard before conducting a consultation visit, when there is reason to suspect that the process(es) at an establishment may be subject to the standard.

Before conducting a consultation visit, the PSM qualified consultant will use Appendix 15-3 *Determining the Applicability of the PSM Standard to an Establishment* (available for internal DOSH use upon request to the Consultation Operations Manager) or other appropriate resources, to clarify if the PSM standard applies, and identify the nature of any process involved (e.g., ammonia refrigeration, ammonia storage, chemical processing). Findings using Appendix 15-3 or other resources will be documented in consultants' field notes and may be included in the Hazard Found Report.

b. Collect Information.

- 1) Before a consultation visit, the PSM qualified consultant will gather as much information as possible about any process(es) covered by the PSM standard. In some instances, it may not be feasible to obtain some relevant documentation before a consultation visit (e.g., bulk documents without electronic copies, documented information that is incomplete or nonexistent).

- 2) The consultant will request relevant documentation about the PSM Program from the employer for review, communicate with the employer to receive any necessary clarifications, identify any shortcomings, and take note of findings (e.g., in the appropriate sections of the PSM Evaluation Worksheet). This initial collection of information will help the consultant:
 - a) Prepare for a consultation visit;
 - b) Begin to gain an understanding of how the process works and how it can fail;
 - c) Identify potential hazards and mitigation methods; and
 - d) Estimate how much time to allocate for the on-site evaluation.
- 3) Gathering and reviewing information before a consultation visit about the establishment's PSM program for a covered process can also help the consultant determine if personnel with specific expertise to assist with the evaluation is needed.
- 4) It is important for the consultant to understand as much as possible about the process chemicals, process technology, and process equipment before the on-site consultation visit. For instance, process flow diagrams will indicate what chemicals, equipment and processes are involved. Consultants will request information on process flow and limitations such as:
 - a) Flow rates, temperatures and pressures;
 - b) How the process interacts with adjacent processes and/or operations;
 - c) How failures can occur resulting in a release of highly hazardous chemicals; and
 - d) The maximum intended inventories of all chemicals (in pounds) in each of the PSM units (see WAC 296-67-319(5)(c)), their characteristics, safety and health hazards to workers, as well as corrosion and erosion effects on process equipment and monitoring tools.

Piping and instrumentation diagrams (P&IDs) will display piping, equipment and instrumentation used. Compliance Audit Reports will provide information such as previous deficiencies and corrective actions taken.

- 5) Vital information to collect also includes:
- a) A list of all PSM process units at the establishment and PSM process narrative descriptions;
 - b) Unit electrical classification documents; descriptions of safety systems (e.g., interlocks, detection or suppression systems);
 - c) PSM incident reports;
 - d) Process hazard analysis;
 - e) Emergency Action Plan; and
 - f) Emergency Response Plan.
- 6) If the establishment makes use of contractors in process areas, then information about the contractor safety program (see D.3.b. and D.4.e.7. for additional information) will be assessed. Examples include:
- a) The host employer's program for evaluating the contract employer's safety information;
 - b) The host employer's program/safe work practices for controlling the entrance, exit, and work of contractors and their workers in covered process areas;
 - c) The contract employer's documentation of contract workers' training, including the means used to verify employees' understanding of the training;
 - d) The contractors' injury and illness logs; and
 - e) The host employer's program for periodically evaluating the contractors' safety performance.
- c. Identify Applicable Regulatory and Professional Guidance. The consultant will gather additional occupational safety and health information such as applicable DOSH rules and RAGAGEP that apply to the specific process. Industry reference materials are listed on the OSHA PSM Safety and Health Topics webpage.
- d. Select Personal Protective Equipment and Electronic Equipment.

- 1) Before the consultation visit, the consultant will review the employer's procedures for selecting personal protective equipment (PPE) such as fire resistant clothing, and allowable electronic equipment for the PSM process(es) that will be assessed.
 - 2) The procedures must comply with the PSM standard WAC 296-67, and WAC 296-800-160 *Personal Protective Equipment (PPE)*.
 - 3) This review may be conducted at the establishment before starting the walkthrough if it is not feasible to do so before the on-site consultation visit.
 - 4) The consultant will proceed with the on-site assessment after donning the proper PPE and having the appropriate equipment.
 - 5) For additional guidance on PPE selection and camera/video use, see DOSH Directive 24.40 *Chemical Facility Process Safety Management NEP* (May 4, 2018).
- e. Trade Secrets. The consultant will inquire from the employer if the PSM process is affected by a trade secret and follow the guidance in WAC 296-67-387 and Chapter 4 section E.3 of this manual, when applicable.

D. 2. On-Site Assessment of PSM Program Implementation.

- a. The evaluation of a process covered by the PSM standard includes conducting direct observations of conditions and activities at an establishment during a walkthrough (i.e., an on-site assessment). The consultant will continue documenting findings during the on-site assessment. The worksheet and other technical resources serve as guides for conducting an on-site assessment of a PSM process.
- b. During the opening conference and walkthrough, consultants will ask relevant questions to promote their understanding of the process and how the facility implements the PSM program elements. Consultants will also familiarize themselves with the facility's emergency response procedures and emergency alarms.
- c. During the walkthrough the consultant will assess the implementation of the documented PSM Program at the establishment, identify any shortcomings in the documented PSM Program, identify hazardous conditions on-site, and check for consistency with applicable guidance (e.g., regulatory requirements, consensus standards, RAGAGEP).

- d. The on-site assessment will include interviewing host employers and their workers, resident contractors (i.e., contractors and subcontractors) and other workers at an establishment (e.g., temporary workers).
- e. Resident contractors that are covered by the PSM standard at a host employer's establishment should provide responses to worksheet assessment questions based on how their operations relate to the host employer's PSM covered process. A "Not Applicable" response is not acceptable.

D. 3. START (includes START renewals), Pre-START, and Full-Service Consultation Visits.

- a. A PSM qualified consultant must conduct an on-site assessment of the whole PSM process(es) and evaluate the effectiveness of the implementation of all PSM program elements for START, Pre-START, and full-service consultation visits (see PSM Program Evaluation in Section II.E).
- b. If there are no contractors on site but the employer sometimes engages contractors to do work, the PSM qualified consultant will assess the implementation of the employer's contractor safety and health requirements through interviews and the review of relevant documents (e.g., contracts, employer's contractor safety and health policy (if any), contractor safety programs on file, any incidents involving contractors in recordkeeping logs).
- c. PSM qualified consultants must use and complete the worksheet to conduct PSM program evaluations for START, Pre-START, and full-service consultation visits (in addition to using any other technical resources (see Section II.B)).
- d. The following exception applies:
 - 1) Although PSM qualified consultants must use the worksheet as an assessment tool to conduct a PSM program evaluation, it is not mandatory to complete the worksheet for a full-service consultation visit when the employer has not implemented a PSM Program for the workplace or there is little to no evidence of PSM Program implementation.
 - 2) When the PSM qualified consultant chooses not to complete the worksheet, pursuant to subsection D.3.d.1. (above) the consultant will document the PSM process assessment findings resulting from the full-service consultation visit in the field notes and in the Hazard Found Report (see Section B.3.). The consultant will advise the employer of the necessary steps to achieve effective PSM program development and implementation.

- e. The PSM qualified consultant will comply with the scope of START and Pre-START evaluations as described Chapter 10, Section B.2. (i.e., full-service on-site safety and health hazard assessments covering the entire establishment, and a complete review of the establishment's safety and health program).
- f. The Statewide Consultation Manager will not recommend START (including START renewals) or Pre-START approval until all deficiencies at an establishment have been corrected as specified in Chapter 10, Section B.2.a.
- g. The PSM qualified consultant will comply with the scope of full-service consultation visits as described in Chapter 4, Section A.1. (i.e., safety, health, ergonomics, or any combination of the three).

D. 4. Limited-Service Consultation Visits.

- a. At the time of the employer's request for consultation services, DOSH Consultation will strongly recommend the benefits of a full-service consultation visit, covering safety, health, ergonomics, and risk management, including a thorough evaluation of the PSM program, to enable the most effective consultative assistance (see Chapter 4, Section A.3.).
- b. It is not necessary to assign a PSM qualified consultant to conduct a limited-service consultation visit when the scope of the consultation visit does not include a process covered by the PSM standard at the workplace. Additionally, use of the PSM Program Evaluation worksheet will not apply, because the PSM process is not within the scope of the request for consultation services.
- c. A PSM qualified consultant must conduct the consultation visit when the scope of the employer's request for a limited-service consultation visit involves a process or portion of a process covered by the PSM standard.
- d. Limited-service consultation visits when the scope of the employer's request for consultation services includes the assessment of the whole PSM process(es) at the workplace:
 - 1) The PSM qualified consultant will conduct a PSM Program Evaluation following the same requirements in subsection D.3.a. through D.3.c. above for the PSM process(es).
 - 2) The PSM qualified consultant may follow the exception described in subsection D.3.d. when the employer has not implemented a PSM Program for the workplace or there is hardly any evidence of PSM Program implementation.

- e.** Limited-service consultation visits when the scope of the employer's request for consultation services includes only a specific portion(s) of a PSM process(es):
- 1)** A PSM program evaluation as defined herein cannot be conducted with these types of requests for consultation services (see Section B.5.).
 - 2)** Although PSM qualified consultants must use the worksheet as an assessment tool, they are not required to complete the worksheet.
 - 3)** The consultant may choose to complete relevant portions of the worksheet related to the scope of the consultation visit.
 - 4)** When the consultant chooses not to complete relevant portions of the worksheet related to the scope of the consultation visit, the consultant will add the PSM process assessment findings resulting from the limited-service consultation visit to the field notes and the Hazard Found Report (see Section B.3.).
 - 5)** The PSM qualified consultant will specify the scope of the consultation visit in the Hazard Found Report and clarify that a PSM Program Evaluation was not conducted.
 - 6)** The PSM qualified consultant will conduct an on-site assessment of the portion(s) of the PSM covered process(es) within the scope of the employer's request for consultation services; and assess the implementation of applicable elements of the PSM Program, to provide the best feasible guidance to the employer. The consultant will document in the field notes the rationale for the PSM Program elements selected for evaluation. For additional guidance see Process Safety Management for Small Businesses, OSHA publication 3908-03 2017.
 - 7)** The PSM qualified consultant will assess the employer's contractor safety and health requirements and procedures if it is within the scope of the employer's request or the employer agrees to expand the scope accordingly:
 - a)** The consultant will assess contractors working at the selected unit (i.e., portion/unit of a process(es)) covered by the PSM standard at an establishment) being evaluated.
 - b)** If there are no contractors working at a selected unit being evaluated, the consultant will assess contractors at an adjacent unit.

- c) If there are no contractors working at or adjacent to the selected unit, the consultant will choose an additional selected unit where contractors are known to be working and assess those contractors.
 - d) See subsection D.3.b.
- 8) The employer may agree to expand the scope of the consultation visit based on the consultant's recommendations. The consultant will use the Selection Criteria described in Section D.5. to advise the employer.
- 9) The PSM qualified consultant may evaluate more than one selected unit if it is within the scope of the employer's request or the employer agrees to expand the scope accordingly, for instance, when:
 - a) The consultant determines that it is necessary to get a representative sample of the facility's PSM process based on its size and complexity;
 - b) Deficiencies in the employer's PSM compliance exist outside the Selected Unit; or
 - c) The consultant identifies hazards that are pervasive or recurring (i.e., occurring repeatedly).
- f. Limited-service consultation visits when the scope of the employer's request for consultation services is for the assessment of one or more PSM program elements only; and the PSM qualified consultant conducts an on-site assessment to determine the effectiveness of the implementation of the PSM program elements evaluated:
 - 1) The PSM qualified consultant will follow the requirements in subsection D.4.e.1. through D.4.e.5.
 - 2) The PSM qualified consultant will explain the interaction between associated PSM program elements to the employer and advise the employer to expand the scope of the consultation visit, as applicable.

D. 5. Selection Criteria for Limited-Service Consultation Visits (that do not involve complete PSM process assessments, these are not PSM program evaluations).

The selection criteria used by the consultant to advise the employer on the selected units to evaluate for limited-service consultation visits, when the scope of

the employer's request for consultation services includes only a specific portion(s) or unit(s) of the PSM process(es) at the workplace will be based on the factors listed below and documented in the case file:

- a.** To begin the evaluation, the consultant will review the list of all PSM process units at the establishment and the establishment's PSM program information (see Section D.1. The consultant will consider the benefits of evaluating a selected unit(s) that was not previously assessed using the criteria in subsection D.5.d. below.
- b.** If the consultant determines it is beneficial to the establishment's safety to evaluate a previously assessed higher risk selected unit(s), in lieu of assessing a low risk selected unit that was not previously assessed, then the criteria in subsection D.5.d. will be followed.
- c.** If all the process units have been selected units during past PSM assessments, then a previously assessed selected unit(s) will be chosen, using the criteria in subsection D.5.d.
- d.** The following criteria will be used to determine higher risk process units that should be assessed:
 - 1)** Nature and quantity of chemicals involved (e.g., risk of releasing flammables, high toxicity substances present, high operating pressures and temperatures).
 - 2)** Incident investigation reports, near-miss investigation reports, injury and illness logs (for the employer and process-related contractors); emergency shutdown records, other history; and current issues.
 - 3)** Compliance audit records, including open and pending items.
 - 4)** Current hot work, equipment replacement, inspection, test and repair records; or other maintenance activities.
 - 5)** Age of the process unit.
 - 6)** Factors observed during the walkthrough.
 - 7)** Lead operator's input.
 - 8)** Worker representative input.

- 9) Number of workers working on or near the selected unit (i.e., host employers workers, contractors, subcontractors, temporary workers, etc.).
- 10) List of contractors.
- 11) Additional relevant selection criteria not included in this list may be applied by the PSM qualified consultant and documented in the case file.

D. 6. PSM Related Hazards Observed in Plain Sight.

If an employer's request for consultation services did not include a process covered by the PSM standard at an establishment, but a hazard is observed in plain sight involving the process (e.g., a leaking pipe), by a consultant who is not PSM qualified:

- a. The consultant will follow the procedures specified in this Instruction to notify the employer of the responsibility to correct the hazard and protect workers from exposure (see Chapter 5, Section E.)
- b. The consultant will notify the employer that DOSH Consultation will follow up to provide an adequate assessment of the hazard observed in plain sight and recommend appropriate corrective actions.
- c. The nature of the follow-up will be determined based on professional judgement (e.g., phone call, follow-up consultation visit). In these instances, the Regional Consultation Manager may contact other Regional Consultation Managers to request technical assistance if the region does not have a PSM qualified consultant available (see Section A.3.).