

WAC 296-900-099 Definitions. Affected employees. Employees who could be one of the following:

(a) Exposed to unsafe conditions or practices.

(b) Affected by a request for, or change in, a variance from WISHA requirements.

Applicant. The entity submitting an application and formal proposal for a safety and health investment projects award.

Assistant director. The assistant director for the division of occupational safety and health (DOSH) at the department of labor and industries or his/her designated representative.

Base penalty. The penalty amount calculated for a violation by considering either specific statutory penalty amounts or the gravity of the violation.

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:

(a) Citation and notice (C&N); or

(b) 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.

Department. The department of labor and industries.

Designated representative. Any of the following:

(a) Any individual or organization to which an employee gives written authorization.

(b) A recognized or certified collective bargaining agent without regard to written employee authorization.

(c) The legal representative of a deceased or legally incapacitated employee.

Division or DOSH. The division of occupational safety and health, Washington state department of labor and industries.

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):

(a) Citation and notice.

(b) Corrective notice of redetermination.

(c) Decision and order from the board of industrial insurance appeals.

(d) Denial of petition for review from the board of industrial insurance appeals.

(e) 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.

Funding cycle. How frequently safety and health investment project awards are given.

Gravity. For purposes of calculating a penalty means the amount calculated by multiplying a violation's severity rate by its probability rate.

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.

Inpatient hospitalization. Formal admission to the inpatient service of a hospital or an equivalent medical facility on an emergent basis for a work-related injury, or illness.

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

Medical aid fund. Industrial insurance funds established in chapter 51.44 RCW.

Milestones. Critical points of achievement for the safety and health investment projects, showing progress toward project completion. Milestones are interim accomplishments that define project progress.

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:

- (a) Is powered or nonpowered.
- (b) 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. A number that describes the likelihood of an injury, illness, or disease occurring, ranging from 1 (lowest) to 3 (highest).

Product. 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.

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

Recipient. An agency, firm, organization, individual or other legal entity receiving project award funds from the safety and health investment projects.

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

Severity. For purposes of calculating a penalty means the most serious injury, illness, or disease that could be reasonably expected to occur, ranging from 1 (lowest) to 3 (highest), because of a hazardous condition.

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

<p>WARNING: EQUIPMENT HAZARD</p> <p>Cited by the Department of Labor and Industries</p>	Equipment cited:
	Hazard cited:
	For detailed information, see L&I citation posted at:

<p>WARNING: EQUIPMENT HAZARD</p> <p>See reverse side</p>	<p>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.</p> <p>The tag/citation copy must not be altered, defaced, or covered by other material.</p>
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[Statutory Authority: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060. WSR 17-18-075, § 296-900-099, filed 9/5/17, effective 10/6/17.]