

**WAC 296-900-14010 Base penalties.**

• DOSH calculates the base penalty for a violation by considering the following:

- Specific amounts that are dictated by statute;

OR

- By assigning a weight to a violation, called "gravity." Gravity is calculated by multiplying a violation's severity rate by its probability rate. Expressed as a formula:

$$\text{Gravity} = \text{Severity} \times \text{Probability}$$

**Note:** Most base penalties are calculated by the gravity method.

• Severity and probability are established in the following ways:

**Severity:**

- Severity rates are based on the most serious injury, illness, or disease that could be reasonably expected to occur because of a hazardous condition.

- Severity rates are expressed in whole numbers and range from 1 (lowest) to 3 (highest).

- Tables 3 and 4 are used to determine the severity rate for a violation.

**Table 3  
Severity - Serious Violations**

3	<ul style="list-style-type: none"> <li>• Death</li> <li>• Injuries involving permanent disability</li> <li>• Chronic, irreversible illness</li> </ul>
2	<ul style="list-style-type: none"> <li>• Disability of a limited nature</li> <li>• Injuries or reversible illnesses resulting in hospitalization</li> </ul>
1	<ul style="list-style-type: none"> <li>• Injuries or temporary, reversible illnesses resulting in serious physical harm</li> <li>• May require removal from exposure or supportive treatment without hospitalization for recovery</li> </ul>

**Table 4  
Severity - General Violations**

<b>General violation</b>
<ul style="list-style-type: none"> <li>• Conditions that could cause injury or illness to an employee but would not result in serious physical harm</li> </ul>

**Probability:**

**Definition:**

A probability rate is a number that describes the likelihood that an injury, illness, or disease will occur ranging from 1 (lowest) to 3 (highest). See Table 5.

- When determining probability, DOSH considers a variety of factors, depending on the situation, such as:

■ Frequency and amount of exposure.

■ Number of employees exposed.

■ Instances, or number of times, the hazard is identified in the workplace.

■ How close an employee is to the hazard, i.e., the proximity of the employee to the hazard.

■ Weather and other working conditions.

■ Employee skill level and training.

- Employee awareness of the hazard.
- The pace, speed, and nature of the task or work.
- Use of personal protective equipment.
- Other mitigating or contributing circumstances.

**Table 5  
Probability**

3	<ul style="list-style-type: none"> <li>• If the factors considered indicate the likelihood of injury or illness would be relatively high.</li> </ul>
2	<ul style="list-style-type: none"> <li>• If the factors considered indicate the likelihood of injury or illness would be moderate.</li> </ul>
1	<ul style="list-style-type: none"> <li>• If the factors considered indicate an injury or illness could occur, but the likelihood would be relatively low.</li> </ul>

- Table 6 is used to determine the dollar amount for each gravity-based penalty, unless otherwise specified by statute.

**Table 6  
Gravity-Based Penalty - Serious Violations  
Severity x Probability = Gravity**

9 High	\$7,000
6	\$6,000
4	\$4,000
3	\$3,000
2	\$2,000
1 Low	\$1,000

The minimum penalty for a standard serious violation = one hundred dollars.

(A penalty is required by statute for a serious violation; where adjustments would result in a penalty below the minimum, the minimum will be applied.)

The maximum statutory penalty for a serious 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.

Links:

- Occupational Safety and Health Administration—OSHA penalties.
- Occupational Safety and Health Administration 29 C.F.R. 1903.15 Proposed penalties.
- RCW 49.17.180 Violations—Civil penalties.

**Table 7  
General Violations Penalty**

General violation (first time nonstatutory)	\$0
General violation base penalty	\$200

A penalty is not applied to first time general violations. The base penalty is used to calculate the penalty for willful, repeat, or failure to abate general violations.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 19-01-097, § 296-900-14010, filed 12/18/18, effective 1/21/19; WSR 15-13-049, § 296-900-14010, filed 6/9/15, effective 9/1/15; WSR 06-06-020, § 296-900-14010, filed 2/21/06, effective 6/1/06.]