Chapter 296-900 WAC
ADMINISTRATIVE RULES

WAC 296-900-100 Scope. This chapter applies to the following requirements and information regarding administration of the Washington Industrial Safety and Health Act (WISHA), chapter 49.17 RCW:

• Employer requests for using an alternative to WISHA requirements.
• Workplace inspections conducted by WISHA.
• Citations and penalties for violations of WISHA safety and health requirements.
• How to respond to actions that WISHA may take when requirements have been violated.
• Employer correction of cited violations, and notification to WISHA when the corrections are made.
• Employer obligations to inform employees.
• Reporting alleged safety and health hazards.

• Appeal and hearing processes for employers and employees.
• Safety and health investment projects (SHIP).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 2007 c 522, § 296-900-100, filed 1/8/08, effective 6/1/08.]

WAC 296-900-110 Variances.
Summary:
Employer responsibility:
To follow requirements on granted variances:
Applying for a variance
WAC 296-900-11005.
Interim orders
WAC 296-900-11010.
Renewing a temporary variance
WAC 296-900-11015.
Changing a variance
WAC 296-900-11020.
Variance hearings
WAC 296-900-11025.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 06-06-020, § 296-900-100, filed 2/21/06, effective 6/1/06.]

WAC 296-900-11005 Applying for a variance.
IMPORTANT:
• A variance provides an approved alternative to WISHA requirements to protect employees from a workplace hazard. Variances can be permanent or temporary.
• Variances will not be retroactive. Employers are obligated to follow WISHA requirements until the variance is granted.

You must:
• Follow steps 1-5 to apply for a variance when you wish to use an alternative to WISHA requirements as a means to protect your employees.

Step 1: Decide what type of variance is needed by reviewing the types of variances in Table 1, Requesting a Variance.

Step 2: Complete a written application for the variance, following the requirements in Table 1, Requesting a Variance.

Note:
• A form, Variance Application (F414-021-000), is available for requesting variances:
  – From any L&I office.
  – On our web site under Safety Forms, Variance Application http://www.lni.wa.gov/FormPublications/Table sForms/Safety/SafetyHealth.asp

Reference:
• For a list of the local L&I offices, see the resources section of the Safety and health core rules, chapter 296-800 WAC.

Step 3: Notify employees before submitting any type of variance request by doing all of the following:
• Posting a copy of the request on your safety bulletin board.
• Using other appropriate means for notifying employees who may not be expected to receive
notices posted on the safety bulletin board. For example, provide a copy to a designated representative or the safety committee.

Step 4: Submit the written request, using one of the following means:
- Mail to: Assistant Director WISHA Services P.O. Box 44650 Olympia, WA 98504-4650
- Fax to: 360-902-5438
- Take to any L&I office.

Step 5: After receiving a written decision from WISHA about your request, immediately notify affected employees of the decision by using the methods in Step 3.

You must:
- Follow the specific requirements of the variance that WISHA has granted.

Note:
- If employers fail to follow Steps 1-5 above, the variance cannot be granted.
- Citations may be issued for failing to follow a variance.
- Employers can always follow the original WISHA requirements instead of the variance requirements.
- If your variance is no longer necessary and you decide to follow the WISHA requirements instead, please advise WISHA in writing.

Table 1 Requesting a Variance

<table>
<thead>
<tr>
<th>For this type of variance:</th>
<th>Include the following on your written application:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent variance</td>
<td>&quot;Attention Employees: Your employer is applying to WISHA for a variance from safety and health requirements. You have a right to ask WISHA for a hearing on the variance request, but you must ask for the hearing in writing by (date*). If no hearing is requested, WISHA will act on the variance request without a hearing.&quot;</td>
</tr>
<tr>
<td></td>
<td>The work location is changed</td>
</tr>
</tbody>
</table>

Temporary variance
Request a temporary variance if both of the following apply:
- New WISHA requirements can't be met for any of the following reasons:
  - Professional or technical people are not available
  - Materials or equipment are not available
  - Construction or alteration of facilities cannot be completed by the effective date of the requirements
- You have an effective plan for meeting WISHA requirements as soon as possible.

Note:
- Temporary variances remain in effect:
  - Until current WISHA requirements are met
  - No longer than one year, unless extended

What to expect from WISHA:
- A review of all variance requests.
- If more information is needed to make a decision, WISHA may:
Contact you or others who may have the needed information.

Visit your workplace after contacting you to make arrangements.

Deny your request if you don't provide information needed to make a decision.

A decision at least twenty-one calendar days from when the request was posted for employees.

The twenty-one-day period allows employees time to request a hearing on your variance application. See Variance hearings, WAC 296-900-11025.

A written decision either granting or denying the variance.

If granted, the written decision will include all of the following:

- The requirement for which the variance applies.
- The locations where the variance applies.
- What you must do as an alternative means of protecting employees.
- The effective date of the variance.
- An expiration date for the variance, if applicable.
- The requirement to post the decision.

If denied, the written decision will include:

- A brief statement with reasons for the denial.
- The requirement to post the decision.
- WISHA will review permanent variances periodically after they have been in effect for six months, to decide whether they are still needed or need to be changed.

Note: If there's an appealed WISHA citation and notice that relates to the variance request, the decision on the variance may be delayed until the appeal is resolved.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-11005, filed 2/21/06, effective 6/1/06.]

WAC 296-900-11015 Renewing a temporary variance. IMPORTANT:

Temporary variances can be renewed up to two times, for up to one hundred eighty days each time.

You must:

- Apply for a temporary variance renewal at least ninety days before the temporary variance expires.
- Send a letter, explaining why more time is needed to fulfill the current requirements.

What to expect from WISHA:

- A review of the temporary variance renewal request.
- If more information is needed to make a decision, WISHA may:
  - Contact you or others who may have the needed information.
  - Visit your workplace after contacting you to make arrangements.
  - Deny your request if you don't provide information needed to make a decision.
  - A decision at least twenty-one calendar days from when the request was posted for employees.
  - The twenty-one-day period allows employees time to request a hearing on your temporary variance renewal. See Variance hearings, WAC 296-900-11025.

A written decision either granting or denying the interim order request.

If granted, the decision will include all of the following:

- The requirement for which the interim order applies.
- The locations where the interim order applies.
- What you must do as an alternative means of protecting employees.
- The effective date of the interim order.
- An expiration date for the interim order.
- The requirement to post the decision.

If denied, the decision will include:

- A brief statement with reasons for the denial.
- The requirement to post the decision.

Note: WISHA's decision to grant or deny an interim order request will not affect the decision on a permanent or temporary variance request. WISHA may choose to issue an interim order in response to a variance request, even when the interim order wasn't specifically requested. Interim orders are effective until they are revoked, or until the variance request is granted or denied.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-11015, filed 2/21/06, effective 6/1/06.]
A brief statement with reasons for the denial.

The requirement to post the decision.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-11025, filed 2/21/06, effective 6/1/06.]

WAC 296-900-11020 Changing a variance.

You, your employees, or their representatives may:

• Request changes to variances in writing as follows:
  – For a permanent variance only after it's been in effect for at least six months.
  – For a temporary variance, only when renewing it.

Note:
  ■ After six months, WISHA may initiate changes to a variance if they appear to be warranted.
  ■ Employers can decide at any time to follow the original requirement, instead of the requested variance.

What to expect from WISHA:

• A review of your request to change a variance.
  – If more information is needed to make a decision, WISHA may:
    ■ Contact you or others who may have the needed information.
    ■ Visit your workplace after contacting you to make arrangements.
    ■ Deny your request for a change if you don't provide information needed to make a decision.
  – A decision at least twenty-one calendar days from when the request was posted for employees.
    – The twenty-one-day period allows employees time to request a hearing on your request to change a variance. See Variance hearings, WAC 296-900-11025.
    • A written decision either granting or denying the change in variance.
      – If granted, the written decision will include all of the following:
        ■ The requirements for which the variance applies.
        ■ The locations for which the variance applies.
        ■ What you must do as an alternative means of protecting employees.
        ■ The effective date of the change in variance.
        ■ An expiration date of the variance, if applicable.
        ■ The requirement to post the decision.
      – If denied, the written decision will include:
        ■ A brief statement with reasons for the denial.
        ■ The requirement to post the decision.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-11020, filed 2/21/06, effective 6/1/06.]

WAC 296-900-11025 Variance hearings.

IMPORTANT:
• Employers, affected employees, or employee representatives may request a hearing on any of the following:
  – Permanent or temporary variance requests.
  – Changes to existing variances.

You and your affected employees must:
• Do all of the following if requesting a variance hearing:
  – Put the request in writing and sign it.
  – Make sure the request is posted or delivered to the department within twenty-one calendar days from the variance application date, or renewal request date.
  – Send the written request to WISHA, using one of the following means:

[Ch. 296-900 WAC—p. 4]

• Mail to:
  Assistant Director
  WISHA Services
  P.O. Box 44650
  Olympia, WA 98504-4650
• Fax to: 360-902-5438
• Take to any L&I office.

You must:
• Immediately do all of the following when you receive a notice of the hearing from WISHA:
  – Post a copy of the notice on the safety bulletin board.
  – Give a copy of the notice to affected employees and employee representatives.
  – Use any other appropriate means for notifying employees who may not receive notices posted on the safety bulletin board. For example, provide a copy to a designated representative or the safety committee.

What to expect from WISHA:

• WISHA will do both of the following after receiving a request for a hearing on a variance, change of variance, or temporary variance renewal:
  – Within ten days, issue a notice advising all interested parties listed on the application that they have the option to participate in the hearing.
  – Provide you with a notice of the hearing at least twenty calendar days before the hearing date.
• A hearing for the variance or variance change will be conducted as follows:
  – A WISHA representative will explain WISHA's view of the request for a variance or any proposed change to a variance.
  – Employers, employees, or employee representatives will then have an opportunity to explain their views and provide any relevant documents or information.
• Information gathered at the hearing will be used to make a decision about whether to grant or deny the request for a variance or change in variance.

Note:
  ■ WISHA may record a variance hearing.
  ■ Employers, employees, or employee representatives may request copies of recordings or transcripts of variance hearings at cost.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-11025, filed 2/21/06, effective 6/1/06.]

WAC 296-900-120 Inspections.

Summary:
WISHA inspections
WAC 296-900-12005.
Inspection techniques
WAC 296-900-12010.
Complaints
WAC 296-900-12015.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-1200, filed 2/21/06, effective 6/1/06.]

WAC 296-900-12005 WISHA inspections.

• WISHA conducts the following types of programmed inspections:
  – Hazardous workplaces.
WISHA identifies hazardous workplaces using objective criteria and inspection-scheduling systems that may include any of the following factors:

- Type of industry.
- Injury and illness data that identifies hazards.
- Employer's industrial insurance experience.
- Number, type, and toxicity of contaminants in the workplace.
- Degree of exposure to hazards.
- Number of employees exposed.
- Other factors, such as history of employee complaints.

Note: WISHA periodically reviews the scheduling systems and may adjust the type or significance of each criteria.

- High hazard industries that include the following:
  - Agriculture.
  - Asbestos renovation and demolition.
  - Construction.
  - Electrical utilities and communications.
  - Logging.
  - Maritime.

- WISHA conducts the following types of unprogrammed inspections of workplaces that may be in violation of WISHA safety or health requirements or chapter 49.17 RCW, the Washington Industrial Safety and Health Act. These inspections may focus only on certain areas or processes in a workplace or, depending on initial findings, may be expanded to include the entire workplace. Unprogrammed inspections may occur because of:
  - Complaints from current employees or employee representatives who believe they have been exposed to a hazard because of a violation.
  - Referrals from anyone, including former employees, who reasonably believes that workers under WISHA jurisdiction are being, or have been, exposed to a hazard because of a violation.
  - Workplace deaths, catastrophic events, or serious injury or illness.
  - A reason to believe that employees may be in imminent danger of serious injury or death.
  - Follow-up inspections to verify that hazards identified in a previous inspection have been corrected.

WAC 296-900-12015 Complaints.

Employees or employee representatives may:

- File a written complaint if they believe they have been exposed to a hazard that is a violation of WISHA safety and health requirements.

What to expect from WISHA:

- After receiving a written complaint from an employee or employee representative, WISHA reviews the allegations and responds according to Table 2, WISHA Responses to Employee Complaints.

Table 2

<table>
<thead>
<tr>
<th>For this determination:</th>
<th>WISHA will take the following actions:</th>
</tr>
</thead>
</table>
| The complaint is within WISHA jurisdiction and an inspection doesn't appear to be needed at this time | • Call the employer to discuss the complaint  
• Set a deadline for the employer to respond in writing  
• Fax or mail a complaint notification letter to the employer. Before the complaint is faxed or mailed, the following names will be removed unless specific permission is given to include them:  
  - The name of the person submitting the complaint  
  - The names of any employees identified in the complaint  
• Evaluate the employer's response, and do one of the following:  
  - Close the complaint because the issues have been addressed, and send a copy of the employer's response to the person filing the complaint  
  - Inspect the workplace |

Note:

- If the complaint is closed and additional information is received from the person filing the complaint disputing the employer's written response, WISHA may schedule an inspection.
- If the person who filed the original complaint requests in writing that WISHA review a decision not to conduct an inspection, WISHA will

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-12005, filed 2/21/06, effective 6/1/06.]

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-12010, filed 2/21/06, effective 6/1/06.]
Table 2
WISHA Responses to Employee Complaints

<table>
<thead>
<tr>
<th>For this determination:</th>
<th>WISHA will take the following actions:</th>
</tr>
</thead>
</table>
| The complaint is within WISHA jurisdiction and an inspection needs to be conducted | • Conduct an inspection  
• Issue a citation and notice that shows one of the following:  
  – Violations found  
  – No violations were found  
• Send a letter to the person filing the complaint with inspection results  
Reference: For citation and notice information, turn to citation and notice, WAC 296-900-130  
Note: WISHA may make a referral to the proper authority |
| The complaint is not within WISHA jurisdiction | • Send a written response to the person filing the complaint explaining the matter is not within WISHA jurisdiction  
Reference: For a list of the local L&I offices, see the resources section of the Safety and health core rules, chapter 296-800 WAC |

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-12015, filed 2/21/06, effective 6/1/06.]

WAC 296-900-130 Citation and notice.

Summary:
Employer responsibility:
To notify employees when a citation and notice is received:
Citation and notice  
WAC 296-900-13005.  
Copies of future citations and notices  
WAC 296-900-13010.  
Posting citation and notices  
WAC 296-900-13015.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 07-03-163, § 296-900-130, filed 1/24/07, effective 4/1/07; 06-06-020, § 296-900-130, filed 2/21/06, effective 6/1/06.]

WAC 296-900-13005 Citation and notice.
Definition:
A citation and notice is a document issued to an employer notifying them of:  
• Inspection results.  
• Any specific violations of WISHA safety and health requirements.

[Ch. 296-900 WAC—p. 6]
Examples of other appropriate means include sending a copy by mail or electronically to any of the following:
- A designated employee representative.
- Safety representatives.
- The safety committee.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-13015, filed 2/21/06, effective 6/1/06.]

WAC 296-900-140 Monetary penalties.

Summary:
Employer responsibility:
To pay monetary penalties if assessed.

Contents:
Reasons for monetary penalties
WAC 296-900-14005.
Base penalties
WAC 296-900-14010.
Base penalty adjustments
WAC 296-900-14015.
Increases to adjusted base penalties
WAC 296-900-14020.

Definition:
Monetary penalties are fines assessed against an employer for violations of safety and health requirements.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-140, filed 2/21/06, effective 6/1/06.]

WAC 296-900-14005 Reasons for monetary penalties.

- WISHA may assess monetary penalties when a citation and notice is issued for any violation of safety and health rules or statutes.
- WISHA will assess monetary penalties under the following conditions:
  - When a citation and notice is issued for a serious, willful, or egregious violation.
  - When civil penalties are specified by statute as described in RCW 49.17.180.

  Note: In addition to penalties specified by WISHA, there are penalties specified by other statutes, such as:
  - Asbestos construction projects, RCW 49.26.016.
  - Right to know (RTK)—MSDS, RCW 49.70.190.
  - Right to know—Penalty for late payment, RCW 49.70.177.

  - The minimum civil penalties assessed by WISHA are:
    - One hundred dollars for any penalty.
    - Five thousand dollars per violation for all willful violations.
    - Two hundred fifty dollars per day for asbestos good faith inspection (RCW 49.26.016 and 49.26.013).

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-14005, filed 2/21/06, effective 6/1/06.]

WAC 296-900-14010 Base penalties.

- WISHA 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: Gravity = Severity x 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 6 (highest). Violations with a severity rating of 4, 5, or 6 are considered serious.
    - WISHA uses Table 3, Severity Rates, to determine the severity rate for a violation.
  
  Table 3
  Severity Rates

<table>
<thead>
<tr>
<th>Severity</th>
<th>Most serious injury, illness, or disease from the violation is likely to be:</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>Death</td>
</tr>
<tr>
<td></td>
<td>Injuries involving permanent severe disability</td>
</tr>
<tr>
<td></td>
<td>Chronic, irreversible illness</td>
</tr>
<tr>
<td>5</td>
<td>Permanent disability of a limited or less severe nature</td>
</tr>
<tr>
<td></td>
<td>Injuries or reversible illnesses resulting in hospitalization</td>
</tr>
<tr>
<td>4</td>
<td>Injuries or temporary, reversible illnesses resulting in serious physical harm</td>
</tr>
<tr>
<td></td>
<td>May require removal from exposure or supportive treatment for recovery</td>
</tr>
<tr>
<td>3</td>
<td>Would probably not cause death or serious physical harm, but have at least a major impact on and indirect relationship to serious injury, illness, or disease</td>
</tr>
<tr>
<td></td>
<td>Could have direct and immediate relationship to safety and health of employees</td>
</tr>
<tr>
<td></td>
<td>First aid is the only medical treatment needed</td>
</tr>
<tr>
<td>2</td>
<td>Indirect relationship to nonserious injury, illness, or disease</td>
</tr>
<tr>
<td></td>
<td>No injury, illness, or disease without additional violations</td>
</tr>
<tr>
<td>1</td>
<td>No injury, illness, disease</td>
</tr>
<tr>
<td></td>
<td>Not likely to result in injury even in the presence of other violations</td>
</tr>
</tbody>
</table>

Probability:

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

- When determining probability, WISHA 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.

WISHA uses Table 4, Gravity Based Penalty, to determine the dollar amount for each gravity-based penalty, unless otherwise specified by statute.

<table>
<thead>
<tr>
<th>Gravity</th>
<th>Base Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$100</td>
</tr>
<tr>
<td>2</td>
<td>$200</td>
</tr>
<tr>
<td>3</td>
<td>$300</td>
</tr>
<tr>
<td>4</td>
<td>$400</td>
</tr>
<tr>
<td>5</td>
<td>$500</td>
</tr>
<tr>
<td>6</td>
<td>$1000</td>
</tr>
<tr>
<td>8</td>
<td>$1500</td>
</tr>
<tr>
<td>9</td>
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</tr>
<tr>
<td>10</td>
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<tr>
<td>12</td>
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</tr>
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<td>15</td>
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<td>18</td>
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</tr>
<tr>
<td>24</td>
<td>$5500</td>
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<tr>
<td>25</td>
<td>$6000</td>
</tr>
<tr>
<td>30</td>
<td>$6500</td>
</tr>
<tr>
<td>36</td>
<td>$7000</td>
</tr>
</tbody>
</table>

WAC 296-900-14015 Base penalty adjustments.
- WISHA may adjust base penalties. Table 5, Adjusted Base Penalties, describes the various factors WISHA considers when adjusting a base penalty, and the effect on the fine.
  - The minimum adjusted base penalty for any violation carrying a penalty is one hundred dollars.
  - The minimum penalty for willful violations is five thousand dollars.
  - The maximum adjusted base penalty for a violation is seven thousand dollars.
- No adjustments are made to minimum penalty amounts specified by statute.

<table>
<thead>
<tr>
<th>For this type of adjustment</th>
<th>WISHA will consider</th>
<th>The base penalty will be adjusted as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Good faith effort</td>
<td>• Awareness of act</td>
<td>Excellent rating = 35% reduction, multiplied by the total number of citations with violations involving similar hazards, including the current inspection.</td>
</tr>
</tbody>
</table>

Note: Repeat, willful, egregious, or failure-to-abate (failure to correct) penalty adjustments can exceed seven thousand dollars. See Increases to adjusted base penalties, WAC 296-900-14020, for those penalties.

WAC 296-900-14020 Increases to adjusted base penalties.
- WISHA may increase an adjusted base penalty in certain circumstances. Table 6, Increases to Adjusted Base Penalties, describes circumstances where an increase may be applied to an adjusted base penalty.

<table>
<thead>
<tr>
<th>For this circumstance:</th>
<th>The adjusted base penalty may be increased as follows:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Repeat violation</td>
<td>Multiply by the total number of citations with violations involving similar hazards, including the current inspection.</td>
</tr>
<tr>
<td>When the employer has been previously cited for a substantially similar hazard, with a final order for the previous violation dated no</td>
<td></td>
</tr>
</tbody>
</table>

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-14015, filed 2/21/06, effective 6/1/06.]

[Ch. 296-900 WAC—p. 8]
### WAC 296-900-15005 Certifying violation corrections.

#### Definition:
A certification date is the date on which you must meet the WISHA requirements listed on either a:

- Citation and notice (C&N);
- OR
- A corrective notice of redetermination (CNR).

**Reference:** For how to certify corrected violations, go to Certifying violation corrections, WAC 296-900-15005 through 296-900-15030.

#### For this circumstance:
- more than 3 years prior to the employer committing the violation being cited.
- Willful violation
  - An act committed with the intentional, knowing, or voluntary disregard for the WISHA requirements or with plain indifference to employee safety.
  - If the violation was willful and at least one of the following:
    - The violations resulted in worker fatalities, a worksite catastrophe, or a large number of injuries or illnesses.
    - The violations resulted in persistently high rates of worker injuries or illnesses.
    - The employer has an extensive history of prior violations.
    - The employer has intentionally disregarded its safety and health responsibilities.
    - The employer's conduct taken as a whole amounts to clear bad faith in the performance of his/her duties.
    - The employer has committed a large number of violations so as to undermine significantly the effectiveness of any safety and health program that might be in place.
- Egregious violation
  - If the violation was willful and at least one of the following:
- Failure to abate (FTA)
  - Failure to correct a cited WISHA violation on time.

#### The adjusted base penalty may be increased as follows:
- penalty can't exceed seventy thousand dollars for each violation.
- Multiplied by ten with at least the statutory minimum penalty of five thousand dollars

**Note:** The maximum penalty can't exceed $70,000 for each violation.

- With a separate penalty issued for each instance the employer fails to follow a specific requirement.
- Based on the facts at the time of reinspection, will be multiplied by:
  - At least five, but up to ten, based on the employer's effort to comply.
  - The number of calendar days past the correction date, with a minimum of five days.

**Table 6**

<table>
<thead>
<tr>
<th>For this circumstance:</th>
<th>The adjusted base penalty may be increased as follows:</th>
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<tbody>
<tr>
<td>more than 3 years prior to the employer committing the violation being cited.</td>
<td>penalty can't exceed seventy thousand dollars for each violation.</td>
</tr>
<tr>
<td>Willful violation</td>
<td>• Multiplied by ten with at least the statutory minimum penalty of five thousand dollars</td>
</tr>
<tr>
<td></td>
<td><strong>Note:</strong> The maximum penalty can't exceed $70,000 for each violation.</td>
</tr>
<tr>
<td>Egregious violation If the violation was willful and at least one of the following:</td>
<td>• With a separate penalty issued for each instance the employer fails to follow a specific requirement.</td>
</tr>
<tr>
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<tr>
<td></td>
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</tr>
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<td></td>
<td>• The number of calendar days past the correction date, with a minimum of five days.</td>
</tr>
</tbody>
</table>

### Conclusion:

**WAC 296-900-15005 Certifying violation corrections.**

**Summary:**
Employer responsibility:
- To certify that violations to safety and health requirements have been corrected.
- To submit, if required:
  - Additional information.
  - Correction action plans.
  - Progress reports.
- To comply with correction due dates.
- To tag cited moveable equipment to warn employees of a hazard.
- To inform affected employees that each violation was corrected.

Certifying violation correction
WAC 296-900-15005.
Violation correction action plans
WAC 296-900-15010.
Progress reports
WAC 296-900-15015.
Timeliness of violation correction documents
WAC 296-900-15020.
Inform employees about violation correction
WAC 296-900-15025.
Tag moveable equipment
WAC 296-900-15030.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 07-03-163, § 296-900-150, filed 1/24/07, effective 4/1/07; 06-06-020, § 296-900-150, filed 2/21/06, effective 6/1/06.]

### Table 6

<table>
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<th>For this circumstance:</th>
<th>The adjusted base penalty may be increased as follows:</th>
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<tr>
<td></td>
<td>Note: The maximum penalty can't exceed seven thousand dollars per day for every day the violation is not corrected.</td>
</tr>
</tbody>
</table>

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 07-03-163, § 296-900-150, filed 1/24/07, effective 4/1/07; 06-06-020, § 296-900-150, filed 2/21/06, effective 6/1/06.]

**WAC 296-900-150 Certifying violation corrections.**

**Summary:**
Employer responsibility:
- To certify that violations to safety and health requirements have been corrected.
- To submit, if required:
  - Additional information.
  - Correction action plans.
  - Progress reports.
- To comply with correction due dates.
- To tag cited moveable equipment to warn employees of a hazard.
- To inform affected employees that each violation was corrected.

Certifying violation correction
WAC 296-900-15005.
Violation correction action plans
WAC 296-900-15010.
Progress reports
WAC 296-900-15015.
Timeliness of violation correction documents
WAC 296-900-15020.
Inform employees about violation correction
WAC 296-900-15025.
Tag moveable equipment
WAC 296-900-15030.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 07-03-163, § 296-900-150, filed 1/24/07, effective 4/1/07; 06-06-020, § 296-900-150, filed 2/21/06, effective 6/1/06.]

**WAC 296-900-15005 Certifying violation corrections.**

**Definition:**
A correction date is the date on which you must meet the WISHA requirements listed on either a:

- Citation and notice (C&N);
- OR
- A corrective notice of redetermination (CNR).

**You must:**
- Certify in writing within ten calendar days following the correction date shown on the C&N that each violation has been corrected. Include the following:
  - Employer name and address.
  - The inspection number involved.
  - The citation and item numbers which have been corrected.
WAC 296-900-15010 Violation correction action plans.

You must:
• Submit a written violation correction action plan within twenty-five calendar days from the final order date when the citation and notice or corrective notice of redetermination requires it. Include all of the following in the violation correction action plan:
  – Identification of the violation.
  – The steps that will be taken to correct the violation.
  – A schedule to complete the steps.
  – A description of how employees will be protected until the corrections are completed.

What to expect from WISHA:
• WISHA will notify you in writing only if your plan is not adequate, and describe necessary changes.

WAC 296-900-15015 Progress reports.

You must:
• Submit written progress reports on corrections when required in the citation and notice (C&N) or corrective notice of redetermination (CNR), and briefly explain the:
  – Status of each violation.
  – Action taken to correct each violation.
  – Date each action has or will be taken.

What to expect from WISHA:
• WISHA will state in the C&N or CNR if progress reports are required, including:
  – Items that require progress reports.
  – Date when an initial progress report must be submitted. The initial progress report is due no sooner than thirty calendar days after you submit a correction action plan.
  – Whether additional progress reports are required, and the dates by which they must be submitted.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-15015, filed 2/21/06, effective 6/1/06.]

WAC 296-900-15020 Timeliness of violation correction documents.

What to expect from WISHA:
• WISHA will determine the timeliness of violation correction documents by reviewing the following:
  – The postmark date for documents sent by mail.
  – The date received by other means, such as personal delivery or fax.

WAC 296-900-15025 Inform employees about violation correction.

You must:
• Inform employees about violation corrections by doing the following:
  – Post a copy of each violation correction document submitted to WISHA, or a summary, near the place where the violations occurred, if practical.
  – If posting near the place where the violation occurred is not practical, such as with a mobile work operation, post in a place readily accessible to affected employees or take other steps to fully communicate actions taken to affected employees or their representatives.
  – Keep violation correction information posted for at least three working days after submitting the correction documents to WISHA.
  – Give notice to employees and their representatives on or before the date you submit correction information to WISHA.
  – Make sure that all posted correction documents are not altered, defaced, or covered by other materials.
  – Inform employees and their representatives of their right to examine and copy all correction documents submitted to WISHA.
  – If they ask to examine or copy documents within three working days of receiving notice that the documents were submitted to WISHA, provide access or copies no later than five days after receiving their request.

WAC 296-900-15030 Tag moveable equipment.

You must:
• Tag moveable equipment that has been cited to warn employees if a hazard has not been corrected, as follows:
  – Attach a warning tag or a copy of the citation to the equipment's operating controls or to the cited component.
  – For hand-held equipment, tag it immediately after you receive a citation.
  – For other equipment, tag it before moving it within the worksite or between worksites.

Note: The tag should warn employees about the nature of the violation and tell them where the citation is posted.

Reference: For a sample tag that meets this requirement, go to helpful tools, sample tag for cited moveable equipment, in the resources section of this chapter.
Administrative Rules

WAC 296-900-160 More time to comply.

Summary:

Your responsibility:

To submit timely requests when more time is needed to correct violations. To post requests for more time for employees.

You must:

• Make sure that the tag or copy of the citation attached to movable equipment is not altered, defaced, or covered by other materials.
• Keep the tag or copy of the citation attached to movable equipment until one of the following occurs:
  – Violations have been corrected and all certification documents have been submitted to WISHA.
  – Cited equipment is permanently removed from service.
  – The final order from an appeal vacates (voids) the violation.

Note: Safety standards for construction work, chapter 296-155 WAC, has information on warning tags. You can use warning tags that meet those requirements instead of the warning tags required by this rule.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-15030, filed 2/21/06, effective 6/1/06.]

WAC 296-900-16005 Requesting more time to comply.

IMPORTANT:

• Employers can request more time to correct violations if they:
  – Have made a good faith effort to correct the violation.
  – Have not corrected the violation because of factors beyond their control.

You must:

• Submit any requests for more time to correct violations in writing. Requests must be received or postmarked before midnight of the correction date shown on the citation and notice (C&N) or corrective notice of redetermination (CNR), and include:
  – The business name.
  – The address of the workplaces.
  – The citation and the correction dates to be extended.
  – The new correction date and length of correction period being requested.
  – A description of the actions that have been, and are being, taken to meet the correction dates in the C&N or CNR.
  – Factors preventing correction of violations by the date required.
  – The means that will be used to protect employees while the violation is being corrected.
  – Certification that the request for correction date extension has been posted, and if appropriate, certification that a copy was delivered to affected employees or their representatives.
  – Employer's signature or the signature of the employer's representative.
  – Date.

• Submit requests by one of the following methods:
  – First class mail, postage prepaid to any L&I office.
  – Take to any L&I office.
  – Fax to the number shown in the C&N.

Reference: For a list of the local offices, see the resources section of the Safety and health core rules, chapter 296-800 WAC.

What to expect from WISHA:

• WISHA may:
  – Accept late requests if they are both:
    ■ Received within five days following the related correction date;
    ■ Accompanied by your written statement explaining the exceptional circumstances that caused the delay.

Note: WISHA doesn't accept late requests when compliance activity has already started.

• WISHA may:
  – Respond to telephone requests or personal conversations asking for more time to comply if timely, and followed up in writing within twenty-four hours.
  – Conduct an investigation before making a decision whether to grant a request for more time.

• WISHA will:
  – Make a decision whether or not to grant the employer more time. Once made, the decision remains in effect unless an employee or employee representative requests a hearing.
  – Keep the original correction date in effect unless a notice granting more time is sent.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-16015, filed 2/21/06, effective 6/1/06.]

WAC 296-900-16100 Post WISHA's response to requests for more time.

You must:

• Post notices from WISHA approving additional time to correct citations, with the related citation, immediately upon receipt.
  – Keep the notices posted until one of the following occur:
    – The correction date has passed.
    – A hearing notice is requested and posted.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-16015, filed 2/21/06, effective 6/1/06.]

WAC 296-900-16105 Correction date hearing requests.

IMPORTANT:

• Affected employees or their designated representatives may request a hearing if they disagree with WISHA's decision to grant an employer more time to correct a violation.
• Employers may request a hearing if WISHA denies their request for more time to correct a violation.

You, your employees, or their representatives must:
• Send requests for hearings, if desired, in writing no later than ten calendar days after the issue date of the notice granting more time to correct a violation to:
  – Mail to:
    Assistant Director for WISHA Services
    Attn: WISHA Appeals
    P.O. Box 44604
    Olympia, WA 98504-4604
  – Fax to: 360-902-5581
  – Take to any department service location.

Reference: For a list of the local offices, see the resources section of the Safety and health core rules, chapter 296-800 WAC.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-16015, filed 2/21/06, effective 6/1/06.]

WAC 296-900-16020 Post WISHA's violation correction hearing notice.

You must:
• Post WISHA's hearing notice or a complete copy until the hearing is held, along with the:
  – Citation containing the correction date for which more time was requested.
  – Department notices issued in response to the employer's request for more time.

Reference: For a list of the local offices, see the resources section of the Safety and health core rules, chapter 296-800 WAC.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-16020, filed 2/21/06, effective 6/1/06.]

WAC 296-900-16025 Violation correction hearing procedures. What to expect from WISHA:
• After receiving a hearing request, the assistant director for WISHA services will appoint someone from WISHA to act as a hearings officer.
  – The hearings officer:
    – Will send a hearing notice to the employer and employee at least twenty days before the hearing date that includes all of the following:
      ■ A statement that all interested parties can participate in the hearing.
      ■ The time, date, and place of the hearing.
      ■ A short and clear explanation why a hearing was requested.
      ■ The nature of the proceeding, including the specific sections of the statute or rule involved.
      ■ The legal authority and jurisdiction under which the hearing will be held.
      – May discuss the material to be presented to determine how the hearing will proceed.
    – An assistant attorney general may be present at the hearing to give legal advice to the hearings officer.
    – The hearing will be conducted by either:
      – The hearings officer;
      OR
      – The assistant attorney general, if requested by the hearings officer.
  • After the hearing, WISHA will issue an order that either affirms or modifies the correction date that caused the hearing.

[Ch. 296-900 WAC—p. 12]
C&N number.

What is believed to be wrong with the correction date.

A signature and date.

Send appeals in any of the following ways:

Mail to:
Assistant Director for WISHA Services
Attn: WISHA Appeals
P.O. Box 44604
Olympia, WA 98504-4604

Fax to: 360-902-5581

Take to any L&I service location.

Note:
The postmark is considered the submission date of a mailed request.

What to expect from WISHA:

After receiving an appeal, WISHA will do one of the following:

Resume jurisdiction over the C&N, and notify the person who submitted the appeal.

Forward the appeal to the board of industrial insurance appeals. The board will send the person submitting the appeal a notice with the time and location of any board proceedings.

Definition:

Resume jurisdiction means that WISHA has decided to provide the employer with an informal conference to discuss their appeal.

When resuming jurisdiction over a C&N, WISHA has thirty working days after receiving the appeal to review it, gather more information, and decide whether to make changes to the C&N. The review period:

Begins the first working day after the appeal is received. For example, if an appeal is received on Friday, the thirty days will begin on the following Monday unless it is a state holiday.

May be extended fifteen additional working days, if everyone involved agrees and signs an extension agreement within the initial thirty-day period.

Will include an informal conference about the appeal that is an opportunity for interested parties to:

Briefly explain their positions.

Provide any additional information they would like WISHA to consider when reviewing the C&N.

Note:

WISHA might reassume jurisdiction over a C&N to do any of the following:

- Provide an employer and affected employees an opportunity to present relevant information, facts, and opinions during an informal conference.
- Give an employer, affected employees, and the department an opportunity to resolve appeals rapidly and without further contest, especially in routine compliance cases.
- Educate employers about the C&N, the WISHA appeals process, and WISHA compliance.
- Review citations, penalties, and correction dates. Although informal, the conference is an official meeting and it may be either partially or totally recorded. Participants will be told if the conference is recorded.

On or before the end of the thirty working day review period, WISHA will issue a corrective notice of redetermination that:

- Reflects any changes made to the C&N.
- Is sent to the employer, employees, and employee representatives participating in the appeal process.

Note:

WAC 296-900-17505 Scope and purpose. (1) The program for safety and health investment projects (SHIP) was established during the 2007 legislative session to provide funding for safety and health projects for workplaces covered by the medical aid fund.

(2) Priority is given to projects involving accident prevention through cooperation between employers and employees or their representatives.
WAC 296-900-17510 Definitions. (1) Applicant means the entity submitting an application and formal proposal for a safety and health investment projects award.

(2) Department means the department of labor and industries.

(3) Department staff means those individuals within the department of labor and industries who assist with project development and monitor recipient performance.

(4) Funding cycle means how frequently safety and health investment project awards are given.

(5) Medical aid fund refers to industrial insurance funds established in chapter 51.44 RCW.

(6) Milestones means critical points of achievement for the safety and health investment projects, showing progress toward project completion. Milestones are interim accomplishments that define project progress.

(7) Product means any of the following that are developed as the result of a safety and health investment project: Written materials; manufactured materials; designs; equipment; programs; services; workplace changes; or other results of any kind, tangible or intangible.

(8) Recipient means an agency, firm, organization, individual or other legal entity receiving project award funds from the safety and health investment projects.

WAC 296-900-17515 Eligibility. (1) All projects must address the needs of employers and employees covered by the medical aid fund.

(2) Projects must have clearly identified:

(a) Objectives and work plan;
(b) Products; and
(c) Criteria for evaluating the success of the project.

(3) Awards may be granted to any agency, firm, organization, individual or other legal entity such as, but not limited to, the following:

(a) Trade associations;
(b) Business associations;
(c) Employers (including but not limited to private, public, nonprofit, or self-insured employers if collaborating with medical aid fund employers);
(d) Employees;
(e) Labor unions;
(f) Employee organizations;
(g) Joint labor and management groups;
(h) Educational institutions in collaboration with state fund employer and employee representatives;
(i) Others deemed appropriate by L&I.

(4) SHIP funds may not be used for:

(a) Lobbying or political activities;
(b) Supporting, opposing, or developing legislative or regulatory initiatives;
(c) Any activity not designed to reduce workplace injuries, illnesses, or fatalities; or
(d) Reimbursing employers for the normal costs of complying with safety and health rules.

WAC 296-900-17520 Advisory committee. (1) The department will create an advisory committee representing the broadest spectrum of interests, appointed by the assistant director of the division of occupational safety and health (DOSH), and consisting of:

(a) Three employer representatives;
(b) Three employee representatives;
(c) Two members with expertise in safety and health selected by the assistant director; and
(d) One nonvoting member from DOSH who will serve as committee chair.

(2) Members are appointed to serve three-year renewable terms. At the request of the assistant director of DOSH, employer and employee organizations may make recommendations for advisory committee membership.

(3) The advisory committee will provide the following assistance:

(a) Make recommendations to DOSH regarding funding priority areas;
(b) Recommend applications that merit funding to the assistant director of DOSH;
(c) Keep records of the committee's decisions;
(d) Make recommendations to DOSH regarding individual project expenditure limitations and appropriate indirect costs;
(e) Develop and maintain communication networks in the community.

(4) Committee members will disclose to the committee any potential conflicts of interest with specific project applications, whether direct or indirect. The committee will determine whether a member's connection to a project should result in recusal from voting on the project. The committee's decision and reasons supporting the decision will be documented in the meeting minutes.

(5) Committee members will not disclose any information about applications to anyone not authorized access to the information by law or regulation. All applications and other material submitted under this program are confidential and are not open to public inspection. See RCW 49.17.210.

WAC 296-900-17525 Application. (1) Interested applicants may download an application packet from the web site, or for a printed application, contact:

Safety and Health Investment Projects
P.O. Box 44640
Olympia, WA 98504-4640
e-mail: INVEST@lni.wa.gov
web site: SafetyGrants.lni.wa.gov

(2) Applicants must complete the entire application to be considered for project funding. Incomplete applications will not be considered for funding. Applications are accepted throughout the year, and funding is awarded throughout each six-month funding cycle. Application deadlines are posted at SafetyGrants.lni.wa.gov. Applications received after posted deadlines will not be considered for the current funding cycle. However, they may be considered for a subsequent
funding cycle at the discretion of the assistant director of DOSH, or designee.

(3) Some funding cycles may include limitations on the maximum amount that will be awarded for any proposal. Limitations, if any, will be posted at SafetyGrants.lni.wa.gov or in current application packets.

(4) All products developed as a result of an approved SHIP project belong in the public domain and their dissemination and use shall not be restricted in any way. Such products may not be copyrighted, patented, claimed as trade secrets, or otherwise restricted in any other way. The department retains the right to publish or otherwise disseminate these products as the department in its sole discretion deems appropriate.

(5) The department will not use information contained in submitted application packets as the basis for the initiation of compliance inspections or the issuance of citations and/or penalties to applicants, under WISHA, chapter 49.17 RCW. However, employers are not exempt from compliance inspections initiated for other reasons because they submitted an application packet.

(6) Projects may include, but are not limited to:
   (a) The development of technical innovation and engineering controls;
   (b) Best practices;
   (c) Education and training;
   (d) Priorities identified by DOSH in cooperation with the WISHA advisory committee; and
   (e) Other projects that foster accident prevention through cooperation between employers and employees or their representatives.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 2007 c 522. 08-03-025, § 296-900-17530, filed 1/8/08, effective 2/8/08.]

WAC 296-900-17530 Approval. (1) DOSH will review applications to make sure they meet application criteria, and forward those that meet the criteria to the advisory committee.

(2) The advisory committee will:
   (a) Review project applications;
   (b) Prioritize and select, by a majority vote of the eligible voting members, those projects recommended for funding, with a minority report allowed;
   (c) Forward project recommendations to the assistant director of DOSH for final approval.

(3) The assistant director of DOSH will make a final decision on project approval and funding.

   (a) Approval will be based on the ability of the project to foster accident prevention through cooperation between employers and employees or their representatives; the likelihood of reducing workplace injuries, illnesses, or fatalities; and the ability of the applicant to achieve project goals. Assessment will be based on an objective scoring method developed by the department.
   (b) If the assistant director rejects an application the committee has recommended for funding or approves an application the committee recommended for denial, the assistant director will provide a written explanation to the advisory committee. The advisory committee may request reconsideration of such decision by a majority vote of the voting members, with a minority report allowed. The assistant director will reconsider the decision in consultation with the director.
   (4) Applicants will be notified in writing when their application is:
      (a) Approved for funding;
      (b) Not approved, including the reason it was not funded; or
      (c) Held over for a subsequent funding cycle.

(5) Upon approval of an application and before project activities begin, the department and the applicant will enter into a written agreement. The agreement:
   (a) Includes the approved application packet in its entirety, which will outline the project scope and timeline, activities, work plan, milestones, and products; and
   (b) Spells out the terms and conditions governing the project, project participants, and the products resulting from the project.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 2007 c 522. 08-03-025, § 296-900-17530, filed 1/8/08, effective 2/8/08.]

WAC 296-900-17535 Monitoring. Department staff will monitor projects for compliance with award terms and achievement of approved project milestones and/or outcomes.

(1) Milestones are intermediate targets or goals that are defined in the project applications. Ongoing funding will be tied to the achievement of approved milestones (including but not limited to accounting for grant funds).

(2) Outcomes are the final products that will be produced by the project.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 2007 c 522. 08-03-025, § 296-900-17535, filed 1/8/08, effective 2/8/08.]

WAC 296-900-17540 Suspension or revocation of funding. (1) The assistant director of DOSH may suspend or revoke funding for a project if advised by the SHIP program or the advisory committee that:

   (a) The recipient is not in compliance with project award terms;
   (b) There are unapproved funding expenditures; or
   (c) There are compelling and substantive reasons.

(2) Any suspension or revocation will:

   (a) Be in writing and delivered by either personal service or certified mail. The suspension or revocation will be effective upon service or five days after being mailed by certified mail;
   (b) Include the reasons for suspension or revocation; and
   (c) Be subject to appeal as described in chapter 34.05 RCW, the Administrative Procedure Act and contain an explanation of how to appeal the department's decision.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, 49.17.210, and 2007 c 522. 08-03-025, § 296-900-17540, filed 1/8/08, effective 2/8/08.]

WAC 296-900-180 Definitions. Affected employees

Employees who could be one of the following:

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

**Assistant director**
The assistant director for the WISHA services division at the department of labor and industries or his/her designated representative.

**Board**
The board of industrial insurance appeals.

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

**Citation**
See citation and notice.

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

**Correction action plans**
Your written plans for correcting a WISHA violation.

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

- Citation and notice (C&N);
- OR
- A Corrective notice of redetermination (CNR).

**Corrective notice of redetermination (CNR)**
Issued by WISHA after WISHA has reassumed jurisdiction over an appealed citation and notice.

**Designated representative**
Any of the following:

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

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

**Failure to abate (FTA)**
A violation that was cited previously which the employer has not fixed.

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

- Citation and notice.
- Corrective notice of redetermination.
- Decision and order from the board of industrial insurance appeals.
- Denial of petition for review from the board of industrial insurance appeals.
- Decision from a Washington state superior court, court of appeals, or the state supreme court.

**Final order date**
The date a final order is issued.

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

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

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

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

**Movable equipment**
A hand-held or nonhand-held machine or device that:

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

**Must**
Means mandatory.

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

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

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

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

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

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

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

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

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

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

**You**
An employer.
Sample Tag for Cited Moveable Equipment

WARNING: EQUIPMENT HAZARD

Cited by the Department of Labor and Industries

Equipment cited:

Hazard cited:

For detailed information, see L&I citation posted at:

This tag or similar tag or a copy of the citation must remain attached to this equipment until the criteria for removal in WAC 296-900-15035 are met.

The tag/citation copy must not be altered, defaced, or covered by other material.

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060. 06-06-020, § 296-900-180, filed 2/21/06, effective 6/1/06.]