

WAC 296-900-14020 Increases to adjusted base penalties.

• Tables 12 through 14 describe circumstances where an increase may be applied by DOSH to an adjusted base penalty.

Table 12
Repeat Violations
(increases the adjusted base penalty, after willful assessment)

1 st time x 2
2 nd time x 5
3 rd time x 8
4 th time x 12
5 th time x 15

History is based on the prior three years.

The maximum statutory penalty will be the maximum civil penalty established by the federal Occupational Safety and Health Administration under 29 C.F.R. 1903.15 or seventy thousand dollars, whichever is more.

Note: For repeat willful violations the repeat adjustment is applied after the willful assessment.

Table 13
Willful Violations

Multiply the adjusted based penalty by 10.
• No reduction is given for good faith, history, or abatement quick-fix.

The minimum statutory 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 statutory penalty will be the maximum civil penalty established under the federal Occupational Safety and Health Administration under 29 C.F.R. 1903.15 or seventy thousand dollars, whichever is more.

Table 14
Failure to Abate

Increases the adjusted base penalty:
Adjusted base penalty is multiplied by the number of calendar days past the correction date, with a minimum of five days.
• No reduction in the base penalty is given for good faith, history, or abatement quick-fix.

The maximum statutory penalty 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, per day if violation is not corrected.

Table 15
Egregious Violation

If the violation was willful and at least one of the following:	• The adjusted base penalty may be increased as follows:
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<ul style="list-style-type: none"> • The violations resulted in worker fatalities, a worksite catastrophe, or large number of injuries or illnesses. • The violation 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. 	<p>With a separate penalty issued for each instance, the employer fails to follow a specific requirement.</p>
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**Table 16
Penalty Calculation Method**

<p>All penalty adjustments factors are summed.</p> <ul style="list-style-type: none"> • History: Up to a 10% reduction • Good Faith: Up to a 20% reduction • Quick-Fix: Up to a 15% reduction • Size: Up to a 70% reduction

[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 19-01-097, § 296-900-14020, filed 12/18/18, effective 1/21/19; WSR 15-13-049, § 296-900-14020, filed 6/9/15, effective 9/1/15; WSR 07-03-163, § 296-900-14020, filed 1/24/07, effective 4/1/07; WSR 06-06-020, § 296-900-14020, filed 2/21/06, effective 6/1/06.]