

WAC 296-900-14015 Base penalty adjustments.

- Tables 8 through 11 describe the various factors DOSH considers when adjusting a base penalty, and the effect on the fine.
 - The minimum adjusted base penalty for any standard violation carrying a penalty is one hundred dollars.
 - The minimum adjusted penalty for serious violations contributing to a fatality is two thousand five hundred dollars.
 - The minimum penalty for willful violations is five thousand dollars per violation unless set to a specific higher amount by the federal Occupational Safety and Health Administration under 29 C.F.R. 1903.15 and this state is required to equal the higher penalty amount to qualify as a state plan state.
 - The maximum adjusted base penalty for a violation will be the maximum civil penalty established by the federal Occupational Safety and Health Administration under 29 C.F.R. 1903.15 or seven thousand dollars, whichever is more.
- No adjustments are made to minimum penalty amounts specified by statute.

**Table 8
Employer Inspection History**

History Assessment	Penalty Adjustment
Above Average: Previous inspections with less than one serious violation on average and no willful, repeat, or failure to abate violations.	-10%
Average: No previous inspections or inspections with less than two serious violations on average.	None
Below Average: Previous inspections with willful, repeat, or failure to abate violations or inspections with two or more serious violations on average.	+10%

- History is based on the prior three years statewide.
- No reduction is given for violations classified as willful, repeat, failure to abate, or violations contributing to an inpatient hospitalization with an assigned gravity of 6 or 9 or any violations contributing to a fatality.

**Table 9
Good Faith**

Good Faith	Penalty Adjustment
Good	-20%
Average	None
Below Average	+20%

Based on:

- Evidence of an overall safety and health program, including a written accident prevention program (APP), other required written programs, training, etc.
- Efforts to fully communicate safety and health policies.

- Employees are clearly involved in the safety and health programs.
- Management's commitment at all levels is apparent.
- Employer's injury and illness rate.

No reduction is given for violations classified as willful, repeat, or failure to abate.

Table 10
Abatement Quick-Fix Reduction

Immediate correction of hazard provided such corrective action is substantial and not temporary or superficial	-15%
--	------

No reduction is given for:

- Violations classified as willful, repeat, or failure to abate.
- Violations contributing to an inpatient hospitalization or fatality, or to any incidents resulting in serious injuries to employees.
- Blatant violations that are easily corrected or "abated" due to the short-term duration of work at a specific location.

Table 11
Size of Workforce

Number of Employees	Penalty Adjustment
1 - 10	-70%
11 - 25	-60%
26 - 100	-40%
101 - 250	-20%
251 or more	None

Based on workforce size nationwide.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 19-01-097, § 296-900-14015, filed 12/18/18, effective 1/21/19; WSR 15-13-049, § 296-900-14015, filed 6/9/15, effective 9/1/15; WSR 06-06-020, § 296-900-14015, filed 2/21/06, effective 6/1/06.]