



Washington State Department of
Labor & Industries
Division of Occupational Safety and Health

DOSH Consultation Manual



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Division of Occupational Safety and Health



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Washington State Department of
Labor & Industries

DOSH Consultation Manual

This Division of Occupational Safety and Health (DOSH) manual is intended to provide guidance regarding some of the internal operations of the Washington State Department of Labor & Industries, and is solely for the benefit of the Government. No duties, rights, or benefits, substantive or procedural, are created or implied by this manual. The contents of this manual are not enforceable by any person or entity against the Department of Labor & Industries or the State of Washington. Guidelines which reflect current Board of Industrial Insurance Appeals or court precedents do not necessarily indicate acquiescence with those precedents.

Chapter 49.17 RCW, known as the Washington Industrial Safety and Health Act (WISHA) gives the Director of the Department of Labor and Industries the authority and responsibility for administration of Washington State's workplace safety and health program.

DOSH CONSULTATION MANUAL
TABLE OF CONTENTS
OVERVIEW

CHAPTER 1
OVERVIEW OF THE DOSH CONSULTATION PROGRAM

CHAPTER 2
DESCRIPTION AND PROMOTION OF SAFETY AND HEALTH SERVICES

CHAPTER 3
SCHEDULING AND PRIORITIZING SAFETY AND HEALTH
CONSULTATION SERVICES

CHAPTER 4
EMPLOYER SAFETY AND HEALTH REQUESTS

CHAPTER 5
ON-SITE SAFETY AND HEALTH VISIT PROCEDURES

CHAPTER 6
SAFETY AND HEALTH PROGRAM ASSESSMENT

CHAPTER 7
WRITTEN SAFETY AND HEALTH CONSULTATION REPORT

CHAPTER 8
ENSURING SAFETY AND HEALTH HAZARDS ABATEMENT

CHAPTER 9
TRAINING AND ASSISTANCE BY SAFETY AND HEALTH CONSULTANTS

CHAPTER 10
START PROGRAM

CHAPTER 11
OTHER PROGRAMS

CHAPTER 12
RISK MANAGEMENT SERVICES

DOSH CONSULTATION MANUAL

TABLE OF CONTENTS

CHAPTER I: OVERVIEW OF THE DOSH CONSULTATION PROGRAM

A. PURPOSE	1-1
B. AUTHORITY	1-1
C. CONSULTATION SERVICES	1-2
1. On-Site Safety and Health Consultation Visits	1-2
2. Self-Insurance Reviews	1-2
3. Right-to-Know Assessments	1-2
4. Training or Outreach Not Related to a Visit.....	1-3
5. Risk Management Assistance	1-3
6. Cooperative, Recognition and Exemption Programs.....	1-3
D. ROLES AND RESPONSIBILITIES	1-4
1. Assistant Director	1-4
2. Statewide Consultation Manager	1-4
3. Regional Consultation Manager	1-4
4. Regional Consultation Supervisor	1-4
5. DOSH Consultant.....	1-5
E. WISHA INFORMATION NETWORK (WIN)	1-7
F. DEFINITIONS.....	1-8

APPENDIX 1-A1: Accompanied Consultation – Safety and Health..... 1-11

APPENDIX 1-A2: Accompanied Consultation – Risk Management 1-12

CHAPTER 2: DESCRIPTION AND PROMOTION OF SAFETY AND HEALTH SERVICES

A. CORE PRINCIPLES.....	2-1
1. Employer Obligations	2-1
2. Employer Rights.....	2-3
B. INSPECTION DEFERRAL FOLLOWING A CONSULTATION.....	2-4
1. Fixed Industry.....	2-4
2. Referral	2-4
3. Unscheduled.....	2-4
C. OBJECTIVE OF PROMOTIONAL ACTIVITIES.....	2-4
D. SCHEDULING PROMOTIONAL ACTIVITIES.....	2-5
E. PROMOTIONAL METHODS AND STRATEGIES.....	2-5
1. Promotional Tools	2-5
2. Identifying Specific Audiences.....	2-5
F. OUTREACH ACTIVITIES.....	2-5
1. Promotional Audiences	2-5
2. Methodology.....	2-6
3. Cooperative Efforts	2-6
G. EVALUATING PROMOTIONAL AND OUTREACH ACTIVITIES	2-7

CHAPTER 3: SCHEDULING AND PRIORITIZING SAFETY AND HEALTH CONSULTATION SERVICES

A. SCHEDULING CRITERIA	3-1
B. PRIORITIZING	3-1
1. Imminent Danger Situations.....	3-1
2. Specific Small, High Hazard Employers.....	3-1
3. Less Hazardous, Larger Businesses.....	3-3
4. Assistance Provided After a Consultation	3-3

CHAPTER 4: EMPLOYER SAFETY AND HEALTH REQUESTS

A. SCOPE OF SERVICES	4-1
1. Determining the Type of Visit.....	4-1
2. Number of Visits	4-1
3. Full Service Consultation.....	4-1
4. Limited Service Consultation.....	4-2
B. ON-SITE CONSULTATION SERVICES	4-3
1. Requests for Consultation Visits	4-3
C. OFF-SITE CONSULTATION SERVICES	4-4
D. LOW PRIORITY EMPLOYERS	4-4
E. REQUEST INFORMATION	4-4
1. Obtaining Establishment Information	4-4
2. Special Equipment or Entrance Requirements.....	4-5
3. Classified and Trade Secret Information	4-5
 APPENDIX 4-A: Letter - Low Priority Employer Request	 4-6

CHAPTER 5: ON-SITE SAFETY AND HEALTH VISIT PROCEDURES

A. TYPES OF ON-SITE SERVICES	5-1
B. ELEMENTS OF AN INITIAL VISIT	5-1
C. PRE-VISIT PREPARATION	5-2
1. Information Gathering	5-2
2. Research	5-2
3. Materials and Equipment.....	5-3
4. Safety and Health Rules or Other Special Policies of the Employer.....	5-4
5. Visit Confirmation	5-4

D. RELATIONSHIP TO DOSH COMPLIANCE	5-4
1. Inspection in Progress.....	5-4
2. Consultation Visit in Progress	5-5
3. Multi-Employer Worksite.....	5-6
4. Pre-Visit Deferrals	5-7
E. CONDUCT OF THE ON-SITE CONSULTATION	5-7
1. Entry of the Workplace.....	5-7
2. Presenting Credentials	5-7
3. Opening Conference	5-7
4. Site Walkaround.....	5-11
5. Closing Conference.....	5-13
6. Consultation Visit Checklist	5-15
 APPENDIX 5-A: Consultation Visit Checklist	5-16
APPENDIX 5-B: Interview Questions	5-18
APPENDIX 5-C: Table 1, Private Employer Exemptions.....	5-24
Table 2, Public Employer Exemptions.....	5-25
APPENDIX 5-D: Appointment Letter.....	5-26

CHAPTER 6: SAFETY AND HEALTH PROGRAM ASSESSMENT

A. INTRODUCTION	6-1
1. Safety and Health Programs Produce Results	6-1
2. Safety and Health Program Assessment Worksheet (DOSH Form 25)	6-1
B. ELEMENTS OF A FULLY EFFECTIVE SAFETY AND HEALTH PROGRAM.....	6-1
1. Management Leadership and Employee Involvement	6-1
2. Worksite Analysis.....	6-2
3. Hazard Prevention and Control.....	6-2
4. Safety and Health Training.....	6-2

C. FLEXIBILITY IN THE APPLICATION OF CRITERIA.....	6-2
1. Complexity and Formality.....	6-2
2. Effective in Practice.....	6-2
3. Written Format	6-2
D. USE OF FORMS	6-3
1. Form Completion Requirements	6-3
2. DOSH Form 25	6-3
3. Basic Information	6-3
4. Scoring Attributes.....	6-3
APPENDIX 6-A: Injury/Illness Incidence Rates	6-5
APPENDIX 6-B: Worksheet/Estimate Average Number Employees/Hours.....	6-7
APPENDIX 6-C: Safety and Health Program Assessment Worksheet (DOSH Form 25)	6-9

CHAPTER 7: WRITTEN SAFETY AND HEALTH CONSULTATION REPORT

A. COVER LETTER	7-1
B. WRITTEN REPORT TO THE EMPLOYER	7-1
1. Timing of the Written Report	7-2
2. Responsibility for Preparing the Written Report	7-2
3. Elements of the Written Report	7-2
4. Attachments to Written Report	7-3
5. Certification of Hazards Corrected	7-3
6. Case File.....	7-4
APPENDIX 7-A: List/Letters & Reports Available Through WIN	7-5
APPENDIX 7-B: Order of Reports – Case File	7-6
APPENDIX 7-C: Cover Letter	7-7

CHAPTER 8: ENSURING SAFETY AND HEALTH HAZARDS ABATEMENT

A.	TIMELY ABATEMENT OF SERIOUS HAZARDS.....	8-1
B.	EMPLOYER MUST SUBMIT CERTIFICATION.....	8-1
C.	REQUESTS FOR EXTENSIONS	8-1
D.	INTERIM PROTECTION	8-2
	1. Engineering Controls	8-2
	2. Administrative Controls.....	8-2
	3. Work Practice Controls	8-3
	4. Personal Protective Equipment (PPE)	8-3
E.	EMPLOYER ACTION PLAN.....	8-3
F.	EMPLOYER CERTIFICATION NOT RECEIVED	8-3
	1. Telephone Contact.....	8-3
	2. Past Due Notice Sent by Consultant	8-3
	3. Final Action by Consultation – Manager or Supervisor Letter Sent...	8-4
	4. Referral to DOSH Compliance	8-4
G.	FOLLOW-UP VISITS.....	8-4
APPENDIX 8-A: Certification of Hazards Corrected.....		8-6
APPENDIX 8-B: Updated Certification of Hazards Corrected		8-8
APPENDIX 8-C: Past Due Notice – Certification of Hazards Corrected (for 10-Day Notice)		8-10
APPENDIX 8-D: Supervisor Letter/Past Due Notice – Final Action (for 10-Day Notice)		8-12
APPENDIX 8-E: Follow-up Letter		8-13

CHAPTER 9: TRAINING AND ASSISTANCE BY SAFETY AND HEALTH CONSULTANTS

A. INTRODUCTION	9-1
1. Purpose.....	9-1
2. Types of Training and Assistance	9-1
3. Safety and Health Consultant Training and Assistance Capabilities	9-2
4. Recording Training and Assistance Time.....	9-2
B. ON-SITE TRAINING AND ASSISTANCE.....	9-2
1. Training During an Initial Visit.....	9-2
2. Pre-visit Planning	9-2
3. Examples of Informal Training During Initial Visit	9-2
4. On-site Training and Assistance – Not Part of Initial Visit	9-3
5. Reporting to the Employer.....	9-3
6. Employer Dependence on DOSH Services.....	9-4
C. INTERVENTION ACTIVITY REPORT, FORM 66	9-4
1. Intervention Activities	9-4
2. Reporting.....	9-4
3. Consultation Form 66 Activities.....	9-4
4. Interventions Not Recorded on Form 66	9-5
5. Reporting Team Interventions	9-5
D. TRAINING AND ASSISTANCE SKILLS.....	9-5
1. Skills Required for All Safety and Health Consultants.....	9-5
2. Training and Assistance Techniques	9-6
APPENDIX 9-A: Letter - Training Visit.....	9-7
APPENDIX 9-B: Intervention Form 66.....	9-8
APPENDIX 9-B1: Form 66 instructions	9-9
APPENDIX 9-B2: Form 66 Intervention/Activities.....	9-10

CHAPTER 10: START PROGRAM

A. DIVISION OF OCCUPATIONAL SAFETY AND HEALTH (DOSH) ON-SITE CONSULTATION PROGRAM	10-1
B. SAFETY THROUGH ACHIEVING RECOGNITION TOGETHER (START)	10-1
1. Employer Eligibility	10-1
2. Program Requirements	10-1
3. Safety and Health Program Management Guidelines	10-2
4. Injury/Illness Rates	10-2
5. Regional Consultation Manager Responsibilities	10-4
6. Statewide Consultation Manager Responsibilities	10-4
7. Duration of START Status	10-5
8. Renewal Requirements	10-5
9. Renewal Approval	10-6
10. DOSH Inspections at START Worksites	10-6
C. PRESTART STATUS	10-6
1. Employer Eligibility	10-6
2. Pre-START Requirements	10-7
3. Deferral Time Frame	10-8
4. Regional Consultation Responsibilities	10-8
5. Statewide Consultation Manager Responsibilities	10-8
6. DOSH Inspections at Pre-START Worksites	10-9
D. ADDITIONAL REQUIREMENTS	10-9
1. Fatalities or Catastrophes at START or Pre-START Sites	10-9
2. Changes that May Affect a START or Pre-START Employer's Eligibility	10-10
3. Failure to Maintain START or Pre-START Requirements	10-10
E. START Pilots	10-11
1. Framework	10-11
2. Duration	10-11
3. Process Overview	10-11

4. Approval of Applicants	10-11
5. Outcome of a START Pilot.....	10-12
APPENDIX 10-A: START Commitment Letter	10-13
APPENDIX 10-B: START Checklist	10-15
APPENDIX 10-C: Incentive Programs Memo (OSHA)	10-16

CHAPTER 11: OTHER PROGRAMS

A. VOLUNTARY PROTECTION PROGRAM (VPP)	11-1
B. RIGHT-TO-KNOW ASSESSMENT REVIEW	11-1
C. THE GOVERNOR’S INDUSTRIAL SAFETY AND HEALTH CONFERENCE	11-2
1. Purpose and Goals	11-2
2. Conference Staff	11-2
D. SELF-INSURANCE REVIEWS.....	11-2
1. Role of DOSH Consultation in Self-Insurance Assessments	11-2
2. The Self-Insurance Assessment Process	11-2
3. Completing the Self-Insurance Evaluation Review Form	11-3
APPENDIX 11-A: Self-Insurance Evaluation Review Form	11-5

CHAPTER 12: RISK MANAGEMENT SERVICES

A. PROGRAM DESCRIPTION.....	12-1
B. SOURCES OF WORK BY PRIORITY	12-1
1. Small Employer Requests.....	12-1
2. Referral Sources May Include But Are Not Limited To.....	12-1
3. Marketing	12-1
4. Lists of Employers.....	12-2
5. Large Employers.....	12-2

C. TYPES OF SERVICES.....	12-2
1. Management	12-2
2. Human Resources	12-2
3. Claims Management & RTW.....	12-2
4. Rates.....	12-2
5. Safety Management	12-3
6. Best Practices	12-3
D. RISK MANAGEMENT PROCESSES	12-3
1. Marketing	12-3
2. Referrals.....	12-4
3. Consultation	12-4
4. Technical Assistance	12-8
5. Workshops	12-9
6. Follow-up.....	12-9
E. DOCUMENTATION.....	12-9
1. Account File Documentation	12-9
2. Correspondence.....	12-9
3. Measurement / Month End Reports	12-9
F. RELATIONSHIP TO COMPLIANCE	12-10
1. When a Compliance Inspection is Opened	12-10
 APPENDIX 12-A: Assessment (Tool) Sample 1	12-11
APPENDIX 12-B: List of LINIIS Screens	12-13
APPENDIX 12-C: Risk Management Assessment (Sample).....	12-14

CHAPTER 1

OVERVIEW OF THE DOSH CONSULTATION PROGRAM

A. PURPOSE

The purpose of the Consultation Program is to provide guidance to employers and employees in preventing the occurrence of injuries and illnesses, and managing industrial insurance claims and rates, which may result from exposure to workplace hazards. Services are available to employers to assist them in establishing workplace safety and health programs to prevent the occurrence or recurrence of hazards.

DOSH Safety and Health Consultants provide technical assistance to employers in workplace hazard identification, hazard control recommendations, verification of the correction of serious hazards identified during on-site consultations, assessment of workplace safety and health programs, and training and education for both employers and employees to help reduce injuries and occupational hazards. DOSH Consultants also assist employers in understanding their obligations under the WISH Act and in meeting the requirements of all applicable safety and health standards.

DOSH Risk Management Consultants provide employers with data analysis specific to how claims affect insurance premiums, show the cost benefit of actively managing each return-to-work option and resource, discuss “claim-free discounts” and how to protect those discounts, and review best practices in hiring strategies and procedures. Chapter 12 of this manual is specific to Risk Management Consultants.

B. AUTHORITY

The WISH Act, under RCW 49.17.050(8) authorizes the Director of the Department of Labor and Industries to “provide for the establishment of new and the perfection and expansion of existing programs for occupational safety and health education for employers and employees, and, in addition institute methods and procedures for the establishment of a program for voluntary compliance solely through the use of advice and consultation with employers and employees with recommendations including recommendations of methods to abate violations relating to the requirements of (the WISH Act) and all applicable safety and health standards and rules and regulations promulgated pursuant to the authority of (the WISH Act).”

C. CONSULTATION SERVICES

The Consultation Program offers a variety of services for small businesses, including:

- Assisting in the development and implementation of a safety and health management system
- Offering training and education to the employer and employees at the worksite
- Giving priority to smaller businesses in high hazard industries.
- Offering risk management consultation to help employers manage their industrial insurance claims and rates and prevent injuries.

C. 1. On-Site Safety and Health Consultation Visits. On-site consultation visits include an opening conference, a walk-through of employer worksites, identification of hazards, correction assistance, assistance in the development or improvement of the employer's occupational safety and health management system and closing conference. An on-site consultation visit will result in a written report to the employer, detailing findings and recommendations of the consultant. It may include training and education needed to address hazards or potential hazards at the worksite.

Although the on-site consultation program does not issue citations or propose penalties, employers receiving consultation services must immediately correct or eliminate exposure to identified imminent danger hazards and correct all serious hazards by the assigned abatement date. Employers are also expected to correct general hazards.

C. 2. Self-Insurance Reviews. Self-Insurance Reviews are conducted by DOSH Regional Consultants in response to an employer's application to self-insure in lieu of participating in the Washington State Industrial Insurance Fund. The Statewide Consultation Manager coordinates the reviews. Self-insurance reviews includes a full-service consultation with a comprehensive review and evaluation of the employer's written Accident Prevention Program and any other required safety and health programs, a walk-through of the facility, and employee interviews to determine whether the program meets DOSH requirements.

The Regional Consultation Manager or Regional Supervisor makes the recommendation to approve or not approve an employer for self-insurance based on the consultant's findings during the consultation. See *Chapter 11, Section D, Self-Insurance Reviews*, for specific policies and procedures.

C. 3. Right-to-Know Assessments. Employers who receive an annual Right-to-Know assessment fee may appeal the fee if they believe they have no hazardous chemicals at their worksite. Employer appeals are received in Central Office and assigned to DOSH Regional Consultants to determine whether the employer has hazardous chemicals or if the employer should be exempted from the fee assessment.

- C. 4. Training or Outreach Not Related to a Visit.** Training and outreach not related to a Consultation Visit may be provided to employers, employer groups or associations. In those cases the service provided by the consultant must be documented on the Form 66. See Chapter 4, Employer Requests, and Chapter 9, Training & Assistance, for specific policies and procedures on when and how the form is to be used.
- C. 5. Risk Management Assistance.** Risk Management Consultants assist employers through consultations, assessments and recommendations. They help employers develop their own policies, programs and forms designed to reduce accidents, injuries, claims, premiums and associated costs. They assist employers in developing effective loss control programs with the ultimate goals of lowering workers' compensation costs and improving workplace health and safety for employees. They also educate customers through workshops and outreach activities with business, labor and community groups. See Risk Management policies and procedures in Chapter 12 of this manual.
- C. 6. Cooperative, Recognition and Exemption Programs.** DOSH offers a number of opportunities for employers and organizations to work cooperatively with the Department. These cooperative programs offer a variety of services and benefits to participating employers and organizations. Although the primary purpose of this manual involves the Consultation Program, an overview of the other DOSH cooperative programs is necessary since DOSH Consultants are actively involved in implementing these programs. Examples of these programs include:
- a. START Recognition Program. Safety Through Achieving Recognition Together (START)** is a recognition program designed for smaller employers who wish to improve the safety and health culture at their workplace, but who lack sufficient company resources to do so. DOSH Regional Consultants provide specific consultation services to help employers meet their goals. See Chapter 10 in this manual, for specific policies and procedures.
 - b. Voluntary Protection Program (VPP).** The Voluntary Protection Program (VPP) is designed for larger employers who have worksites with comprehensive, exemplary safety and health programs. Employers apply for the program and DOSH Regional Consultants participate on on-site evaluations to determine whether VPP applicants should be granted VPP status. See Chapter 11, Other Programs (in this manual), and the VPP Manual (a separate manual), for specific VPP policies and procedures.

D. ROLES AND RESPONSIBILITIES

D. 1. Assistant Director. The Assistant Director for the Division of Occupational Safety and Health (DOSH) ensures operation, management, implementation, and evaluation of all programs under the Washington Industrial Safety and Health Act. Programs include: standards promulgation, training and technical support, policy development, enforcement, consultation, investigations, data analysis, IT systems, compliance, and quality assurance. The Assistant Director reports to the Director of the Department of Labor and Industries.

D. 2. Statewide Consultation Manager. This position manages the Statewide Consultation Program to include safety and industrial hygiene consultation services, risk management consulting services, and directly supervises the Regional Consultation Managers. This position reports to the Assistant Director of DOSH.

D.3 Regional Consultation Manager. This position manages and directs the DOSH Regional Consultation Services Program. This manager has a staff consisting of Safety Consultants, Industrial Hygienists Consultants, and Risk Management Specialists. This position reports to the Statewide Consultation Manager.

In the absence of a Regional Consultation Supervisor, the Regional Consultation Manager must also assume responsibilities normally handled by a supervisor.

D.4. Regional Consultation Supervisor. The Regional Consultation Supervisor has first level supervisory responsibility over DOSH Safety and Health staff, and may also lead consultation visits. The supervisor is also responsible for reviewing and approving safety and health consultation reports prior to issuance, for quality and technical adequacy. The supervisor must also ensure the safety and protection of their staff.

a. Accompanied Visits. The Regional Consultation Manager or Supervisor must evaluate each DOSH Consultant, using the Accompanied Consultation Evaluation form (see Appendix 1-A1 & 1-A2). The purpose of the accompanied visit is to ensure consistency of consultation services provided to employers, to provide guidance to DOSH Consultants, and to prepare the Regional Consultation Manager or Supervisor to conduct the Consultant's annual performance evaluation. The Regional Consultation Manager, Supervisor, or a lead designated by the Regional Consultation Manager must accompany each DOSH Consultant on at least one consultation visit per year. A lead will only be designated by the Regional Consultation Manager when there is no designated supervisor for consultation staff.

The Accompanied Visit includes a review of paper and electronic files and the written report to the employer. The results of the evaluation will be shared with the DOSH consultant. Accompanied visit evaluations will be maintained in a confidential desk file.

- b. Quality Assurance.** The Regional Consultation Manager or Supervisor can evaluate the quality of the consultants work during an accompanied visit, or through feedback forms such as employer surveys, follow-up phone calls to employer who received a visit, timeliness of services provided by the consultant throughout the process or other methods the RCM/Supervisor thinks appropriate.

D.5. DOSH Consultant. Consultation staff include Safety Specialists, Industrial Hygienists, and Risk Management Specialists. They assist employers in their assigned area of expertise. Through consultations and other employee/employer contact, the DOSH Consultant can help ensure that hazards are identified and corrected to protect workers. During these processes, the Consultant must use professional judgment to adequately document hazards, review employer safety and health programs, and assist in directing efforts in accident prevention as required by Department's policies and procedures. The Consultant will be responsible for the technical adequacy of each official file. Based on individual expertise, a DOSH Consultant may be assigned to plan, design and present workshops and training.

- a. Training Requirements for Consultants.** New-hire consultants must take the new hire training as outlined in DOSH Directive 40.0, New Hire Training Program for DOSH Safety and Health Staff.
 - If the consultant is a new-hire to DOSH, all the training outlined for safety and health consultants must be taken.
 - If the newly hired consultant is from DOSH Compliance and has previously attended new-hire training, then only training pertaining to consultation specific requirements, i.e., operations manual and WIN, must be taken.
 - If the Regional Manager believes a waiver is warranted, a request for a waiver must follow the protocols outlined in the DOSH Directive 40.0, and must be approved by the Training Manager, the Education and Outreach Senior Manager, and the Statewide Consultation Manager.
- b. Subpoena Served on DOSH Safety and Health Consultant.** By the nature of their role in helping employers achieve voluntary compliance with requirements of the WISH Act, Consultants are less likely than Compliance Officers to be served with a subpoena when the Department is a party to a legal action.

However, a Consultant may be more likely to be called upon to testify in a "third party" case. If a Consultant *is* served with a subpoena, the Consultant must inform the Regional Consultation Manager or Supervisor immediately, and follow the instructions below regarding "Type of Testimony Given." Their Supervisor may coordinate with the Office of the Attorney General, as appropriate to the circumstances.

- c. **Testifying in Hearings.** DOSH Consultants may be called upon to testify in a variety of situations. They may have to testify in cases where they provided services to an employer and the Department is a party to the legal action. The Consultant must be mindful of this fact when recording observations during consultations. The official file must reflect conditions observed in the workplace as accurately as possible. If the Consultant is called upon to testify, the official file will be invaluable as a means for recalling actual conditions.

However, Consultants may also be called upon to testify in what are known as “third party” cases. These will involve situations where the Consultant provided services, and attorneys for either the employer or another entity such as the manufacturer or general contractor want the Consultant to testify regarding the workplace hazard. Consultants may also be asked by attorneys for either side to spend time explaining the case, or what their testimony will be.

It is the policy of the Department that unnecessary involvement in third party cases is not an effective use of employee resources, and unnecessarily takes Consultants away from their primary duties. Therefore, Consultants are directed to only participate in third party cases to the extent required by a subpoena for either a “Notice of Oral Examination” (deposition), or for testimony in a Superior Court trial.

- d. **Type of Testimony Given.** If a DOSH Consultant has been subpoenaed to testify as described above, an issue often arises as to what type of testimony will be given. There are two types of testimony:

- **Expert testimony.** Expert testimony involves giving one’s opinion as to certain issues. For example, expert testimony would involve stating that you believe a certain practice is unsafe.

A DOSH Consultant must never provide expert testimony unless:

- Subpoenaed by a Department Assistant Attorney General, and
- Qualified by DOSH to provide expert testimony.

- **Factual testimony.** Factual testimony is limited to explaining facts without embellishing these facts with any opinions. For example, a DOSH Consultant could explain that certain documents appear to be accurate photocopies of their work notes or the written report to the employer issued following their on-site visit. Other examples of factual testimony would include stating “yes, these are the photographs that I took” or “yes, I recommended a violation of WAC 296-_____.”

DOSH Consultants must provide only factual testimony, not expert testimony, in cases where the Department is not a party to the action. Neither side in a lawsuit should be provided free expert testimony by the State. Again, this is not an efficient use of state resources. The Regional

Consultation Manager or Supervisor may coordinate with the Office of the Attorney General, as appropriate to the circumstances.

e. Disposition of Safety and Health Consultation Records.

Consultation Records are any records made by a DOSH Consultant that concern, relate to, or are part of any on-site visit, or that concern, relate to, or are part of the performance of any official duty. Such original material and all copies must be included in the official file. These records are the property of the state of Washington and a part of the official file.

Consultation records are not the property of the Consultant and under no circumstances are they to be retained or used for any private purpose.

Copies of documents, notes, photos or other recorded information not necessary or pertinent, or not suitable for inclusion in the case file will, with the concurrence and permission of the Regional Consultation Manager or Supervisor, be destroyed.

EXCEPTION: Copies of photos which are not needed for the official file may be given to and used by staff for use during safety and health training sessions. There can be no identifying images of the employer's place of business or of an individual, unless signed permission has been given by the employer or individual.

Official central office files are retained for a period of two years at L & I and four years at the Records Center under the Secretary of States' Office.

E. WISHA INFORMATION NETWORK (WIN)

WIN is a network of DOSH electronic data systems and computerized applications. It includes the DOSH Consultation and Enforcement web-based applications. The web-based systems are designed to capture and maintain information collected through on-site Consultation visits and Compliance inspections. They are secured applications accessed through the Department of Labor and Industries' Intranet

[DELETED PARAGRAPH LANGUAGE THAT IS NO LONGER RELEVANT]

WIN "shares" data with other agency systems, such as LINIIS; Accounts Receivable Collections System (ARC), and the Data Warehouse. Federally-required data is transferred to the federal Integrated Management Information System (IMIS).

DOSH Safety, Health and Risk Management Consultants are responsible for direct online entry of visit-related data. The web-based system pre-fills online forms to the extent possible using visit data previously entered or available through other agency systems. Managers or Supervisors are responsible for reviewing and approving reports contained in electronic and physical files. All official Safety and Health Consultation files will be maintained in Central Office. DOSH's IT Systems and Quality Assurance staff will answer questions and resolve problems through the **WIN Help Desk Phone Line at (360) 902-6580.**

NOTE: The *WIN Help Desk Phone Line*, (360) 902-6580, does **not** replace other services provided by L&I's Help Desk.

F. DEFINITIONS

1. **The WISH Act.** The Washington Industrial Safety and Health Act of 1973; Chapter 49.17 RCW.
2. **Action Plan for Inspection Deferral.** The written plan, developed by the consultant and approved by the Statewide Consultation Manager, outlining the necessary achievements and time frames required for the employer to achieve START status. The Action Plan is implemented by the employer.
3. **Compliance Officer.** A compliance safety or health officer, (CSHO) who provides enforcement inspections.
4. **Consultant.** A safety or health officer who provides voluntary consultation visits, training, education and assistance usually at the request of an employer.
5. **Cooperative Agreement.** The legal instrument which enables the States to collaborate with OSHA to provide consultation in accordance with 29 CFR, Part 1908.
6. **Days Away, Restricted and Transferred (DART).** A rate that represents the total non-fatal injuries and illnesses resulting in days away from work, restricted work activity, and/or job transfer (columns H & I) per 100 full-time employees for a given period of time (usually for a calendar year).
7. **Effective.** The word “effective” is used in the same way as the word “adequate” in current industry standards, i.e., sufficient to protect employees from reasonably foreseeable hazards. A safety and health program is effective if it protects employees from actual and potential hazards.
8. **General Hazard.** A hazard is considered general in situations where the most serious injury, illness or disease that would be likely to result from a hazardous condition cannot reasonably be predicted to cause death or serious physical harm to exposed employees, but does have a direct and immediate relationship to their safety and health.
9. **Hazard Correction.** The elimination or control of a workplace hazard in accordance with the requirements of applicable Federal or State statutes, regulations or standards.
10. **Hazard Survey.** Within the scope of the visit, the collection of information on hazards, observation of work processes, methods, procedures, employee activities, employee interviews, and advice on hazard control or elimination as appropriate.

11. **Imminent danger.** An imminent danger situation exists when any workplace condition or practice could reasonably be expected to cause death or serious physical harm, immediately or before the danger can be eliminated through DOSH enforcement or consultation. RCW 49.17.130(1) provides authority for these staff to issue an order of immediate restraint.
12. **Intervention.** Consultation assistance provided away from an employer's worksite. This includes technical advice provided through telephone conversations and correspondence (including e-mail), speeches and presentations to stakeholders, off-site technical training, and promotional mailings.
13. **On-site Consultation.** The process of walking through an employer's worksite, identifying hazards, providing correction assistance, and helping to develop or improve the employer's occupational safety and health management system. It includes a written report to the employer on the findings and recommendations resulting from the visit. It may include training and education needed to address hazards or potential hazards at the worksite.
14. **OSHA.** The Federal Occupational Safety and Health Administration or the State agency responsible under a Plan approved under Section 18 of the OSH Act for the enforcement of occupational safety and health standards in that State.
15. **Program Assessment.** Refers to a consultant's review of an employer's existing safety and health management program. This review identifies elements considered adequate and elements that need development or improvement. Consultants use the Safety and health Program Assessment Worksheet (Form 25) to conduct the program assessment.
16. **Program Assistance.** Refers to the DOSH Consultant's recommendations, based on program assessment, for developing or improving program elements to create an effective program. Complete development of a program from scratch is still program assistance is still done using DOSH Form 25 as a guide.
17. **Programmed Inspection.** Inspections of worksites which have been scheduled based upon objective criteria and are called "programmed".
18. **Safety and Health Management System.** "Safety and health management system," refers to a comprehensive, employer-provided, site-specific system to protect worker safety and health.
19. **Safety and Health Program Assessment Worksheet (DOSH Form 25).** The worksheet is an evaluation tool to assess the employer's safety and health management system. Further, it can be used to provide information to an employer on the safety and health management system at one establishment and how it stacks up with other establishments in the same industry.

20. **Scope of Visit.** There are two visit scopes:
- a. *Full-Service visit.* An on-site consultation visit that provides a complete comprehensive safety and health hazard assessment of all working conditions, equipment, and processes at the worksite for safety and/or health.
 - b. *Limited-service visit.* A less comprehensive safety and health hazard assessment than that provided by a full-service visit. An on-site Consultation visit that provides a focused assessment of a particular work process or type of hazard or a focused assessment that is conducted of only one discipline, safety or health.
21. **Serious Hazard.** A hazard is considered serious if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use.
22. **Small business.** For the purpose of the consultation Program, a small business is defined as an employer having 25 or fewer employees at a fixed worksite and no more than 250 employees state-wide.
23. **Total Recordable Case Rate (TRC).** A rate that represents the total non-fatal injuries and illnesses (columns H, I & J) per 100 full-time employees for a given period of time (usually for a calendar year).
24. **Visits.** Visits can be classified as follows:
- a. *Initial Visit.* A hazard assessment visit(s) provided by a safety or health consultant. An initial visit can be either a full-service or limited service visit. An initial visit must consist of an opening conference, an examination of all aspects of the safety and health management system relating to the scope of the visit, a walkthrough of the workplace, and a closing conference.
 - b. *Training and Assistance Visit.* An on-site consultation visit that is conducted to provide training to employers and their employees in hazard identification and correction or in safety and health program development.
 - c. *Follow-up visit.* An on-site consultation visit(s) conducted to verify the correction of previously identified hazards and /or the implementation of a safety and health management system.
 - d. *Visit in Progress.* A consultation visit is “in progress” from the beginning of the opening conference to the end of the correction due dates (including extensions). A consultation visit in progress takes precedence over a Programmed DOSH Inspection.
25. **Written Report to the Employer.** The confidential report provided by the Consultation Program to the employer documenting all hazards identified, hazard correction recommendations, correction due dates, and an assessment of the employer’s safety and health management system.

APPENDIX 1-A1

Accompanied Consultation – Safety and Health

Consultant Name: _____

Employer Name & Location: _____

Industry Type: _____

Date: _____

_____ Was the Consultant prepared for the consult? (PPE, Claim history, etc.)

_____ Was the checklist used in the opening conference?

_____ Were the processes and procedures clearly explained?

_____ Was an adequate evaluation of written programs completed?

_____ Was a DOSH Form -25 completed?

_____ Was the most current complete year of the OSHA 300 Log and 300A Summary plus current year to date reviewed?

_____ Were incident rates calculated for the employer?

_____ Did the Consultant present themselves professionally? (Attitude, dress, punctuality?)

_____ Did the Consultant identify all hazards that you identified?

_____ Was an explanation given to the employer on hazards identified?

_____ Was the employer given adequate information to correct hazards?

_____ Was the Consultant helpful to the employer?

_____ Did the Consultant explain other services and training that we provide?

_____ Did the Supervisor review the corresponding forms and written report for accuracy and completeness?

Additional Comments:

Consultant's Signature: _____ Date: _____

Supervisor's Signature: _____ Date: _____

APPENDIX 1-A2

Accompanied Consultation - Risk Management

Consultant Name: _____

Employer Name / Account #: _____

Date: _____

Pre-consultation:

- ___ Was consultant prepared for consult?
- ___ Did consultant fully research customer?
- ___ All appropriate equipment and travel arrangements made?
- ___ Calendar indicates where-a-bouts?

Consultation:

- ___ Was purpose of consultation fully explained?
- ___ Did the consultant present themselves professionally?
- ___ Confident in material?
- ___ Good introduction of goals of consultation?
- ___ Assessment done?
- ___ Recommendations sent within 15 calendar days?
- ___ Appropriate resources given?
- ___ Consultant listened to customer?

Follow-up / Closure:

- ___ Did consultant offer appropriate other DOSH/L&I services?
- ___ Questions answered and resources given?
- ___ WIN updated?
- ___ Assessment results/recommendations sent?
- ___ Closure letter/evaluation sent within 15 calendar days?

Additional Comments:

Consultant's Signature: _____ Date: _____

Supervisor's Signature: _____ Date: _____

CHAPTER 2

DESCRIPTION AND PROMOTION OF SAFETY AND HEALTH SERVICES

A. CORE PRINCIPLES

There are a number of fundamental rights and obligations which must be communicated to employers before on-site consultation services will be provided. This can be done either through promotional materials or through other forms of communication prior to the DOSH Consultant's site visit and before significant financial or other resources are invested in a consultation visit. These rights and obligations must also be discussed with the employer during the on-site visit opening conference. See *Required Information*, in Chapter 5, Section E.3.d., in this manual.

A.1. Employer Obligations.

- a. **Provide a Safe Workplace.** While using these services, the employer remains under statutory obligation to provide safe and healthful working conditions for employees.
- b. **Safety and Health Program Review.** For all on-site full service consultation visits, the employer must agree to a review of their Accident Prevention Program (APP). The employer must also agree to a review of all other required written programs applicable to their operation, and to actively participate in implementing or improving their workplace safety and health program. Additional required written programs may include hazard communication, energy control, hearing conservation, etc.

If the employer is required to have additional written programs or procedures, they can be included in their accident prevention program or covered in supplemental documents. For limited service consultations the employer must also agree to a review of their APP and safety programs related to the limited visit (for example, reviewing the employer's energy control program when evaluating a machine guarding issue).

NOTE: When a limited service consultation visit is provided to a small employer in a high hazard industry, the employer should be encouraged to have all of their programs reviewed.

- c. **Eliminate Imminent Dangers.** The employer must correct imminent danger situations immediately, or remove employees from the area of danger. Failure to remove employees from an imminent danger area will result in an immediate referral to DOSH Compliance.

A.1. Employer Obligations (Continued)

- d. **Correct Hazards.** The employer must correct any serious hazard(s) identified by the established correction due date (abatement date) (RCW 49.17.250(3)). The correction due dates must be the shortest interval within which an employer can reasonably be expected to correct the hazard. Employers are also expected to correct general hazards in a timely manner. If an employer fails to eliminate an imminent danger or correct a serious hazard within the established time frame or any approved extension, the DOSH Regional Consultation Manager or Supervisor must make a referral to the appropriate Safety or Hygiene Compliance Supervisor. See *Referral to DOSH Compliance* in Chapter 8, Section F.4, in this manual.
- e. **Providing Consultation Report to Employees.** The employer must provide the results of the consultation report (Written Report to Employer) to his or her employees or their collective bargaining representative(s) as soon as possible, but no later than 30 days from receiving it (RCW 49.17.250(3)).

The employer must agree to post the list of “Hazards Identified” which will accompany the written report when hazards have been found for a minimum of three working days, and it can only be removed once all identified hazards are corrected. Agreed-upon modifications or extensions of correction due dates must also be posted. Posting must be in a prominent place where it is readily observable by all employees. In most instances this will entail posting a hard copy. Posting by electronic means is acceptable in cases where electronic transmission is the employer's normal means of providing notices to employees, and each employee must have access to the electronic posting. Failure to post the list of “Hazards Identified” for a comprehensive consultation will result in removal of the 12 month exemption from a programmed inspection.

- f. **Employee Participation.** Employee participation is required in all site visits where employees are present. DOSH Consultants will conduct employee interviews when employees are present.
 - (1) **Site with recognized Employee Representative.** An employee representative of affected employees must be afforded an opportunity to participate in the opening and closing conferences and to accompany the Consultant and the employer's representative during the physical inspection of the workplace. The Consultant may increase the number of employee participants in the physical inspection if he or she determines that additional representatives will improve the quality of the visit. The Consultant may confer privately with the employee representative.
 - (2) **Site with no recognized Employee Representative.** The DOSH Consultant must confer with individual employees during the course of the visit in order to identify and judge the extent of particular hazards within the scope of the employer's request and to evaluate the employer's safety and health program. The employer must agree to permit such contact in order for the visit to proceed.

A. 2. Employer Rights.

- a. **Confidentiality.** While confidentiality of Consultation services in relation to Compliance remains a strong marketing component of the Consultation Program, it is imperative that the Consultant does not make promises of confidentiality which are not statutorily based. RCW 49.17.250(3) states that “*Information obtained by the Department as a result of employer-requested consultation and training services shall be deemed confidential and shall not be open to public inspection.*”

In no case other than a referral where an employer has failed to correct hazards will a consultation visit *initiate* enforcement action, nor will it be used to determine the scope or subject of a compliance visit.
- b. **Prior Consultative Visit.** In the event of a subsequent compliance inspection, the employer is not required to inform the DOSH Compliance Officer of a prior consultation visit.
- c. **Limited Compliance Access to Consultation Information.** The DOSH Compliance program will only be allowed access to information in Consultation records under very limited and controlled circumstances, such as when an employer refuses to correct an imminent danger situation or correct identified serious hazards.

NOTE: Requests from the AAG and DOSH appeals staff for specific consultation information should be directed to the Regional Consultation Manager. The manager will decide what information will be shared. The manager may contact the Statewide Consultation Manager if there are concerns about sharing information.

- d. **Consultant’s Advice.** In cases where the employer has relied on advice from a DOSH Consultant or other Department staff in attempting to correct a hazardous condition, but in a subsequent inspection, a DOSH Compliance Officer finds that the hazard still exists, citations may be issued. However, the Compliance Officer will evaluate the situation, attempting to substantiate the previous guidance given to the employer.

Any good faith effort by the employer to abate the hazards will be taken into account. If the employer chooses to provide the Compliance Officer with a copy of an on-site visit report, it can be used by Compliance to determine the employer’s “good faith” when calculating assessed penalties, if any. See also *Subsequent Inspection*, in Chapter 5, Section E.3.f.(3), in this manual.
- e. **No Cost.** DOSH consultation services are provided at no cost to the employer through State and Federal funds.
- f. **No Citations or Penalties.** DOSH Consultants do not issue citations or assess penalties.

- g. Scope or Termination of the Request.** The scope of the visit may be reduced or expanded at any time during the consultation visit at the request of the employer. However, if the DOSH Consultant identifies a hazard outside the scope of the request, the hazard must be treated as though it is within the scope of the request. The employer has the right to terminate participation in the visit at any time, but must correct any serious hazards identified up to the point of visit termination.
- h. Private Discussion with the Consultant.** The employer has the right to request a private meeting with the consultant to discuss matters that he or she may wish not to discuss in the presence of the employee representatives.
- i. Date for Correction of Serious Hazards.** A correction schedule for any serious hazards identified by the DOSH Consultant must initially be established with the employer. The correction due dates must be the shortest interval within which an employer can reasonably be expected to correct the hazard. If necessary, the employer may later (for good cause) request an extension of the hazard correction date in writing to the Consultant, prior to expiration of the previously assigned correction date. See *Requests for Extensions*, in Chapter 8, Section C, in this manual.

The Consultant must respond to the employer in writing. The Consultant must place a copy of the employer's request letter and the Department's response letter in the official file.

B. INSPECTION DEFERRAL FOLLOWING A CONSULTATION

- B. 1. Fixed Industry.** Employers in a fixed industry who have received a full-service comprehensive DOSH safety or hygiene consultation visit will be excluded from scheduled enforcement inspections within the same discipline (safety or hygiene) for 12 months following the conclusion of the full-service on-site consultation visit.
- B. 2. Referral.** An inspection may be conducted following a referral from Consultation, if an employer fails to correct all serious hazards that were identified by a DOSH Consultant during an on-site visit.
- B. 3. Unscheduled.** Unscheduled inspections for imminent danger allegations, accidents, fatalities, complaints or a follow-up to a previous enforcement inspection may still be conducted. (See Chapter 5, Section D.3 in this manual)

C. OBJECTIVE OF PROMOTIONAL ACTIVITIES

The Consultation Program seeks to have the greatest feasible impact on the reduction of work related injuries and illnesses in smaller businesses. The primary objective of promotion is to generate inquiries and requests for consultative assistance from smaller, high hazard employers, especially employers with a high incidence of serious injury or illness.

D. SCHEDULING PROMOTIONAL ACTIVITIES

Successful promotion will result in inquiries and requests for visits to establishments in the priority industries described in Chapter 3, *Scheduling and Prioritizing Safety and Health Consultation Services*, in this Manual. Promotion and provision of services to larger and less hazardous establishments will be more limited.

E. PROMOTIONAL METHODS AND STRATEGIES

E. 1. Promotional Tools. Promoting the availability of consultation services may be accomplished through a variety of methods and techniques, ranging from broad-based mass media campaigns to direct solicitation contact with employers. Another successful promotional method is the use of direct mailings of program information to the individual most responsible for business operations such as the President, Vice-President, or Comptroller. To attain the highest rate of response, the mailings should be followed by a telephone call to encourage the employer's interest in the service.

E. 2. Identifying Specific Audiences. To promote the DOSH Consultation Program within the specific audience, do the following:

- Use Workers' Compensation data
- Work closely with Federal enforcement authorities to identify those industries which are the subject of National or Local Emphasis Programs
- Focus on industries within which significant occurrences such as fatalities, catastrophes and/or the issuance of major citations and/or penalties have taken place
- Work with new employers who are attempting to establish a business
- Use employer and employee organizations to generate requests for services

[DELETED NOTE REFERENCE TO FORM 66]

F. OUTREACH ACTIVITIES

DOSH Consultation may engage in outreach activities either individually or in concert with recognized groups whose stated mission is the promotion of safety and health in the workplace.

F. 1. Promotional Audiences. Any group of employers/employees involved in private industry or the public sector are considered promotional audiences. Selection of high hazard operations is preferred, but not required.

F. 2. Methodology. DOSH Consultation may engage in outreach activities such as (but not limited to) the following:

- Public Presentations
- Radio Talk Shows
- Cooperative Training Seminars
- Roundtable Discussions
- Safety and Health Conventions
- Participation in Association Meetings
- Participation in Publication Production

F.3. Cooperative Efforts. DOSH Consultation Program staff may seek out and establish working relationships with professional safety and health societies.

- a. Group Activities.** Consultation staff may conduct cooperative activities with recognized groups as long as the primary intent and outcome is the enhancement of safety and health in the workplace.
- b. Pro Bono Activities.** Consultation staff may choose to assist in coordinating “pro bono” activities. “Pro bono” is a Latin term meaning “for the good of” and is used to describe the work done for free by concerned individuals. DOSH encourages this type of outreach wherein the Department coordinates resources with recognized safety and health organizations to provide training or other outreach activities, with the understanding that no particular group is endorsed by the Department.
- c. Impartiality.** DOSH Consultation outreach activities must maintain the objectivity and impartiality of the Department. Although DOSH consultation welcomes opportunities to reach target audiences, not all events or venues will be appropriate. Factors to consider include, but are not limited to:
 - Admission fees beyond costs incurred by the organization to present the event
 - DOSH being the sole presenter in a profit making event
 - Profit/non-profit status of the organization
 - Inclusion of sales presentations in the event program
 - DOSH’s ability to reach the audience by other means
 - Excessive reliance on DOSH trainers
 - Partner organization’s provision of a “neutral” venue and/or marketing
 - Vendor sponsorship of event.

DOSH staff must consult with the Regional Consultation Manager before agreeing to a particular training or outreach event. Where necessary, the Statewide Consultation Manager should be consulted.

When DOSH Consultation determines it furthers agency goals to participate in an event where products or services are promoted by event hosts or other commercial entities participating in the event, DOSH Consultation staff must give clear disclaimers that the agency does not endorse or recommend those products or services.

G. EVALUATING PROMOTIONAL AND OUTREACH ACTIVITIES

DOSH documents, tracks, and evaluates efforts to promote consultation services using the data from the Intervention Activity Report, Form 66, to evaluate these activities. The DOSH consultant must complete a Form 66 for the activities described in E and F (Promotional and Outreach) activities. For additional information, see Chapter 9, Section C, in this manual.

CHAPTER 3

SCHEDULING AND PRIORITIZING SAFETY AND HEALTH CONSULTATION SERVICES

A. SCHEDULING CRITERIA

In order to make the biggest impact with limited Consultation Program resources, consultation services must be provided in the order of “worst first,” that is, from highest to lowest priority according to the relative hazards and size of the establishment.

Requests for consultation services typically originate from an employer. Referrals may also be received from other programs within the agency; however, the employer must be contacted and their approval must be received before services can be provided. Consultation services are provided subject to the availability of resources, such as staffing and budgetary resources, which may affect the assignment of case workloads. See Chapter 4, Section D, and Appendix 4-A, in this manual, for guidance on responding to an employer whose request is determined to be a lower priority.

NOTE: The Director is authorized to “provide by rule for the frequency, manner and method of the rendering of consultative services to employers, and for the scheduling and priorities in granting applications consistent with the availability of personnel, and in such manner as not to jeopardize the enforcement requirements of (the WISH Act).” See RCW 49.17.250(3).”

B. PRIORITIZING

B. 1. Imminent Danger Situations. Preference will be given, as the highest priority for services, to employers who indicate an imminent danger situation or where the urgency of the situation (e.g., assistance involving a hazardous trenching operation) may require the highest priority response.

B. 2. Specific Small, High Hazard Employers. Department policy gives preference to employers who have the highest incidence rates or who are classified or “identified” as high hazard, with primary attention to smaller businesses. Within these parameters, DOSH Regional Consultation Managers or Supervisors, or Consultants may schedule visits, including visits to provide limited consultative assistance, according to the potential impact of the visit (i.e., expected benefit resulting in employer compliance and improved worker safety and health, in relation to the availability of resources).

a. High Hazard Industries. Employers who are in a high hazard industry, as defined below, or who have the highest incidence rates/experience factor, will be given a higher priority than other employers. (Size criteria as described in B.2.b. of this section must also be applied.) Either limited or full service assistance may be provided, depending on the services requested. Establishments and operations are defined as “high hazard” based on the following criteria:

B. 2. Specific Small, High Hazard Employers (Continued)

- **High Incidence Rates.** An establishment will be considered “high hazard” for DOSH Consultation priority considerations if that establishment’s Days Away Restricted Transfer (DART) rate or current claims places the employer above the national average for that industry.

NOTE: DART rates for comparison purposes can be obtained on the BLS website at: <http://www.bls.gov/news.release/pdf/osh.pdf>

- **High Hazard NAICS Codes.** An establishment is considered high hazard if it is in an industry whose North American Industrial Classification System (NAICS) code is on the OSHA generated listing of high hazard industries (Annual OSHA High Rate Industries Listing).

There are two lists:

- “High Hazard Industry List” with a Safety Rank
- “Top 200 High Hazard Health Industries” based on a Health Rank.

See <http://inside.lni.wa.gov/WISHA/Manuals.htm>

SHIMS Lists in LINIIS. Safety and Health Integrated Management System (SHIMS) are high hazard scheduling lists in LINIIS that are developed based on certain criteria such as compensable claims rate, or industry specific lists. These lists are primarily developed for enforcement, but employers who receive a consultation from this list would be marked targeted or high hazard. See DOSH Directive 2.10 Programmed Inspection and Visit Activities.

- **Secondary NAICS Codes.** One or more hazardous work processes or work areas (e.g., a bindery in a publishing house) may be located within an establishment in an industry that is not on the high hazard list. If such a process or area is the focus of a visit, a secondary code may be used to classify the establishment and, therefore, the priority for receiving a visit, as high hazard. To be used, the secondary NAICS must be either on the OSHA generated high hazard listing, or SHIMS high hazard list.
- **Hazards of Work Processes.** An establishment may also be determined to be “high hazard” based on the relative hazards involved in the work processes for which the on-site consultation service has been requested. Criteria include the following:
 - A substance in regular use at the establishment has a health code of HE1 - HE4 in the OSHA Chemical Information Manual (carcinogen, chronic toxicity and acute toxicity) or is noted as highly toxic in that manual.
 - A substance in regular use at the establishment is explosive, or working conditions or work processes in use at the establishment are dangerous but not customary for the establishment NAICS.

- b. Smaller Employers.** The highest scheduled priority other than imminent danger will be given to employers who employ 25 or fewer employees at the worksite and with not more than 250 employees statewide at all sites. Larger employers requesting consultation services will still be prioritized for service based on their incidence rates or on their listing on the high hazard list(s). Normally only limited service visits will be conducted for these employers.

EXCEPTION: Special emphasis programs may identify employers within specific NAICS codes without regard to size. In those exceptional cases employer size may not play a part in scheduling priority or scope of services provided.

- B. 3. Less Hazardous, Larger Businesses.** Larger and/or less hazardous businesses must be informed that their requests for on-site services will receive a lower priority than the small employer group. When merited by the backlog of requests and their priority, the employer will be notified that (prioritizing) criteria and the Consultation Program's backlog of requests preclude servicing a request due to its low priority. Normally, only limited service visits will be conducted for these employers. The employer must also be informed of their statutory responsibility to maintain safe and healthful working conditions for their employees in the interim. In such cases, Consultation staff should suggest alternative sources of assistance to the employer. See Chapter 4, Section D and Appendix 4-A, in this manual, for guidance on responding to an employer whose request is determined to be a lower priority.
- B. 4. Assistance Provided After a Consultation.** If a Consultant cannot provide assistance during a consultation, or if the employer has abatement questions after the consultation, the Consultant must ensure that additional information, if available, is obtained and provided as soon as possible to the employer. Any communications with the employer must be documented in the case file. When Consultants identify workplace hazards during a consultation, they are required to offer appropriate abatement assistance to the employer within their level of expertise. In situations where the complexity of corrective methods requires additional expertise and resources beyond DOSH Consultation, the Consultation Supervisor/Manager must contact the Technical Services Manager for assistance.

[DELETED SECTIONS: B.4. Abatement Assistance; B.4.a, When Hazards Have Been Cited; B.4.b, Concerns About Issued Citations]

NOTE: Abatement Assistance for employers during or after an inspection is also referred to the Technical Services Manager if the enforcement program does not have the expertise to provide the assistance. Consultation does not provide abatement assistance after an inspection, except in rare circumstances such as in a settlement agreement process. In this case, the Statewide Compliance and Statewide Consultation Managers would be in agreement.

CHAPTER 4

EMPLOYER SAFETY AND HEALTH REQUESTS

A. SCOPE OF SERVICES

A.1. Determining the Type of Visit. The consultant must determine the type of visit being requested based on the following criteria:

A visit is a:	If its purpose is:
Initial Visit	To provide a hazard assessment by a safety or health consultant. An initial visit can be either a full-service or limited-service visit. An initial visit must consist of an opening conference, an examination of all aspects of the safety and health management system relating to the scope of the visit, safety and health programs review, a walkthrough of the workplace, and a closing conference.
Training and Assistance Visit	To provide information or training to employers and their employees in hazard identification and correction or in safety and health program development. A training visit may only be provided if a hazard assessment has been conducted in the last 12 months.
Follow-up Visit	To verify the correction of previously identified hazards and/or the implementation of a safety and health management system

A.2 Number of Visits. Only one initial visit may be recorded by each discipline (safety or health) at a site within one year. However, if an employer first received a limited scope consultation visit, the consultant may conduct a subsequent full-service visit within a 12-month period. Exceptions must be approved by the Regional Consultation Manager.

A.3. Full Service Consultation. Full service consultation is comprehensive in manner and includes an initial visit to address the entire workplace for identification and correction of safety and health hazards, review of all safety and health programs, review and collection of OSHA 300 Logs and the 300A Summary, analysis of the safety and health management system recommendations for improvements in these systems, and any combination of follow-up, training and assistance, or safety and health program assistance visits.

Although the employer may request limited consultative assistance, in more hazardous, smaller businesses, the employer will be encouraged to request a full service visit covering all working conditions at the site and the employer's entire safety and health program. Normally, full service consultation will only be provided to sites with 25 or fewer employees and with not more than 250 employees statewide at all sites. Employers in larger and less hazardous establishments will be encouraged to request a more limited scope of service.

NOTE: It is DOSH's goal to ensure that all appropriate services and resources are offered to each employer based on their needs. If it has been determined that an employer may benefit from additional coordinated services (Vocational Services, Occupational Nurses and Therapists, etc.) a referral should be made to the appropriate service.

- a. Benefits.** Benefits of full service consultation include the following:
- Providing the employer with the opportunity to work with the DOSH Consultant to address safety and health hazards in the entire workplace and to develop a comprehensive safety and health program.
 - Development of safety and health programs to ensure that hazards are continually addressed.
 - Promoting the conservation of human lives and resources, improving employee morale, and may improve productivity and product quality.
 - Reducing injury/illness rates and economic costs by implementing or improving workplace safety and health.

- b. Management Commitment and Communication.** When securing the employer's commitment to implement or improve a safety and health program as part of full service consultation, it is critical that the DOSH Consultant ensures that a commitment is received from, and that effective communication is formed with appropriate parties. This would include the individuals vested with the authority to establish and implement policy and expend the resources necessary to meet the conditions for the visit.

This would also include the individual(s) who will manage and enforce the safety and health program, and take responsibility for making it become an integral part of the business on par with production, sales, and quality control. In many cases this will be the owner, but it could also be (or include) a plant manager or ranking member of the management team.

- c. Submission of Program Materials.** Employers requesting or agreeing to full service consultation will be encouraged to submit copies of all safety and health program materials, and other relevant materials such as equipment and chemical lists, as early as possible in advance of the scheduled visit. This will assist the DOSH Consultant in preparing for the on-site visit.

- A. 4. Limited Service Consultation.** Although the employer may limit the scope of services requested, DOSH Consultants must convey and encourage full service consultation to "priority" employers. Consultants may also promote limited scope services.

Limited service consultation will not include the full range of services provided by the Consultation Program, but must include a review of the Accident Prevention Programs, OSHA 300 Logs and 300A Summary, other written programs related to the limited visit, and may include particular services, such as but not limited to:

- Hazard survey
- Recommendations for the control and correction of hazards associated with specific work processes or operations
- Training and assistance
- Follow-up, and/or
- Limited safety and health program management assistance.

- a. **Areas Addressed.** Since the employer retains the right to limit the scope of the consultation visit, the DOSH Consultant will address only the area(s), or process(es) requested or agreed to by the employer. However, the employer is required to allow the consultant to review their written APP and any other required written programs relevant to the areas or processes the consultant is asked to review.
- b. **Observed Serious Hazards Outside the Scope of the Request.** Employers whose requests are limited in scope must be informed of their responsibility to correct any serious hazards the DOSH Consultant observes, even though they may be outside the scope of the request.

B. ON-SITE CONSULTATION SERVICES

On-site services take place at the employer's place of business.

B.1. Requests for Consultation Visits. The consultant must ensure that the following criteria are met before conducting an on-site visit:

- a. No on-site consultative visit may be provided in the absence of a request by, or the approval of the employer.
- b. A request for on-site consultation services must always include a request for a hazard survey unless a consultation hazard survey, DOSH inspection or private consultation survey conducted within the past twelve months provided an adequate foundation for conducting a training visit. The employer must provide the Consultant with access to the previous hazard survey before program assistance is provided.
- c. If an employer requests a consultation visit for more than one site under his or her control, each site must be dealt with as a distinct request.
- d. The employers' rights and obligations must be explained when responding to requests for on-site DOSH consultation services.
- e. All requests for on-site full service consultations **must include a review of the Accident Prevention Program and all required written programs** such as hazard communication, energy control, hearing conservation, etc.
- f. All requests for on-site limited service consultations **must include a review of the Accident Prevention Program and any required written programs applicable to the limited service request.**
- g. The following procedures must be followed for **construction sites**:
 - (1) While assistance with safety and health programs may be provided to subcontractors away from the worksite (off-site assistance), a subcontractor request for on-site assistance may be accepted only with the approval of the general contractor at the site.
 - (2) The general contractor or controlling employer must accept responsibility for ensuring the correction of any serious hazards identified during the course of the visit. This includes hazards that were not created by the general contractor and those that might not be under subcontractor's control.

C. OFF-SITE CONSULTATION SERVICES

Services other than hazard evaluations may take place at locations other than the employer's place of business. These services can include, but are not limited to:

- Training and assistance
- Written program review
- Technical assistance by telephone or letter
- Client visits to a Department office.

Such assistance will be encouraged when it is the best and most expedient response to the needs of the specific requester, and when it allows DOSH Consultants to provide on-site assistance elsewhere. The Consultant must record off-site activities on an Intervention Activity Report, Form 66 (see Chapter 9, Section C, in this manual) unless they are directly related to an open on-site visit.

D. LOW PRIORITY EMPLOYERS

Some employers cannot be promptly scheduled for a consultation visit because of low scheduling priority or other Consultation Program considerations. They must be informed, however, of their statutory responsibility to maintain safe and healthful working conditions for employees in the interim. A sample letter in response to these employers is contained in Appendix 4-A, in this chapter.

E. REQUEST INFORMATION

E. 1. Obtaining Establishment Information. In accepting an employer request, a DOSH Regional Consultation Manager or Supervisor, or Consultant must obtain information from the employer on the services requested and the establishment to be served. Key information such as type of business, incidence rates, establishment size, NAICS codes, specific hazards at issue, requested visit date, and location will be used by the Consultant to prioritize and schedule on-site activities, and to prepare for the visit. Information may be obtained through the LINIIS system and the Employer Profile in the Data Warehouse.

Once an on-site consultation visit is scheduled, the Regional Consultation Manager or Supervisor, or Consultant must ensure that information received from an employer concerning a request for services is entered in the LINIIS system. The Regional Consultation Manager or Supervisor must also ensure that requests are responded to in the appropriate order, based on the listing or schedule which prioritizes establishments by size and hazardousness.

E. 2. Special Equipment or Entrance Requirements. The DOSH Regional Consultation Manager or Supervisor, and Consultant, must determine if there is a need for special protective clothing or equipment, immunizations, security clearances or other special entrance requirements to the site covered by the consultative visit. The consultant must observe all of the employer's safety and health rules and practices, including safety clothing or other personal protective equipment.

E. 3. Classified and Trade Secret Information.

Any classified or trade secret information and/or personal knowledge of such information by DOSH personnel must be handled according to the requirements of:

- Chapter 19.108 RCW, Uniform Trade Secrets Act.
- RCW 49.17.200, which protects the confidentiality of trade secret information.
- Any regulations of the responsible agency.

The collection of such information, and the number of personnel with access to it, must be limited to the minimum necessary for the conduct of consultative survey.

Consultants must identify classified and trade secret information in the case file.

APPENDIX 4-A
LETTER – LOW PRIORITY EMPLOYER REQUEST

[Region Address]

[Mailing Date]

[Employer Representative Name]

[Title]

[Employer Name]

[Address]

[City State ZIP]

Dear *[Employer Representative Name]*:

Thank you for your request for an on-site safety and health consultation.

Our Safety and Health Consultation Program is unable to schedule a visit at this time. Although I cannot schedule a visit I am available to assist you over *[the telephone or in my office]*. We also have a website

(<http://www.lni.wa.gov/safety>) that provides employers with a variety of safety and health resources and sample programs and guidance, along with our WISHA rules and regulations.

Although we are unable to provide on-site services at this time, it is still your responsibility to provide a safe and healthy workplace.

Thank you for your interest in employee safety and health. If you have any questions, please feel free to contact me.

Sincerely,

[Consultant or Regional Consultation Supervisor Name]

[Job Title]

[Phone Number]

[E-mail address]

[Fax Number]

Enclosure(s)

CHAPTER 5

ON-SITE SAFETY AND HEALTH VISIT PROCEDURES

A. TYPES OF ON-SITE SERVICES

On-site services can include, but are not limited to:

- Identifying existing hazards, potential hazards, and violations of DOSH requirements (Consultants do not issue citations or assess penalties).
- Assessing worksite safety and health management systems.
- Observing and commenting on work processes, methods, and procedures.
- Assessing employer needs for additional services.
- Interviewing employees to help determine the extent of workplace hazards, and how well the safety and health program works.
- Using walk-through findings as a basis for training to show the employer and employees the relationship between hazards identified and applicable elements of a safety and health program.
- Conducting training with the approval of the employer, if appropriate.
- Follow-up visits to verify correction of serious hazards (to be conducted at the discretion of the Regional Consultation Manager or Supervisor).
- Abatement assistance for hazards cited during a DOSH enforcement inspection (if agreed to by the Regional Consultation Manager or Supervisor and the DOSH Safety or Hygiene Compliance Supervisor).

B. ELEMENTS OF AN INITIAL VISIT

An on-site consultation visit will be provided only when requested or approved by the employer and will cover only those activities specifically approved by the employer. It will consist of:

- An opening conference
- Delivery of services including a review of the employer's Accident Prevention Program (APP) and other required written programs:
 - A review of the APP is required for full service and limited visits.
 - A review of the other required written programs is required for full service, and all other written programs related to the limited visit.
- A walk-through of the workplace to identify any hazards present, and
- A closing conference.

C. PRE-VISIT PREPARATION

C.1. Information Gathering.

On-site consultation visits will require sufficient information from the employer and from Department records prior to the on-site visit to thoroughly evaluate the systems in place at the worksite. Information needed includes:

- Existing safety and health programs
- OSHA 300 log and 300A summary for the last complete year, plus the OSHA 300 log for the current year
- First reports of injury or illness
- Accident investigation reports
- Workers' compensation and insurance data
- Copies of programs in place (e.g., accident prevention program (APP), HazCom, respiratory protection, hearing conservation, energy control, confined space, etc.)
- Safety & Health committee meeting minutes; site layout; and organizational charts
- Limited service visits will not require the amount of information collected for a full service visit. However, sufficient information must be obtained so quality services can be provided.

NOTE: When conducting a joint consultation, only one consultant needs to keep the required copies of the OSHA 300 Log and 300A Summary. The other consultant must reference in the coverage text box that the copies are in another file and list the visit number. If WIN doesn't prefill the number of cases from the other consultation, then the consultant will need to enter the information.

C.2. Research.

The DOSH Consultant must review and analyze the data provided by the employer. In addition, the following information must be reviewed prior to the visit:

- **Consultation File.** Review the record of previous consultations, if applicable. This may include physical or "hard copy" files, or electronic records in the Consultation data system in the WISHA Information Network (WIN).
- **Compliance Case File.** The Consultant should review any previous citations (WIN and/or case files) and, if appropriate, should discuss with the respective DOSH Compliance Officer before visiting the employer's site.
- **Employer Profile.** The Consultant must review a summary of at least the previous 5 years of industrial insurance claims (available through the Data Warehouse Employer Profile report) to assist in determining the type(s) of hazards that may be associated and encountered while visiting the employers establishment.

- **Technical References.** Review appropriate technical references to become knowledgeable regarding potential hazards and industrial processes that may be encountered. The information can also be used to identify personal protective equipment necessary for protection against anticipated hazards.
- **Sampling Methods.** Appropriate sampling methods should be reviewed based on past experience, as well as industry specific and employer provided information.

C.3. Materials and Equipment.

It is the responsibility of the DOSH Regional Consultation Manager or Supervisor to ensure that all materials and equipment required for an on-site visit are available to the Consultant. The Regional Consultation Manager or Supervisor will ensure that the equipment is usable and that the Consultant has been trained in its use and limitations. (Further information on the proper selection and use of protective clothing and equipment, including respiratory protection, can be found in the Department's Internal Safety and Health Manual.)

The Consultant must select sampling instruments and equipment based on knowledge and information on file regarding the establishment. Standard sampling and calibration methods will be utilized in accordance with information contained in the DOSH Directives, manufacturer's recommendations, and other standard calibration procedures and practices. Contact the DOSH Lab staff for questions related to calibration and other IH sampling procedures.

The Consultant must assemble all reports, forms and other materials in sufficient quantity to conduct the on-site visit. The Consultant is responsible for taking and using the equipment needed for the on-site visit.

- a. **Hard Hats, Safety Glasses and Safety Shoes.** The DOSH Regional Consultation Manager or Supervisor must assure that appropriate personal protective equipment (PPE) is provided to and used by Consultants. This includes training on the proper use and limitations of the equipment. Approved hard hats, approved safety glasses with permanently or rigidly attached side shields, and approved safety shoes must be worn by Consultants on the walkaround phase of the on-site visit, unless the visit is being conducted at a worksite where no overhead hazards, eye hazards, and/or foot hazards are likely to be present. This will set an example for industry and provide minimum acceptable protection for the Consultant. The Regional Consultation Manager or Supervisor may consult with the Region's Internal Safety and Health Coordinator as necessary. For more information on required use of PPE, refer to the Department's Internal Safety and Health Policy 8.15, Personal Protective Equipment.
- b. **Respirators.** DOSH Consultants assigned to conduct on-site visits which involve the use of a negative pressure respirator must comply with all requirements outlined in the Department's Internal Safety and Health Policy 8.22, Respiratory Protection.

C. 4. Safety and Health Rules or Other Special Policies of the Employer.

- a. Rules and Practices.** DOSH Consultants must comply with all appropriate safety and health rules and practices of the employer, including the wearing of appropriate safety clothing or protective equipment.
- b. Immunizations or Other Special Entrance Requirements.** Immunizations and other special entrance requirements must be observed. The DOSH Regional Consultation Manager or Supervisor must ensure that the Consultant has the proper immunizations for these situations. (Many pharmaceutical firms, medical research laboratories and hospitals have areas which have special entrance requirements.)
- c. Personal Security Clearance.** Where personal security clearances are required, the Regional Consultation Manager must assign a consultant who has the proper clearances or ensure that appropriate ones are secured prior to the visit.
- d. Classified Information and Trade Secrets.** Any classified or trade secret information and/or personal knowledge of such information must be kept confidential, and handled in accordance with Chapter 19.108 RCW, Uniform Trade Secrets Act; RCW 49.17.200, Confidentiality Trade Secrets of the Washington Industrial Safety and Health Act; or the regulations of the responsible agency. The collection of such information and the number of personnel accessing it must be limited to the minimum number necessary for the conduct of the on-site consultative survey. The DOSH Consultant must identify classified and trade secret information as such in the official file.

C. 5. Visit Confirmation.

The consultant should contact the requesting employer within five calendar days of the scheduled visit to confirm the visit date, if the visit date is 30 or more days after the request date. At the time the employer is contacted to verify the scheduled visit, the employer should once again be asked whether any DOSH compliance inspection activity is in progress.

D. RELATIONSHIP TO DOSH COMPLIANCE**D.1. Inspection in Progress.**

- a.** An “inspection in progress” is defined as extending from the time a DOSH Compliance Officer initially seeks entry to the workplace to conduct a compliance inspection, to the end of the closing conference.
- b.** When right of entry is refused, the “inspection is in progress” from the time a DOSH Compliance Officer seeks entry to such time as the inspection is conducted and the closing conference held, or the Regional Compliance Manager determines that a warrant to require entry will not be sought.

- c. During and following an enforcement inspection, no consultation visit may take place until it has been determined whether or not:
 - Any citation will be issued.
 - A citation has been issued and the appeal period has expired.
 - Cited items have become final orders. If the consultant has reason to believe there are citations that have not become final orders, the Regional Consultation Manager must contact the Regional Compliance Manager to determine the employer's status.
- d. Under most circumstances, an on-site consultation visit will only be conducted after a citation becomes a final order. The Regional Consultation Manager, after consulting with the Regional Compliance Manager, must seek pre-approval from the Statewide Consultation Manager before conducting any on-site visit during an appeal period.

[DELETED: D.2., Following An Inspection; inserted new D.2 section]

D.2. Consultation Visit in Progress. An on-site consultation visit is considered “in progress” with regard to the working conditions, hazards, or situations covered by the visit from the beginning of the opening conference through the end of the correction due dates and any extensions.

- a. **On-site Consultation Visit Priority.** A consultation visit “in progress” has priority over DOSH compliance programmed inspections.
- b. **On-site Consultation Visits and Enforcement.** An employer's worksite cannot be subject to concurrent consultation and enforcement-related visits.
- c. **Full Service On-site Consultation Visits.** While a worksite is undergoing a full service on-site consultation visit for safety and/or health, programmed enforcement activity may not occur.
- d. **Full Service Safety OR Health On-site Consultation Visits.** An on-site consultation visit “in progress” is discipline related, whether safety or health. Programmed enforcement activity may proceed for the discipline that did not have a full service visit once the “in-progress” status is complete. The discipline that received a full-service visit cannot have a programmed enforcement activity until 12 months after the end of the “in-progress” status is completed.
- e. **Limited Service On-site Consultation, Follow-up, and/or Training and Assistance Visits.** If a worksite is undergoing a limited service on-site consultation visit, follow-up, and/or training and assistance visits, whether focused on a particular type of work process or a hazard, programmed enforcement activity may not proceed while the consultant is at the worksite. Scheduled enforcement activity must be limited only to those areas that were not addressed by the scope of the consultation visit.

f. Suspension of On-site Consultation Visits. An on-site consultation visit “in progress” is suspended when compliance initiates any of the following un-programmed inspections.

- Complaint, referral, follow-up or monitoring inspections to be conducted while a worksite is undergoing an on-site consultation visit, will not be deferred; however, its’ scope will be limited only to those areas required to be covered by the complaint, referral, follow-up or monitoring inspection. In these instances, the consultant must halt the on-site visit until the enforcement inspection has been completed. In the event compliance issues a citation as a result of these inspections, the on-site consultation visit may not proceed regarding the newly cited items until they have become a final order. The employer must be advised.
- For imminent danger, fatality/catastrophe, or accident investigations the DOSH Consultant must suspend the on-site visit until the compliance inspection is completed. A full inspection may not be conducted unless the situation is discussed with the Regional Consultation Manager. The employer must be advised.

g. Hazard Verification. The abatement of all hazards identified during the consultation visit must continue to be verified through the agreed-upon hazard correction period.

- When the consultation visit in-progress is interrupted before the written report has been sent, the consultant must include information in the cover letter indicating that because of the inspection the consultant will not be able to return to the worksite until the inspection is a final order, but that the employer is expected to fix hazards identified by the agreed upon abatement date.
- If the inspection occurred after the written report has been issued, then the consultant must contact the employer via letter or phone call to inform them they are expected to continue to fix any hazards that are not abated by the time frame indicated, and the consultant will not be able to return until the inspection is a final order. Documentation of this notification must be in the file.

D.3. Multi-Employer Worksite. If a programmed inspection is scheduled for a multi-employer worksite, such as a construction site, the following guidelines apply.

- a. If a general contractor has invited a DOSH consultant on site, the consultant will be considered on site with respect to the entire worksite.
- b. If a DOSH Consultant has been invited by one of the subcontractors and the scope of the Consultant’s visit is limited to the operations of that one subcontractor, the programmed inspection of the entire worksite should be conducted. However, the subcontractor who has invited the DOSH Consultant to visit will be excluded from the scope of the programmed inspection. (See Chapter 4, Section B.1.f. for more information)

D.4. Pre-Visit Deferrals. Employers requesting an on-site consultation visit may be deferred from a programmed inspection as follows.

- An employer, who requests a consultation, can be deferred from an inspection. The number of days from the request date to opening conference can't be more than 90 calendar days. There can be no extension of the number of days. If the 90 days lapses prior to opening conference then the employer must be taken off the scheduled visit list and be available for compliance inspection.
- If the employer receives a full-service comprehensive safety and/or health consultation, then the employer (if in a fixed industry) is also exempt from a programmed safety and/or health inspection, depending on the discipline that conducted the consultation, for a period of 12 months. See Chapter 2, Section B, in this manual.
- Withdrawal of on-site consultation visit request. If the employer withdraws their request for an on-site consultation visit (after receiving a deferral) then the consultant must remove the employer from the scheduled visit list.

See the DOSH Compliance Manual for more information on the relationship between consultation visits and compliance inspections.

E. CONDUCT OF THE ON-SITE CONSULTATION

E. 1. Entry of the Workplace. The DOSH Consultant must enter the establishment with an attitude reflecting a professional, balanced, and thorough concern for safety and health.

E. 2. Presenting Credentials. Upon arrival at the worksite, the DOSH Consultant must introduce himself or herself, and produce identification such as a business card, State employee I.D., etc., which at a minimum, identifies the Consultant's name, employer, and place of employment. The Consultant will make clear that he or she is a representative of the Consultation Program, state the reason for the visit, and ask for the person who requested the on-site consultation.

E. 3. Opening Conference. The first phase of the on-site visit is the opening conference. The conference is used to establish a clear understanding of the purpose of the visit and its procedures. It provides an opportunity to gain the employer's trust, and it allows the DOSH Consultant an opportunity to confirm the scope of the visit and to review the terms of the visit with the employer. The following information must be covered by the Consultant during the opening conference:

- a. Introductions.** The Consultant must identify himself or herself and anyone else in the party. The employer, other company representatives, and employees must be identified and their names recorded in the official file notes.

- b. Scope of Visit.** The scope of the visit must be discussed with the employer and any employee representatives of affected employees based on the type of visit (e.g., full service or limited service) that the employer has requested. The employer retains the right to expand or reduce the scope of the visit. The DOSH Consultant must complete the Safety and Health Program Assessment Worksheet (DOSH Form 25) for all full service consultations. In addition, Consultants must fill out the worksheet to the extent possible, for all limited service visits.
- c. DOSH Compliance Inspection in Progress.** The DOSH Consultant must ask the employer whether a DOSH compliance inspection is in progress or has recently been conducted. If an inspection is in progress, the Consultant must determine the scope (comprehensive or partial) and type of the inspection (programmed or unprogrammed such as complaint or accident). If appropriate, the Consultant will explain that such an inspection takes priority over an on-site consultation visit, explain when a consultation visit could be rescheduled, and terminate the visit. See Section D.1.a., of this chapter, for a definition of when a compliance inspection is considered to be “in progress.”
- d. Required Information – Employer’s Obligations and Rights.** The DOSH Consultant must discuss the employer’s obligations and rights, and employee participation requirements outlined in Chapter 2, which the employer must agree to in order for the consultation visit to continue. This includes the requirement to immediately correct any imminent danger situations, and correct serious hazards by the established correction date or approved extension, be referred to DOSH Compliance. The Consultation Visit Checklist must be used to verify that required information is provided to the employer. See Appendix 5-A, Consultation Visit Checklist, in this chapter.
- e. Evaluating Employer’s Injury and Illness Rates.** The consultant must review and keep the employer’s current year’s OSHA 300 Log and the previous year’s OSHA 300 log and OSHA 300A Summary to identify trends and calculate the employer’s rates. (The current year will most likely be a partial year.) The consultant must calculate the rates, compare them to the national average for the employer’s NAICS code, and inform the employer of the results. See Appendix 6-A for instructions on calculating injury and illness rates.

The Consultant must keep a copy of the Log and Summary in the case file, and enter the most current complete year of summary data into the WIN system for initial full and limited-service visits where a log and summary is required.

Employers that are exempt from DOSH recordkeeping regulations include those who do not exceed more than 10 employees at any time during a calendar year for all of their establishments combined, or are in one of the industries identified as exempt. See Appendix 5-C , Recordkeeping Exemptions.

[Removed last paragraph in this section]

NOTE: Consultants are also expected to review claims data for all employers.

f. **Information on DOSH Compliance.** The DOSH Consultant must fully explain the relationship between the DOSH Consultation and Compliance Programs as follows:

(1) **Shared Purpose.** The purpose of both the Consultation Program (voluntary compliance) and the Compliance Program is to “assure, insofar as may be reasonably possible, safe and healthful working conditions for every man and woman working in the state of Washington” (RCW 49.17.010). Both programs are administered through the Division of Occupational Safety and Health Services within the Department of Labor and Industries. The programs function independently, although staff of both programs are encouraged to work together when appropriate to achieve the Division’s mission to assure worker safety and health.

(2) **Limited Compliance Access to Consultation Information.** Under no circumstances will DOSH Compliance Officers be given direct access to consultation files. Although RCW 49.17.250(3) gives the Department statutory authority to “take into consideration any information obtained during the consultation visit...in determining the nature of an alleged violation and the amount of penalties to be assessed, if any,” such consideration can normally result only if the employer voluntarily shares the information with the DOSH Compliance Officer.

In no case will a consultation visit *initiate* compliance action, nor will it be used to determine the scope or subject of a compliance visit. However, follow the guidance in Chapter 8, Section F.4., *Referral to DOSH Compliance*, when the employer fails to correct a serious hazard or imminent danger situation. Only in circumstances where the Compliance Officer has information clearly suggesting that an employer may not be relating to the Department in good faith, will the Regional Consultation Manager or Supervisor make information available that would otherwise be found only in the consultation files.

The DOSH Regional Compliance Manager will request the specific information needed from the DOSH Regional Consultation Manager or Supervisor, who will review the file and provide pertinent information to the Regional Compliance Manager. In the event of a disagreement between Regional Consultation and Compliance about whether information should be shared, the Statewide Program Managers for Consultation and Compliance will determine what information will be shared with Compliance.

- (3) **Subsequent Inspection.** There may be cases where an employer has relied on the advice of a DOSH Consultant to correct a hazard, but in a subsequent compliance inspection, the Compliance Officer finds that a hazard still exists. The DOSH Compliance Officer must follow the procedures in the DOSH Compliance Manual to evaluate the situation before making a determination whether to issue a citation. The Compliance Officer will attempt to substantiate previous guidance given to the employer by the Department. Any good faith effort by the employer to correct hazards identified by the Consultant will be taken into account. If the employer chooses to provide the Compliance Officer with a copy of an on-site visit report, it can be used by Compliance to determine the employer's "good faith" for purposes of adjusting any assessed penalties, as well as determining the scope of the inspection.

- g. **Explanation of the Hazard Assessment Process.** The DOSH Consultant will explain to the employer what will occur during the hazard and program assessment process following the opening conference. The Consultant will discuss the use of DOSH Form 25 to acquaint management (and, preferably, an employee representative) with the elements of a safety and health program. The employer's safety and health systems and practices will be discussed and supporting documents gathered. This discussion enables all parties to speak the same language and helps the Consultant determine the current complexity and formality of the employer's program.

The Consultant should remind the employer that full-service comprehensive program assistance requires permission to conduct random private interviews with employees, selected for their program responsibilities, in order to conduct program assessment. The Consultant should explain that these formal interviews will not be held without permission; however, they are usually required to provide the requested assistance. A Sample of DOSH Form 25 is located in Chapter 6, Appendix 6-C, in this manual.

- h. **Explanation of the Closing Conference Process.** The closing conference process must also be explained at this time.

- E. 4. Site Walkaround.** During this phase of the on-site process, the DOSH Consultant must become familiar with plant processes through collecting information on hazards, observing employee activities, conducting interviews, and offering advice on hazard control or elimination as appropriate.

All field notes, observations, results of analyses, interview statements and other written documentation, as well as photographs, negatives, video or audiotapes, sketches, and hazard descriptions are part of the survey record and must be retained in the official file.

Consultants must take adequate, readable field notes, and include them in the official file. They are necessary to preparing the report and a valuable source of information if questions arise at a later time concerning the visit.

- a. Safety and Health Program Assessment.** The primary purpose of program assistance is to promote the improvement of safety and health management systems. See Chapter 6, Safety and Health Program Assessment, for detailed instructions on conducting the assessment and completing DOSH Form 25. The DOSH Consultant must review the employer's Accident Prevention Program (APP) during this phase of the on-site visit (**required for both full service and limited service consultations.**)

NOTE: A complete program review may not always be feasible for limited service consultations. In those cases, review the program to the extent possible. Although an employer may develop separate worker protection programs for safety and for health, or may divide responsibilities among any number of individuals and groups, the Consultant must deal with the program as a whole, pointing out any gaps, redundancies or conflicts allowed by the employer's specific systems and practices. This must be documented in the safety and health program evaluation section of the written report.

- b. Hazard Assessment.** A safety and health management program provides systematic policies, procedures, and practices which address continued hazard control. During the walk through, the Consultant should consider how each hazard observed could have been prevented or corrected by appropriate elements of the safety and health program and should be prepared to explain how to improve the program so that the same or similar hazards will not occur. The hazards must be referenced to applicable safety and health program elements.

EXAMPLE: Lack of a machine guard may indicate a need for development of, or improvement in:

- Rule development and enforcement by supervisors (Management Leadership).
 - Positive attitude toward safety (Employee Involvement).
 - Job hazard analysis (Worksite Analysis).
 - Attention to guards as part of equipment maintenance (Hazard Prevention).
 - Safety interlocks integrated into machine design (Hazard Control).
 - Employee training in the use of machine guards (S&H Training)
 - Self-inspection
-

- (1) **Imminent Danger.** If an imminent danger exists, the Consultant must immediately inform the employer and all exposed employees. The employer must remove the employees from exposure immediately. If the employer does not correct the imminent danger hazard or remove exposed employees, the Consultant must issue an Order of Immediate Restraint (and a Red Tag, if machinery or equipment is involved) and must promptly refer the case with all relevant information to the Regional Compliance Supervisor. The Consultant must communicate that the employer has declined to correct the hazard in question and recommend that appropriate action be taken.
- (2) **Identifying Hazards and Potential Hazards.** The Consultant must document as much information as necessary to establish the specific characteristics of each identified hazard or potential hazard. Hazards must be brought to the attention of the employer or employer representative and any employee representative at the time they are recorded.
 - (a) Describe the observed hazardous conditions or practices, i.e., the facts that constitute a hazardous condition, operation or practice, and the essential facts as to how a standard is violated. Specifically, identify the hazard(s) to which employees have been or could be exposed and the relationship of each hazard to the appropriate safety and health program element(s).
 - (b) Describe the type of accident which could reasonably be predicted to result from each identified hazard. Identify the name and exposure level of any contaminant or harmful physical agent to which employees are, have been, or could be exposed. If more than one type of accident or exposure could reasonably be predicted to occur, describe the one which would result in the most serious injury or illness.

NOTE: Consultants must encourage employers to abate all serious hazards at the time of the consultation visit, if immediate correction is feasible.

- (3) **Work Processes.** Observe and comment on work processes, methods, and procedures.
- (4) **Employee Exposure Not Observed.** If employee exposure is not observed, describe what could occur in the event of employee exposure.
- (5) **Interim Protection.** Indicate in the official file notes whether interim protection is required, the nature of the interim protection, and the date the interim protection will be in place.
- (6) **Hazards Corrected on the Spot** If the employer or the employer's representative is able to correct the hazard "on the spot," note the hazard and the correction method in the official file notes.

- (7) **Referrals.** Note potential health/safety problems for referral to a respective health/safety DOSH Consultant. If a Consultant identifies a hazard not within their specific expertise, they must refer the hazard to another Consultant with that specific expertise.
- c. **Hazard Correction Assistance.** DOSH Consultants must offer appropriate correction assistance, within their level of training and experience, as to how workplace hazards might be eliminated. If additional technical expertise is needed, the Consultant must discuss the situation with the Regional Consultation Manager or Supervisor. The information should provide guidance to the employer in developing acceptable correction methods or in seeking other appropriate professional assistance.
- (1) **Type of Assistance.** The type of assistance provided to the employer will depend on the needs of the employer and the complexity of the hazard. Where standards specify correction methods, such as guarding of belts and pulleys, the DOSH Consultant must ensure that the employer is aware of the specifications. For more complex problems, the Consultant must offer information on types of controls and procedures commonly used to correct the hazard. More than one alternative method should be provided whenever possible.
- (2) **Disclaimer.** The DOSH Consultant must inform the employer of the following:
- The employer is responsible for selecting and carrying out an appropriate correction method.
 - The methods explained may not be effective in all cases.
 - The employer is not limited to the correction methods suggested by the Consultant.
 - The advice of the Consultant and the written report are not binding on a Compliance Officer. See E.3.f.(3), *Subsequent Inspection*, in this chapter.
- d. **Interviews.** Assessment requires talking with managers, supervisors and employees. The DOSH Consultant may need privacy to conduct the interviews and/or to make notes. See Appendix 5-B for sample interview questions.
- e. **Training and Assistance.** Training and assistance services may be delivered during the visit. Training should be based on findings of the workplace assessment. See Chapter 9, Section B, *On-site Training and Assistance*, in this manual.
- E. 5. Closing Conference.** This is normally the final phase of the on-site activity; however, in rare instances, a closing conference may be conducted over the phone. There may be more than one closing conference (safety and health). The DOSH Consultant must encourage the employer to invite employee participation in the closing conference.

- a. **Hazards Identified.** The Consultant must discuss any hazards identified with the employer, and how a safety and health program would address and assure their continued control.
- b. **Hazard Correction Assistance.** Along with a discussion of hazards observed, the Consultant must discuss standards violated, the classification of hazards, possible solutions, and correction dates for serious hazards. The Consultant must discuss other sources of hazard correction assistance, such as the use of private consultants, the employer's insurance company, or possible in-house expertise.
- c. **Reporting Correction of Hazards.** The Consultant must explain to the employer the process of reporting hazard corrections by the agreed dates. The correction due dates must be the shortest interval within which an employer can reasonably be expected to correct the hazard. See Chapter 8, *Ensuring Safety and Health Hazard Abatement*, in this manual.
- d. **Safety and Health Program Assessment Findings.** The Consultant must complete the Safety and Health Program Assessment Worksheet (DOSH Form 25) for all full service consultations. In addition, consultants must fill out the worksheet (DOSH Form 25) to the extent possible, for all limited service visits.

The Consultant must explain why any aspect of the workplace safety and health program needs improvement, explain the DOSH Form 25 total score, and individual element scores. The Consultant should explain to the employer that employee involvement is key to the implementation of a safety and health program, and encourage their participation. A completed copy of DOSH Form 25 must be included with the employer's written report.

- e. **Safety and Health Program Improvement Plan.** When the Consultant and employer agree that comprehensive implementation or improvement of a nonexistent or minimal program will require considerable time and further visits, they may agree to establish a multi-step program assistance plan, upon approval of the Regional Consultation Manager or Supervisor, with reviewable goals and timetables based upon program indicators.
- f. **Additional Training Needed.** The Consultant and employer must discuss recommendations for additional training. If the employer makes the request, the Consultant may assist in developing a training plan. The Consultant will, where appropriate:
 - Help to identify employer in-house resources to conduct training.
 - Help to identify sources of training other than the Consultant.
 - Accept the employer's request for formal training by a Consultant at a later time.
 - Web based training.

- g. Copies of Forms and Publications.** The Consultant must ensure that the employer has copies of appropriate standards/required posters or make arrangements to provide them. The employer should be given examples of documents, forms, and procedures, when available, for recommended activities. Such examples might include forms for employee notification of safety problems, job hazard analysis procedures, self-inspection procedures and self-inspection report forms.
- h. Written Report to the Employer.** The Consultant must review the content and timetable of the written report.
- i. Sampling Results.** The Consultant must explain that the outcome of industrial hygiene sampling analyses, other than direct readings, will be provided at a later date when the results are available.

E.6. Consultation Visit Checklist.

The consultation checklist in Appendix 5-A is required for all consultants to use. This ensures that the consultant is covering all the required elements of a consultation. The consultant can also use additional lists to assist in documenting items covered during the consultation if they wish.

APPENDIX 5-A

Consultation Visit Checklist

Company:	Visit Date:	Time:
On-site Contact:	Union Shop: Yes or No	
Phone number:	Email:	
Check items that were covered either as part of the initial contact and from opening through closing conference.		Check applicable items
ITEMS REQUIRED TO BE COVERED		
Show identification and exchange business cards; record names of participants.		
Determine if a compliance visit is in progress or recently conducted.		
Verify type of consultation: Full Service or Limited, Follow-up, Training		
Explain differences between Full Service/Limited and advantages of Full Service vs. Limited, i.e., no scheduled compliance visit for a year per discipline.		
Report is confidential. However, employer can share report with compliance at their discretion.		
Employer has right to end the consultation, expand or reduce the scope or terminate the visit at any time.		
Employer must agree to random confidential interviews of employees.		
Hazards identified will need to be fixed: serious within a reasonable set time, imminent danger immediately.		
If a limited consultation, hazards observed outside scope of visit must also be corrected.		
Make sure employer representative has the authority to commit resources to correct serious hazards.		
Union Rep must be offered opportunity to participate.		
Make sure necessary PPE identified for consultant prior to walk-through of facility. A safe workplace must be maintained during the visit.		
Get permission to take video or pictures, if needed.		
Explain APP must be reviewed and any other programs applicable to the consultation request, such as Confined Space; Hearing Conservation; etc.		
Obtained copies of OSHA 300 Log and 300A summary (if required), for most current complete year plus OSHA 300 for current year.		
Conduct walk-through of facility based on full or limited service visit.		
Identify items to employer/employee rep that need correction during walk around.		
Discuss seriousness of hazard, possible method of correction, and correction date.		

Identify and discuss any training needed.		
If samples taken, let employer know when results will be available.		
Conduct Closing conference.		
Explain the Form 25.		
Explain written report; hazard certification documents; extension request.		
Uncorrected serious or imminent danger hazards are referred to DOSH compliance.		
Let employer know that if an inspection does occur that the inspector is not bound by consultant's advice.		
Explain posting requirement of hazards listed in written report.		
Provide any additional information: posters, workshops, standards.		
Discuss need for additional resources such as risk management, safety or health.		
CHECK PROGRAMS REVIEWED		
	Accident Prevention Program (APP)	Exposure Control Plan (Bloodborne Pathogens)
	Energy Control (Lockout/Tag out)	Confined Spaces
	Personal Protective Equipment (PPE)	Emergency Action Plan
	Chemical Hazard Communication Program	Emergency Response Plan
	Hearing Conservation Program	Respirator Program
	Fall Protection Plan	Other:
	Other	Other

NOTES: _____

APPENDIX 5-B INTERVIEW QUESTIONS

- A. **INTERVIEW QUESTIONS.** These questions are intended for use by the DOSH Consultant as an interviewing tool to help determine an organization's effectiveness in managing safety and health in the workplace. If at all possible, be sure you are in a quiet, comfortable and private area. Explain your purpose in being at the site and in conducting the interview. You may wish to ask questions about position, work shift and length of employment, to establish the context of the individual's response, but to preserve confidentiality, it is not necessary to record names or other potentially identifying background information. Be sure to request any documentation or written policy and procedure that may support supervisory or management statements.
- B. **EMPLOYEE QUESTIONS.**
1. **Background.**
 - a. What is your job here?
 - b. How long have you worked here?
 2. **Management Commitment and Employee Participation.**
 - a. Is there a policy here regarding employee safety and health? If so, can you tell me in your own words what it is or tell me where to find it?
 - b. How important is employee safety and health protection to management in this company? What have you seen or heard that leads you to this conclusion?
 - c. Are you aware of any safety or health goals that have been set for your organization recently? If so, do you know how they will be achieved?
 - d. Does management set a good example when it comes to doing things in a safe and healthy way? What (else) does top management do to demonstrate interest in worker safety and health? Is it enough? If not, what do you think should be done?
 - e. What are your responsibilities for safety and health in your job? How were you made aware of these responsibilities?
 - f. What happens to employees when safety or health responsibilities are not met, or safety or health rules are not followed? Have you or anyone you know ever been disciplined for not following safety or health procedures? Have you or anyone you know ever been rewarded or reinforced for following safety or health procedures or working in a safe and healthy way?
 - g. How easy is it to get rid of a safety or health hazard? Give an example.
 - h. What happens when a safety or health goal is not reached?
 - i. Have you ever participated in an evaluation of your company's safety and health program? If so, can you explain how the review process works?

APPENDIX 5-B INTERVIEW QUESTIONS (Continued)

3. Worksite Analysis.

- a.** Are periodic walkthroughs done of your worksite to identify potential safety or health hazards? If so, who does them? Do you think they know what to look for?
- b.** Is there a system in place that allows for identification of potential hazards with new equipment, processes, facilities or materials before they are introduced to the worksite?
- c.** Have you ever discovered a safety or health hazard? If so, what did you do about it? What would you do about it now? Would you feel comfortable bringing a safety or health hazard to the attention of management?
- d.** What usually happens after a safety incident or accident? Is the most likely cause usually identified? Can you give an example?

4. Hazard Prevention and Control.

- a.** Are there procedures available to keep you working safely? If so, do you follow them? If not, why not?
- b.** Are there any hazardous substances around your work area? If so, how are you protected from them? Do you feel this is adequate?
- c.** Is the facility usually kept clean? Is management concerned with cleanliness?
- d.** Is maintenance performed regularly on equipment? Facilities? Tools? If you perform any maintenance, is there a set of instructions you use?
- e.** Have you been informed of what to do in certain types of emergencies? How was this information relayed to you?
- f.** Is there a medical or first aid program here? If so, how does it work?

5. Safety and Health Training.

- a.** What type of safety and health training did you receive when you first started in your current position? Do you feel it was adequate? If not, what did you do about it?
- b.** Do you receive ongoing safety and health training? When, what, and by whom? Do you feel you have all the training and information you need to perform your job safely?
- c.** What do you think your company does well regarding safety and health? Where do you think it could improve?

APPENDIX 5-B INTERVIEW QUESTIONS (Continued)

C. SUPERVISOR QUESTIONS.

1. Background.

- a.** What is your job here?
- b.** How long have you worked here?

2. Management Commitment and Employee Participation.

- a.** Are you familiar with the DOSH requirements that affect your work area?
- b.** Is there a policy regarding employee safety and health? If so, can you tell me what it is and where I can find it?
- c.** Are you aware of, or have you participated in establishing any safety or health goals that have been set for your organization recently? If so, do you know how they will be achieved?
- d.** How are you held accountable for safety and health in your area? Does your performance evaluation include safety and health issues?
- e.** What are the safety or health responsibilities of your subordinates? How are they informed of these responsibilities? How do you involve employees in the prevention of injuries in the workplace?
- f.** How often do you spend time observing employees' work practices?
- g.** Do you include safety and health issues as part of your subordinates' performance evaluations? How do you assess their performance?
- h.** What happens to employees when safety or health responsibilities are not met, or safety or health rules are not followed?
- i.** Have you ever disciplined or fired an employee for not following safety or health procedures or for violating a safety or health rule?
- j.** Is there a system in place for rewarding or reinforcing employees for following safety or health procedures, or working in a safe and healthy way? Have you ever used it?
- k.** Have you ever participated in an evaluation of your organization's safety and health program? If so, can you explain how the review process works?
- l.** Do you feel you get adequate support from upper management for dealing with safety and health issues?

APPENDIX 5-B INTERVIEW QUESTIONS (Continued)

3. Worksite Analysis.

- a.** Are periodic walkthroughs done of your worksite to identify potential safety or health hazards? If so, who does them? How often? How do they know what to look for?
- b.** Is there a system in place that allows for identification of potential hazards with new equipment, processes, facilities or materials before they are introduced to the worksite?
- c.** What is the procedure once a safety or health hazard or concern has been identified?
- d.** Do you feel your subordinates would be comfortable bringing a safety or health hazard to your attention? Give an example. How was it resolved?
- e.** Are you aware of the types and locations of any accidents that are or may be occurring? How do you get this information?
- f.** What is the procedure after a safety incident or accident has occurred? Is the most likely cause usually identified? Can you give an example?

4. Hazard Prevention and Control.

- a.** Are there procedures in place to help employees work safely? Are they followed? How do you make this determination?
- b.** Are there any hazardous substances around your work area? If so, how are employees protected from them? Do you feel this is adequate?
- c.** Is maintenance performed regularly on equipment? Facilities? Tools? Are procedures in place for regular maintenance activities?
- d.** What are employees responsible for doing in an emergency? How is this information relayed to them?
- e.** Is there a medical or first aid program here? If so, how does it work?

5. Safety and Health Training.

- a.** What type of safety and health training do you provide when employees are first hired or start new jobs? How do you determine their ability to perform their jobs safely?
- b.** Do you provide ongoing safety and health training? When, what, and by whom?
- c.** What do you think your organization does well regarding safety and health? Where do you think it could improve?

APPENDIX 5-B INTERVIEW QUESTIONS (Continued)

D. MANAGEMENT QUESTIONS.

1. Management Commitment and Employee Participation.

- a.** Are you familiar with the DOSH requirements that affect your worksite?
- b.** Is there a policy stating your commitment to employee safety and health? If so, can you tell me what it is and where I can find it?
- c.** Are there safety or health goals that have been set for your organization recently? If so, how do you plan to achieve them?
- d.** What are the safety or health responsibilities of your supervisors? How are they informed of these responsibilities? What resources are provided that will enable them to meet these responsibilities?
- e.** How do you hold supervisors accountable for safety and health in their areas? Are safety and health issues a part of their performance evaluations? How do you assess their performance?
- f.** How often do you spend time meeting with employees about safety and health concerns?
- g.** What happens to supervisors when safety or health responsibilities are not met, or safety or health rules are not followed?
- h.** Have you ever disciplined or fired a supervisor for safety or health procedures not being followed, or for a safety or health requirement not being met in their area?
- i.** Is there a system in place for rewarding or reinforcing employees for following safety or health procedures, or working in a safe and healthy way? Have you ever used it?
- j.** Do you have a system of evaluating your organization's safety and health program? If so, how does the review process work?
- k.** How do you encourage employees to participate in the prevention of injuries in your workplace?

2. Worksite Analysis.

- a.** Is there an information system in place to track trends in injuries? If so, who is responsible for viewing this information and acting on it? Do you request this information?
- b.** Are periodic walkthroughs done of your worksite to identify potential safety or health hazards? If so, who does them? How often? How do they know what to look for?

APPENDIX 5-B INTERVIEW QUESTIONS (Continued)

- c.** Is there a system in place that allows for identification of potential hazards with new equipment, processes, facilities or materials before they are introduced to the worksite?
- d.** What is the procedure once a safety or health hazard or concern has been identified?
 - Do you feel employees or supervisors would be comfortable bringing a safety or health hazard to your attention? Can you give an example? How was it resolved?
 - What is the procedure after a safety incident or accident has occurred? Is the most likely cause usually identified? Can you give an example?

3. Hazard Prevention and Control.

- a.** Are there procedures in place to help employees work safely? Are they followed? How do you make this determination?
- b.** Is maintenance performed regularly on equipment? Facilities? Tools? Are procedures in place for regular maintenance activities?
- c.** What are employees responsible for doing in an emergency? How is this information relayed to them?
- d.** Is there a medical or first aid program here? If so, how does it work?

4. Safety and Health Training.

- a.** What resources do you allocate for safety and health training? Can you give an example?
- b.** What level of safety and health training is required for your supervisors? How often to they receive training?
- c.** What type of safety and health training have you received?
- d.** What do you think your organization does well regarding safety and health? Where do you think it could improve?

APPENDIX 5-C TABLE 1 PRIVATE EMPLOYER EXEMPTIONS	
SIC	Industry Description Code
525	Hardware Stores
542	Meat and Fish Markets
544	Candy, Nut, and Confectionary Stores
545	Dairy Products Stores
546	Retail Bakeries
549	Miscellaneous Food Stores
551	New and Used Car Dealers
552	Used Car Dealers
554	Gasoline Service Stations
557	Motorcycle Dealers
56	Apparel and Accessory Stores
573	Radio, Television, & Computer Stores
58	Eating and Drinking Places
591	Drug Stores and Proprietary Stores
592	Liquor Stores
594	Miscellaneous Shopping Goods Stores
599	Retail Stores, Not Elsewhere Classified
60	Depository Institutions (banks & savings institutions)
61	Non-depository
62	Security and Commodity Brokers
63	Insurance Carriers
64	Insurance Agents, Brokers & Services

APPENDIX 5-C	
TABLE 1	
PRIVATE EMPLOYER EXEMPTIONS	
SIC	Industry Description Code
653	Real Estate Agents and Managers
654	Title Abstract Offices
67	Holding and Other Investment Offices
722	Photographic Studios, Portrait
723	Beauty Shops
724	Barber Shops
725	Shoe Repair and Shoeshine Parlors
726	Funeral Service and Crematories
729	Miscellaneous Personal Services
731	Advertising Services
732	Credit Reporting and Collection Services
733	Mailing, Reproduction, & Stenographic Services
737	Computer and Data Processing Services
738	Miscellaneous Business Services
764	Re-upholstery and Furniture Repair
78	Motion Picture
791	Dance Studios, Schools, and Halls
792	Producers, Orchestras, Entertainers
793	Bowling Centers
81	Legal Services
82	Educational Services (schools, colleges, universities and libraries)
832	Individual and Family Services
835	Child Day Care Services
839	Social Services, Not Elsewhere Classified
841	Museums and Art Galleries
86	Membership Organizations
87	Engineering, Accounting, Research, Management and Related Services
899	Services, not elsewhere classified

TABLE 2	
PUBLIC EMPLOYER EXEMPTIONS	
SIC	Industry Description Code
821	Public Elementary and Secondary Schools
823	Public Libraries

APPENDIX 5-D APPOINTMENT LETTER

455 Linderson Way, Tumwater, WA 98512

May 06, 2013

First Last, Owner
C WALTER SMITH
ROOFING Contractors
Inc
P O Box 929
Everett, WA 98206

I am writing to confirm our appointment for a workplace safety and health consultation at 3815 Smith St, Everett, WA 98201 on April 26, 2013 at 10:00 AM.

These are your legal rights and protections

- Your consultation report is confidential. Although you must share the report with your employees and/or their collective bargaining representatives, we do not make this document public or share it with the Division of Occupational Safety and Health (DOSH) compliance inspectors (except under very limited circumstances, such as when the department is required under subpoena, or if you refuse to correct a serious hazard).
- If, in the future, your workplace is inspected by DOSH compliance, you are not required to tell the inspector about this consultation or share the report. However, certain Occupational Safety and Health standards require access to exposure monitoring results. You must show these to the inspector if requested.
- If I give you specific guidance that you follow, you would not be cited if a DOSH inspector later finds my guidance did not address (or adequately address) a hazard. You would still have to fix the hazard by the correction date assigned by the inspector. However, it is possible for an inspector to cite you for a hazard not identified during my consultation. This could be because work conditions changed, we had a misunderstanding, or I may have overlooked the hazard. In such cases the inspector would consider any good faith effort by you in determining the penalty.
- You have the right to limit the scope or stop the consultation at any time. You must still correct any serious hazards I have already identified. You also can ask me to look at areas not mentioned in your original request. (However, if I find a serious hazard outside the scope of your request, I will describe it in my report and you must correct it).
- This consultation is free. Our costs are covered by federal and state funding in the public interest.
- I want to remind you that I, as a consultant, do not issue citations or penalties.

APPENDIX 5-D

APPOINTMENT LETTER

(Continued)

These are your obligations

- You remain legally obligated to provide safe and healthful working conditions for employees while using DOSH's consultation services.
- You must agree to a review of your Accident Prevention Program (APP) to receive an onsite full service consultation. The APP review includes all required written programs such as hazard communication or lock-out/tag-out. I encourage you to agree to this review even if you have requested only a limited service consultation.
- You must provide me with the 3 most recent complete calendar years of your OSHA 300 logs and 300A summaries as well as the log for the current year to date, specific to the location I will be visiting. This applies only if you had 11 or more employees the previous calendar year for your entire business in Washington and you are in an industry that is not exempt from keeping these records.
- If I find an imminent danger situation, you must correct the situation immediately or remove employees from the area of danger. Failure to do this would result in an immediate referral to a DOSH Compliance Officer.
- You must fix, by an agreed correction date, any serious hazards I may find during my visit.

Note: I am legally required to verify correction of all serious hazards. You must send me a written certification that you have corrected these hazards. I may also make a short follow-up visit to confirm correction of hazards. Failure to correct serious hazards within the established time frame or any approved extension may result in a referral to DOSH Compliance. You will also be expected to correct general hazards in a timely manner.

- You are required to share the written report that will be issued to you following the consultation, with your employees and/or their collective bargaining representatives as soon as possible, but no more than 30 days from receiving it (RCW 49.17.250(3)).
- If hazards are found during my visit, a list of "Hazards Identified" will accompany the written report. This list of "Hazards Identified" will include a description of the hazard(s) and the date by which we mutually determined that the hazard(s) would be corrected. This "Hazards Identified" list must be posted, unedited, in a prominent location where it is readily observable by all employees for a minimum of 3 working days, keeping it posted until all identified hazards are corrected.

APPENDIX 5-D
APPOINTMENT LETTER
(Continued)

You must encourage your employees to participate in the consultation

- If a union represents your employees, their union representative must be given the opportunity to participate in the consultation.
- You must give your employees the opportunity to participate in the consultation. We find that it is very effective to have employees help make decisions about how to remove hazards from the workplace.
- I may privately interview some of your employees. I may ask questions about specific equipment or processes. This will help me assess your overall safety program.

I look forward to our upcoming safety and health consultation. If you have any questions, please feel free to contact me.

Sincerely,

WIN CNS2235
Safety Consultant
Phone: (455) 788-4512

CHAPTER 6

SAFETY AND HEALTH PROGRAM ASSESSMENT

A. INTRODUCTION

- A. 1. Safety and Health Programs Produce Results.** The emphasis on safety and health program implementation is based on DOSH's experience with hazard control. The fact that an employer has hazards under control at a particular point in time does not mean that the hazards will continue to be under control and that other hazards will be prevented. Hazard identification in and of itself does not result in a lasting, comprehensive basis for continued elimination of hazards by the employer. Hazards may recur.

A safety and health program incorporates workable policies, procedures, and practices to keep hazards under control and to prevent new hazards from occurring. Safety and health programs, when effectively implemented, empower employers and employees to help keep their workplace free of injury-and-illness causing problems by controlling hazards and improving work practices.

Employee involvement in developing and maintaining safety and health programs improves productivity. Empowering employees improves their self-esteem. Appropriately increasing their responsibilities encourages them to assume more ownership and responsibility. Asking for their help can quickly bring out information that may otherwise require long and costly studies by management. Safety and health programs produce lasting results, since they involve employers and employees in continuous control of hazards and continual review and improvement of worker safety and health.

- A. 2. Safety and Health Program Assessment Worksheet (DOSH Form 25).** The worksheet is an evaluation tool to assess the employer's safety and health management system. Further, it can be used to provide information to an employer on the safety and health management system at one establishment and how it stacks up with other establishments in the same industry.

B. ELEMENTS OF A FULLY IMPLEMENTED SAFETY AND HEALTH PROGRAM

- B. 1. Management Leadership and Employee Involvement** establishes management commitment, assigns safety and health responsibility and authority to supervisors and employees, and holds them accountable. It includes policy formulation, annual goal-setting and program review, management example, and employee empowerment.

Employee empowerment gives employees the responsibility to make decisions about their work. It is based on the view that employees know how to do their jobs and can and should be trusted to do so without having to check or get permission for issues that fall outside a narrow realm.

- B. 2. Worksite Analysis** identifies current and potential hazards. It includes a thorough baseline survey to review work processes and individual potential hazards; management of change (to deal with facilities, equipment, and the physical, economic and regulatory environment); job hazard analysis (written safe operating procedures for specific tasks); a self inspection program using checklists; a system for reporting hazards; accident and incident investigation; and, analysis of injuries and illnesses.
- B. 3. Hazard Prevention and Control.** Prevention consists of measures such as regular maintenance and housekeeping; emergency planning and preparation; first aid and CPR training; ready access to emergency care; medical surveillance; and may include measures such as preventive health care. Control includes guards, enclosures, locks, protective equipment, safe work procedures (the result of job hazard analysis), and administrative placement or rotation of personnel so as to minimize hazards.
- B. 4. Safety and Health Training** educates all personnel about the hazards they may be exposed to, and the identification, prevention, and control of those hazards. Managers and supervisors also need training in program management (e.g., enforcing rules, conducting drills, and accident investigation). Training can demonstrate management leadership and facilitate employee involvement.

C. FLEXIBILITY IN THE APPLICATION OF CRITERIA

- C. 1. Complexity and Formality.** The complexity, formality and degree of documentation needed for a safety and health program will vary considerably with the size of the establishment and the nature of its operations. The smaller and less hazardous a business, the less complex, formal and documented the safety and health program will need to be.
- C. 2. Effective in Practice.** The Consultant must determine whether the employer's program is "effective in practice." Three key questions in making this decision are, "Does it work?", "Is it consistently followed and applied?" and "Is it open to review and to change as necessary?"
- C. 3. Written Format.** The employer's safety and health program must be in written format to provide and to document accountability and to clearly state safety and health policies and objectives. Certain standards require that safe work practices must be reduced to writing. However, these written materials must be communicated to all affected employees, which includes communication to and training of employees. Consideration must be given to ensure that training, and training materials, are understandable to employees with limited English skills, and to employees with disabilities.

D. USE OF FORMS

- D. 1. Form Completion Requirements.** DOSH Form 25 is a required form used to summarize the DOSH Consultants' review and evaluation (assessment) of an employer's safety and health management system. The Form 25 is not required for construction sites, but must be utilized when visiting a Construction company.

If a joint Safety and Health Consultation is done, then the consultants must collaborate on the completion of the Form 25. One consultant must complete the Form 25 and send to the employer with the written report. The other consultant must reference in the "coverage text box" the consultation visit number associated with the Form 25.

Type of Visit	Type of Program Assistance	Complete the following:
Initial – Full Service	Comprehensive	Entire worksheet. All relevant elements
Initial – Limited	Specific	All relevant elements
Training and Assistance- When program assistance is provided	Comprehensive/Specific	Entire worksheet. All relevant elements
Training and Assistance -	N/A	Completion of the Worksheet is OPTIONAL
Follow-Up	N/A	Completion of the Worksheet is OPTIONAL

- D. 2. DOSH Form 25.** DOSH Consultants will use this form to record whether indicators of a safety and health program are in place, whether the program operates effectively, and how the Consultant made that determination. A sample is provided at the end of this chapter.
- D. 3. Basic Information.** The header section provides essential tracking data as well as information important to measuring success. All blanks should be completed. In most cases, the NAICS Codes can be obtained from the employer or from LINIIS. The number of employees should be the average full-time equivalent for the past year, including temporary and seasonal equivalents. Incidence rates for the facility should be calculated and entered. See Appendix 6-A for illness/injury calculation instructions. Data for the industry rates can be obtained from BLS annual summaries at: <http://wisha.inside.lni.wa.gov/Manuals/ConsultationForms.htm>
- D. 4. Scoring Attributes.** There are 25 attributes on the DOSH Form 25. These 25 attributes are divided among the following six elements. They are:
- (1) Hazard Surveys
 - (2) Hazard Prevention and Control
 - (3) Administration and Supervision
 - (4) Safety and Health Training

- (5) Management Leadership
(6) Employee Participation

Within each of these elements you will assess specific “attributes” and then rate the degree of implementation of the attributes by the employer. Attributes are measures of safety and health implementation that together form a comprehensive Safety and Health Management System. You will be assessing each of these elements and attributes to determine the Operational, Managerial, and Cultural health of the organization and applying this to the safety and health management system.

- a. Scoring.** The form provides space for the DOSH consultant to make observations, suggestions, and other comments. Each attribute has a scoring range of 0 to 3, for a total possible score of 75. In addition, N/E for Not Evaluated and N/A for Not Applicable are available.

Rating	Definition
0	No safety or health procedures/policies are even partially present to correct this hazard (No-Activity)
1	Some safety or health procedures/policies are present although major improvements are needed (Little Activity)
2	Considerable safety or health procedures/policies are present with only minor improvements needed (Most Activity Completed)
3	No additional safety or health procedures/policies are needed at this time. All requirements are met for this attribute. (No Additional Activity Needed)
N/E	Not Evaluated is the default value, meaning that there is no positive or negative evidence to allow you to render a “score.”
N/A	Not Applicable is rarely used and must be explained in the comments section.

Consultants are discouraged from “guessing” at the score; it is critical to have primary source documents, interview notes, or observations for all scores.

- b. Worksheet Comments.** Comments are necessary to help your client improve their safety and health management system. It is important to remember that any score less than 3 means that something needs to be improved. The comment section will be used to provide the following information:
- A rationale for the score
 - Meaningful recommendations on how to meet or improve on a specific element
 - Guidance on which area to prioritize for action
 - Comments for use in completing safety and health program evaluation portion of the Written Report
- c. Tool for Program Improvement.** A copy of the completed form must be provided with the employer’s written report so that it can be used to improve their program. This will reinforce the efforts that employers and their employees have already made, and will suggest achievable next steps in the facility’s program improvement.

APPENDIX 6-A INJURY/ILLNESS INCIDENCE RATES

Calculating Injury and Illness Incidence Rates

What is an incidence rate?

An incidence rate is the number of recordable injuries and illnesses occurring among a given number of full-time workers (usually 100 full-time workers) over a given period of time (usually one calendar year).

How do you calculate an incidence rate?

You can compute an occupational injury and illness incidence rate for all recordable cases or for cases that involved days away from work for your firm quickly and easily. The formula requires that you follow instructions in paragraph (a) below for the total recordable cases or those in paragraph (b) for cases that involved days away from work, *and* for both rates the instructions in paragraph (c).

- (a) *To find the total number of recordable injury and illnesses that occurred during the year*, count the number of line entries on your OSHA Form 300, or refer to the OSHA Form 300A and sum the entries for columns (G), (H), (I), and (J).
- (b) *To find the total number of non-fatal recordable injuries and illnesses that occurred during the year*, count the number of line entries on your OSHA Form 300, or refer to the OSHA Form 300A and sum the entries for columns (H), (I), and (J).
- (c) *To find the number of injuries and illnesses that involved days away from work*, count the number of line entries on your OSHA Form 300 that received a check mark in column (H), or refer to the entry for column (H) on the OSHA Form 300A.
- (d) *The number of hours all employees actually worked during the year.* Refer to OSHA Form 300A and optional worksheet to calculate this number:

You can compute the incidence rate for all recordable cases of injuries and illnesses using the following formula:

Total number of injuries and illnesses x 200,000 ÷ Number of hours worked by all employees = Total recordable case rate.

(The 200,000 figure in the formula represents the number of hours 100 employees working 40 hours per week, 50 weeks per year would work, and provides the standard base for calculating incidence rates.)

The total ***non-fatal*** recordable case rate is calculated by not including column “G” number of deaths.

You can compute the incidence rate for recordable cases involving days away from work, days of restricted work activity or job transfer (DART) using the following formula:

(Number of entries in column H + Number of entries in column I) x 200,000 ÷ Number of hours worked by all employees = DART incidence rate.

APPENDIX 6-A INJURY/ILLNESS INCIDENCE RATES (Continued)

What can I compare my incidence rate to?

The Bureau of Labor Statistics (BLS) conducts a survey of occupational injuries and illnesses each year and publishes incidence rate data by various classifications (e.g., by industry, by employer size, etc). You can obtain these published data at www.bls.gov/iif.

Injury and Illness Incidence Rates Worksheet

Total number of injuries and illnesses Columns H+I+J				Number of hours worked by all employees		Total non-fatal recordable case rate (TRC)
<input type="text"/>	x	200,000	÷	<input type="text"/>	=	<input type="text"/>
Total of entries in Column H + Column I				Number of hours worked by all employees		DART incidence rate
<input type="text"/>	x	200,000	÷	<input type="text"/>	=	<input type="text"/>

APPENDIX 6-B

Worksheet to Help Estimate Average Number of Employees and Hours Worked by All Employees

(This information should be available on the OSHA 300A Summary.)

How to figure the average number of employees who worked for your establishment during the year:

1 Add the total number of employees your establishment paid in all pay periods during the year. Include all employees full-time, part-time, temporary, seasonal, salaried, and hourly.	The number of employees paid in all pay periods =	1 _____
2 Count the number of pay periods your establishment had during the year. Be sure to include any pay periods when you had no employees.	The number of pay periods during the year =	2 _____
3 Divide the number of employees by the number of pay periods.	<div style="display: flex; align-items: center;"> <div style="margin-right: 10px;"> 1 _____ </div> <div style="margin-right: 10px;">=</div> <div> 2 _____ </div> </div>	3 _____
4 Round the answer to the next highest whole number. Write the rounded number in the blank marked <i>Annual average number of employees</i> .	The number rounded =	4 _____

For example, Acme Construction figured its average employment this way:

For pay period.....	Acme paid this number of employees			
1	10			
2	0		Number of employees paid = 830	1
3	15			
4	30		Number of pay periods = 26	2
5	40			
▼	▼			
24	20		$\frac{830}{26} = 31.92$	3
25	15			
26	+10		31.92 rounds to .32	4
	830		32 is the annual average number of employees	

APPENDIX 6-B
Worksheet to Help Estimate Average Number of Employees and
Hours Worked by All Employees
(Continued)

How to figure the total hours worked by all employees:

Include hours worked by salaried, hourly, part-time and seasonal workers, as well as hours worked by other workers subject to day to day supervision by your establishment (e.g., temporary help services workers).

Do not include vacation, sick leave, holidays, or any other non-work time, even if employees were paid for it. If your establishment keeps records of only the hours paid or if you have employees who are not paid by the hour, please estimate the hours that the employees actually worked.

If this number isn't available, you can use this optional worksheet to estimate it.

Optional Worksheet

- | | |
|---------|---|
| _____ | Find the number of full-time employees in your establishment for the year. |
| X _____ | Multiply by the number of work hours for a full-time employee in a year. |
| _____ | This is the number of full-time hours worked. |
| + _____ | Add the number of any overtime hours as well as the hours worked by other employees (part-time, temporary, seasonal). |
| _____ | Round the answer to the next highest whole number.
Write the rounded number in the blank marked,
<i>Total hours worked by all employees last year.</i> |

APPENDIX 6-C

Safety and Health Program Assessment Worksheet (DOSH Form 25)

Employer						
Consultant				Contact		
Date	SIC/NAICS Code		Number of employees		Total hours worked <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>	
Facility Incidence Rates:	DART IR <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>		Total Recordable IR <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>			
Industry Incidence Rates:	DART IR <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>		Total Recordable IR <div style="border: 1px solid black; width: 40px; height: 20px; margin: 0 auto;"></div>			
Program Elements (Scores) Indicators (<i>Enter most appropriate number</i>) Comments: What evidence helped identify/verify adequacy? What improvement action is recommended?						
Legend: 0 = No; 1 = No, Needs major improvement; 2 = Yes, Needs minor improvement; 3 = Yes N/A = Not applicable; N/E = Not evaluated						
1. Hazard Surveys						
	0	1	2	3	N/A	N/E
1. Comprehensive surveys have been conducted of all tasks and processes to identify potential hazards and necessary protective measures.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						
2. Safety and health inspections of facilities and equipment are performed regularly and all deficiencies are corrected in a timely manner.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						
3. A hazard reporting and tracking system exists.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						
4. Hazard surveys are reviewed and updated whenever a change in facilities, equipment, materials, or processes occurs.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						
5. A process is in place for investigating accidents and near misses to determine root causes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						

APPENDIX 6-C (Continued)
Safety and Health Program Assessment Worksheet
(DOSH Form 25)

2. Hazard Prevention and Control						
	0	1	2	3	N/A	N/E
6. All necessary safety and health policies, rules, and safe work practice procedures are in place.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						
7. Standard engineering controls, administrative controls, and preventative maintenance procedures are in place and appropriate for the types of industry hazards.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						
8. Personal Protective Equipment is provided, used, and maintained.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						
9. Proper workplace housekeeping practices are followed.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						
10. The organization is prepared for emergency situations including ensuring appropriate medical care for injured workers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						
3. Administration and Supervision						
	0	1	2	3	N/A	N/E
11. Goals and objectives for the safety and health program have been established and communicated to all employees.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						
12. Safety and health roles and responsibilities are outlined and assigned to specific personnel.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						
13. Individuals with assigned safety and health responsibilities have the authority and resources to perform their duties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						

APPENDIX 6-C (Continued)
Safety and Health Program Assessment Worksheet
(DOSH Form 25)

3. Administration and Supervision (Continued)						
	0	1	2	3	N/A	N/E

14. Safety and health rules and policies are enforced and unsafe behavior results in corrective action.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						
15. A review of the organizations safety and health programs is conducted at least annually and drives appropriate program changes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						

4. Safety and Health Training						
	0	1	2	3	N/A	N/E
16. Individuals with assigned safety and health responsibilities have the necessary knowledge, skills, and information to perform their duties.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						
17. All employees receive appropriate safety and health training on an on-going basis including a safety orientation for all new hires.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						
18. Supervisors and managers receive appropriate safety and health training and understand their roles in helping to manage the organization's safety and health program.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						

5. Management Leadership						
	0	1	2	3	N/A	N/E
19. Upper management is involved in the planning and evaluation of safety and health policies and performance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						
20. Management policy establishes clear priority for safety and health.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comments:						

APPENDIX 6-C (continued)
Safety and Health Program Assessment Worksheet
(DOSH Form 25)

5. Management Leadership (Continued)																				
	0	1	2	3	N/A	N/E														
21. Managers support safety and health policies including allocating necessary resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
Comments:																				
22. Managers personally follow all safety and health rules.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
Comments:																				
6. Employee Participation																				
	0	1	2	3	N/A	N/E														
23. Employees participate in hazard prevention and control activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
Comments:																				
24. Employees take personal responsibility for correcting unsafe conditions and work practices.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
Comments:																				
25. Employees are involved in the planning and evaluation of safety and health policies and performance.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
Comments:																				
Worksheet Scoring (Optional)																				
<p>Total the scores for each sub-element and list them below. The maximum possible score for each element is shown. A total score is required only if all elements have been evaluated and individually scored.</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Hazard Surveys (15)</td> <td style="width: 40%; border: 1px solid black; height: 20px;"></td> </tr> <tr> <td>Hazard Prevention and Control (15)</td> <td style="border: 1px solid black; height: 20px;"></td> </tr> <tr> <td>Administration and Supervision (15) (24)</td> <td style="border: 1px solid black; height: 20px;"></td> </tr> <tr> <td>Safety and Health Training (9)</td> <td style="border: 1px solid black; height: 20px;"></td> </tr> <tr> <td>Management Leadership (12)</td> <td style="border: 1px solid black; height: 20px;"></td> </tr> <tr> <td>Employee Participation (9)</td> <td style="border: 1px solid black; height: 20px;"></td> </tr> <tr> <td>Total Score (75)</td> <td style="border: 1px solid black; height: 20px;"></td> </tr> </table>							Hazard Surveys (15)		Hazard Prevention and Control (15)		Administration and Supervision (15) (24)		Safety and Health Training (9)		Management Leadership (12)		Employee Participation (9)		Total Score (75)	
Hazard Surveys (15)																				
Hazard Prevention and Control (15)																				
Administration and Supervision (15) (24)																				
Safety and Health Training (9)																				
Management Leadership (12)																				
Employee Participation (9)																				
Total Score (75)																				
Additional Comments																				

CHAPTER 7

WRITTEN SAFETY AND HEALTH CONSULTATION REPORT

A. COVER LETTER

The cover letter for the employer report must be provided for all written reports. The cover letter, currently available through the WIN system, contains blank text boxes intended to contain the following required information, in addition to what is currently provided in the template:

- A summary of the employer's request and the scope of the services provided
- For full-service comprehensive visits the Consultant must identify any areas of the site that were not evaluated (an example might be a locked electrical room that was not looked at or a process not evaluated because it wasn't operational.)
- For limited visits, the cover letter must explain, in detail, the specific area or hazard evaluated and programs reviewed.

[Deleted the second bullet sentence in the list]

The cover letter must list all attachments included with the report. See section B.4. below.

B. Written Report to the Employer

The Written Report to the employer must be prepared at the conclusion of any initial visit and must include laboratory results, if applicable, of samples submitted for analysis. Each written report must be accompanied by a cover letter that is signed by the DOSH Consultant. Visits other than initial visits do not require a written report, but must be concluded with a letter to the employer summarizing the activity. (If a follow-up visit is conducted and additional hazards are identified, a new written report is required.)

All written reports must be concise and directed to the specific issues identified during the consultation visit. Any incidental or optional information should be added as an attachment to the report.

The consultation written report contains information considered confidential and because disclosure of such reports would adversely affect the operation of the DOSH Consultation Program, the program does not disclose the Consultant's written report except to the employer for whom it was prepared. RCW 49.17.250(3) states that "*Information obtained by the Department as a result of employer-requested consultation and training services shall be deemed confidential and shall not be open to public inspection.*"

In no case other than a referral where an employer has failed to correct hazards will a consultation visit *initiate* enforcement action, nor will it be used to determine the scope or subject of a compliance visit.

B. 1. Timing of the Written Report. The Written Report must be sent to the employer as soon as possible but not longer than 15 calendar days after the closing conference. If laboratory results are not yet available when the report is due, they should be sent as an addendum to the report as soon as they become available.

B. 2. Responsibility for Preparing the Written Report. The Consultant who conducted the initial visit prepares the report. If more than one Consultant participated in the visit, the Consultant to whom the visit was initially assigned is responsible for preparing the written report and seeking input from the other Consultants.

B. 3. Elements of the Written Report. Consultants must use the report template provided in the WISHA Information Network (WIN) System.

- The first page of the report identifies the following:

- Company Name
- Report No.
- Date of Workplace Visit
- Consultant's Name
- Other Consultants on Visit
- Company and Employee Representatives
- What this Report Contains

- The following sections are included in every report:

(1) Introduction. The introduction includes a definition of serious and general hazards, employer's responsibilities for reporting corrections to serious hazards, and Department's obligation to verify the correction of any serious hazards. This section is boilerplate text.

(2) Hazards Identified. This is a description of all hazards identified during the visit, the classification of the hazard, a correction due date for each serious hazard, the potential effects the uncorrected hazards may have, and recommended methods to eliminate or control the hazard. Interim protection, if needed, is also stated here. If a hazard is corrected on the spot, the report must describe the method used to correct the hazard. All serious hazards are listed first, followed by general hazards identified.

(3) Evaluation of your company's safety and health program. This section provides an analysis of the employer's safety and health management system utilizing the Safety and Health Program Assessment Worksheet (DOSH Form 25). To avoid duplication, the consultant may direct the reader to comments on the attached Form 25 or vice versa.

(4) Review of any training provided during the consultation. This section provides a brief summary of any formal or informal training given during an initial visit. The summary must identify the training topic, the audience receiving the training and any recommendations for additional training.

(5) Other Findings and Recommendations. In this section the DOSH Consultant must discuss, as appropriate to the scope and findings of the consultation, significant observations, findings or recommendations, including:

- a. A description of the workplace and the working conditions, if needed for clarity.
 - b. Items of importance covered in the opening and closing conference,
 - c. A comparison of the site's DART and TRC rates to the national industry average with a brief explanation of what it means, if applicable or meaningful. The information will be contained on the Form 25 and need not be repeated unless it adds value.
 - d. Findings, if any, regarding increased claim costs, patterns of injury, etc. that are not subject to DOSH jurisdiction. For example, observations and recommendations regarding employee complaints of specific symptoms for which no recognized hazards could be found, or a discussion of other safety and/or health related state or local government regulations.
- **Notice of Obligation.** This section is prefilled with boilerplate language and contains information about the Employer's Rights and Obligations located in Chapter 2 of this manual. See Section A.1., Employer Obligations, and Section A.2., Employer Rights.
 - **Applicable Washington Administrative Codes (WACs).** This section includes the text of all WACs (serious and general) which were cited in the Hazards Identified section in 2 above. This section is pre-filled by WIN.

B.4. Attachments to Written Report. Attachments included with the written report may include but are not limited to:

- A Certification of Hazards Corrected form, for the employer to use when reporting when and how any serious hazards were corrected.
- The results of any hygiene sampling performed at the work site. This attachment may be particularly valuable in situations where exposure records are releasable under specific WAC requirements, because the required sampling data could be provided without surrendering the entire written report.
- A consultation services questionnaire.
- Any publications or training materials that the DOSH Consultant offered to provide.
- Any incidental or optional information, such as claims history, should be added as a report attachment.
- All attachments must be listed on the cover letter.

B.5. Certification of Hazards Corrected. The DOSH Consultant must ensure that all serious hazards which were identified during a consultation visit are corrected by the employer. When serious hazards were identified but not corrected during the visit, a Certification of Hazards Corrected form must be sent to the employer with the Written Report findings. See Chapter 8, Section B, Employer Must Submit Certification.

B.6. Case File. At a minimum, each case file must include: See Appendix 7-B for the Case File Order

- **Consultation Forms.** All Consultation forms (such as Request Forms, Visit Forms, Checklist, Form 25, Hygiene Sampling Forms, etc.), field notes, observations, analyses, OSHA 300 logs and other written documentation gathered prior to and during the hazard survey.
- **Written Report.** The written report discussed in this Chapter.
- **Employer Requests for Abatement Extension.** All requests for abatement extension must be included in the case file. Any extensions to the correction due date (request and response must be in writing) must be documented. The documentation must include an explanation of why correction was not completed in the established time frame and evidence that the employer is safeguarding employees against the hazard with interim protection during the correction. See Chapter 8, in this Manual, for additional guidance.
- **Training and Assistance Visits.** Documentation that either a hazard survey was performed by a compliance officer or private consultant within the 12 months preceding the date of the requested training must be included in the file if not associated with an initial or follow-up consultation.

APPENDIX 7-A**LIST OF LETTERS AND REPORTS AVAILABLE THROUGH THE WIN SYSTEM**

(The letters and reports are generated by filling in data fields in the WIN system)

- Appointment Confirmation
- Cover Letter for Employer Report
- Employer Report with No Hazards
- Employer Report with All Abated or General Hazards
- Employer Report with Unabated Hazards
- Certification of Hazards Corrected
- Updated Certification of Hazards Corrected
- Past Due Notice (10 - Day Certification of Hazards Corrected)
- Follow-Up Visit
- Training Visit

APPENDIX 7-B ORDER OF REPORTS CASE FILE

1. **Consultation Case File Documents**
2. **Cover letter** – Ensure that a copy, not green letterhead is sent in with case file.
3. **Written Report** – Includes Certification of Hazards Corrected form, if applicable, and copies of any additional documents sent to employer such as Updated Certification of Hazards form; Past Due Notices.
4. **Requests for Extensions** – Original (if applicable). Requests must be in writing.
5. **Completed Certification of Hazard Corrected Form** –
 - Original document signed by employer, indicating how hazard(s) were corrected; OR
 - E-mail from employer indicating how hazard(s) were corrected. E-mail must include the item number cited. If employer does not indicate the item number, only verbiage of correction, consultant must indicate item number on document prior to closing; OR
 - Other written document from employer with all the required information as indicated above.
6. **Sampling information** – Original
7. **Form 25** – Copy, original to employer.
8. **Consultation Check List** – Original
9. **Work Notes, Photos** – Original plus any additional documentation relevant to the consultation.
10. **OSHA 300 Log and 300A Summary** – Copy (if applicable) of one complete year of the OSHA 300 Log and 300A Summary plus current year's OSHA 300 Log.

Please secure documents at the left corner with either a large paperclip or binder clip.

APPENDIX 7-C COVER LETTER

455 Linderson Way, Tumwater, WA 98512

April 28, 2013

First Last, Owner
C WALTER SMITH
ROOFING Contractors Inc
P O Box 929
Everett, WA 98206

RE: 505704882

I have enclosed the findings of your consultation, beginning 4/26/2013 at 3815 Smith St, Everett, WA 98201.

In the enclosed report, you will find a detailed description of my findings and recommendations. You are required to share this report with your employees and/or their collective bargaining representatives as soon as possible, but no more than 30 days from receiving it (RCW 49.17.250(3)).

If hazards were found during my visit, this report will also include a list of “Hazards Identified”, which includes a description of the hazard(s) and the date by which we mutually determined that the hazard(s) would be corrected. This “Hazards Identified” list must be posted, unedited, in a prominent location where it is readily observable by all employees for a minimum of 3 working days, keeping it posted until all identified hazards are corrected.

If you have any questions about this report, or need further assistance, please contact me. For on-line access to our safety and health rules, go to www.lni.wa.gov/safety.

Sincerely,

WIN CNS2235
Safety Consultant
Phone: (455) 788-4512

Attachments:
Report Findings

CHAPTER 8

ENSURING SAFETY AND HEALTH HAZARD ABATEMENT

A. TIMELY ABATEMENT OF SERIOUS HAZARDS

Certification of Hazards Corrected. The DOSH Consultant must ensure that all serious hazards which were identified during a consultation visit are corrected by the employer. When serious hazards were identified but not corrected during the visit, a Certification of Hazards Corrected form must be sent to the employer with the Written Report findings.

The Certification of Hazards Corrected form must be generated from WIN. The form lists the item number, number of instances, and correction due date for each serious hazard(s) found. If hazards have different correction due dates, a form must be issued for each date.

The employer must complete the form(s) with the hazard correction date(s), and how each instance was corrected. The employer must submit the completed form(s) to the DOSH Consultant by the due date. The system-generated form includes an instruction sheet that also describes how to request an extension if any hazard(s) cannot be corrected by the due date.

If the Consultant approves an extension, a new form with new correction dates must be generated in the WIN system and sent to the employer. Extended items must be marked in the appropriate column on the form. See Appendices 8-A and 8-B, at the end of this chapter for procedures and sample forms.

NOTE: Consultants must encourage employers to abate all serious hazards at the time of the consultation visit, if immediate correction is feasible.

B. EMPLOYER MUST SUBMIT CERTIFICATION

The employer must correct all serious hazards and return the certification form(s) by the abatement due date(s). Other written forms of hazard abatement verification may be accepted by the DOSH Consultant. Alternative forms of verification must include the date the hazard/instance was fully corrected, an explanation of what the employer did to correct the hazard/instance, and the employer or employer representative's signature. (Electronic correspondence does not require an employer representative's signature.)

C. REQUESTS FOR EXTENSIONS

- C.1.** An employer may request in writing, and the Consultant may grant, an extension of the time frame established for the correction of hazards identified on the List of Hazards. This extension may only be granted when the employer has met all of the following criteria:

- a. Demonstrated that a good faith effort has been made to correct the hazard within the established time frame
- b. Shown evidence that correction has not been completed because of factors beyond the employer's reasonable control, and
- c. Shown evidence that the employer is taking all available interim steps to safeguard affected employees against the hazard during the correction period. Extensions to correction due date(s) will be approved for the shortest reasonable period of time, and must be in writing.

C. 2. Requests for extensions must:

- a. Be in writing. If the extension was initially requested by phone, a confirmation of the request must be received either via fax, postal or electronic mail.
- b. Contain the reason(s) why the hazard has not been corrected.
- c. Contain the number of days needed for the extension; **and**
- d. Describe and provide documentation of the interim protection provided to affected employees to protect them from the particular hazard(s).

C. 3. When a Consultant grants an extension, he or she must prepare an updated certification of hazards corrected form and send it to the employer. The employer must then post the updated list of hazards for a minimum of 3 working days. All hazards must be corrected before the form can be removed. See Appendix 8-D, in this chapter, for an “Updated Certification of Hazards Corrected” form.

C.4. For any hazard correction due date, whether initial or extended of 90 days or greater, the Consultant may require the employer to submit a protection plan of action for each serious hazard.

D. INTERIM PROTECTION

Where a serious hazard is identified and is not immediately corrected in the presence of the Consultant, employers must provide interim protections for affected employees at the worksite while the identified hazards are being corrected. Interim protection includes, but is not limited to, the following:

D.1. Engineering Controls. Engineering controls consist of, but are not limited to, substitution, isolation, ventilation and equipment modification.

D.2. Administrative Controls. Any procedure that significantly limits daily exposure by control or manipulation of the work schedule or manner in which work is performed is considered a means of administrative control.

The use of personal protective equipment (PPE) is not considered a means of administrative control.

- D.3. Work Practice Controls.** Work practice controls are one type of administrative control in which the employer modifies the manner in which the employee performs assigned work. Such modification may result in a reduction of exposure through such methods as changing work procedures, improving sanitation and hygiene practices, or making other changes in the way the employee performs the job.
- D.4. Personal Protective Equipment (PPE) and/or Clothing.** Providing the proper PPE to all affected employees and training them in the proper selection, use, and maintenance of the required PPE.

E. EMPLOYER ACTION PLAN

- E.1.** In circumstances where a consultant determines that an identified serious hazard (s) requires a **complex correction solution(s)** that may take more than 90 days to institute, the employer is required to submit an action plan. Circumstances that may require such an action plan may include, but are not limited to the following:
- Extensive redesign requirements (such as the installation of a ventilation system) **and/or**
 - Factors delaying correction that are beyond the employer's control.
- E. 2.** The date for submitting the action plan will be established by the DOSH Consultant. A separate action plan must be submitted for each identified hazard.
- E. 3.** The action plan, where appropriate, should:
- a.** Identify the hazard and steps to be taken to correct it,
 - b.** Outline the anticipated long-term hazard correction procedures,
 - c.** Include milestones (or a schedule) for correcting the hazard, and
 - d.** Include information regarding how affected employees will be protected from the hazard or hazardous condition in the interim until hazard correction is completed.
- E. 4.** The employer must provide written periodic progress reports on the status of the hazard correction process (the frequency of the reports is to be determined by the DOSH Consultant, but not more than quarterly).

F. EMPLOYER CERTIFICATION NOT RECEIVED

If an employer fails to correct a serious hazard or fails to notify the Department within the established time frame, the DOSH Consultant must:

- F. 1. Telephone Contact.** Contact the employer by phone for abatement status and determine if an extension is needed. The employer must submit the extension request in writing (see Section C in this chapter).

NOTE: A follow-up visit may also be initiated at any stage of this process, if deemed appropriate by the Regional Consultation Manager or Supervisor (see Section G in this chapter).

- F. 2. Past Due Notice Sent by Consultant.** If the employer does not provide adequate justification for an extension, or does not respond to the telephone contact, the DOSH Consultant must send the employer a Past Due Notice using the WIN system template. The abatement date listed on the new certification form will either be the original abatement date, or an approved extension date which the employer did not meet. The notice will request a report back from the employer within 10 days, and will state that if serious hazards are not corrected, the case must be referred to DOSH Compliance. See Appendix 8-E for a sample of a Past Due Notice of the “Certification of Hazards Corrected”.
- F. 3. Final Action by Consultation – Manager or Supervisor Letter Sent.** If the employer still does not submit verification that the hazards have been corrected, the Regional Consultation Manager or Supervisor will send a certified letter (drafted by the supervisor) summarizing what has occurred, including the date of the consultation visit, abatement due dates, a list of items not abated, any extensions granted, a description of phone contacts with the employer, and the fact that the employer has not responded to the DOSH Consultant’s Past Due Notice. The letter will indicate that if abatement verification is not received within 10 calendar days, a referral to Compliance will be made. See Appendix 8-F for the 10 day “Letter/Past Due Notice” which must be customized with case information.
- F. 4. Referral to DOSH Compliance.** If abatement verification is not received, the Regional Consultation Manager or Supervisor must, in collaboration with the Regional Consultation Manager:
- Notify the DOSH Statewide Consultation Manager that a referral is being made to DOSH Compliance.
 - Complete a DOSH Referral Report (F418-045-000), items 1 through 14, 16 and 17, and if appropriate, 18. Available at:
<http://admin-services.inside.lni.wa.gov/forms/forms.htm#DOSH>
 - Make copies of the Referral Report for inclusion in the official consultation file in Tumwater.
 - Meet with the appropriate Regional Compliance Manager or Supervisor to make the referral and to provide a copy of the Referral Report.

G. FOLLOW-UP VISITS

A follow-up visit may be conducted after the issuance of the Written Report to the employer to verify abatement of serious hazards identified by a DOSH Consultant during a previous visit and hazard survey. Follow-up visits are conducted at the discretion of the Regional Consultation Manager or Supervisor. The consultant must conduct employee interviews when employees are present.

Situations that may require a follow-up visit would include:

- Verification of hazard abatement has not been received, or
- Verification has been received, but the Consultant has reservations about whether actual abatement was completed, or
- Assistance in implementing a safety and health program

The Consultant must send a follow-up letter to the employer after the visit, using the template in the WIN system.

When new hazards are identified during a follow-up visit, the Consultant must send the employer a new letter and report identifying the new hazards with abatement dates, using a new visit number. See Appendix 8-E for a sample “Hazards Corrected” Follow-up Letter.

APPENDIX 8-A

CERTIFICATION OF HAZARDS CORRECTED

Instructions

Use the attached form to report how you corrected serious hazards I found in your workplace.

What you must do now:

- Check the correction dates shown on the form. You must correct the hazards by these dates.
- As you make your corrections, describe on the form how you corrected each instance of each hazard. (Use attachments if you need more space.)
- Write in the actual date you fully corrected the hazard.
- Send the completed form by the correction due dates to:

Attn: WIN CNS2235
Department of Labor and Industries
455 Linderson Way
Tumwater, WA 98512

- **Your legal requirements:** The law (RCW 49.17.250) requires you to fix, by a specific date, any serious hazards I may discover during the visit. Also, you must take steps to protect your employees until the serious hazard is corrected. If you do not fix serious hazards, we must refer you to Occupational Safety and Health Compliance. This could result in an unannounced inspection, citation, and possible penalties.
- **If you need more time:** If you are unable to correct any hazard by the correction date, you must request an extension in writing before the correction date. You must explain:
 1. The reason you need additional time. Include documentation showing that despite your efforts to correct the hazard by the established time frame, factors beyond your control prevented correction of the hazards on time,
 2. What you will continue to do to safeguard your employees from the hazard during the extension period, and
 3. The date you expect to complete the correction.

I will mail you an Updated Certification of Hazards Corrected showing your new correction dates.

APPENDIX 8-A (Continued)

CERTIFICATION OF HAZARDS CORRECTED

C WALTER SMITH

ROOFING Consultation #:

505704882

Item #	Instances	Correction Date	Date Fully Corrected	Explain what you did to correct each instance. Use attachments if you need more space.
1	1	5/13/2013		

I certify that the hazards described in the consultation report have been corrected, as described above. I am aware that knowingly providing false information to the Division of Occupational Safety and Health (DOSH) may result in criminal penalties (RCW 49.17.190(2)).

Signature: _____

Name: _____

Date: _____

Title: _____

APPENDIX 8-B UPDATED CERTIFICATION OF HAZARDS CORRECTED

Earlier, you requested more time to finish correcting the serious hazards I found during your consultation. See the attached form for your correction dates. When you have completed your corrections, describe what you did, and when, on the attached form. You must post a copy of the attached “Updated Certification of Hazards Corrected” form with the original list of hazards identified, until all items are corrected

What you must do now:

- Check the correction dates shown on the form. You must correct the hazards by these dates.
- As you make your corrections, describe on the form how you corrected each instance of each hazard. (Use attachments if you need more space.)
- Write in the actual date you fully corrected the hazard.
- Send the completed form by the correction due dates to:

Attn: WIN CNS2235
Department of Labor and Industries
455 Linderson Way
Tumwater, WA 98512

Your legal requirements:

- The law (RCW 49.17.250) requires you to fix, by a specific date, any serious hazards I may discover during the visit. Also, you must take steps to protect your employees until the serious hazard is corrected. If you do not fix serious hazards, we must refer you to Occupational Safety and Health Compliance. This could result in an unannounced inspection, citation, and possible penalties.
- This updated certification is considered part of the original written report. As with the original report, you are required to share it with your employees and/or their collective bargaining representatives as soon as possible but not more than 30 days after receiving it (RCW 49.17.250(3)).

**Updated [DATE]
CERTIFICATION OF HAZARDS CORRECTED**

SUNBIRD ELECTRIC
INC Consultation #:
505703330

This table includes all remaining uncorrected hazards.

Item #	Instances	Correction Date	Items Extended	Date Fully Corrected	Explain what you did to correct each instance. Use attachments if you need more space.
1	1	5/13/2013	Y		

I certify that the hazards described in the consultation report have been corrected, as described above. I am aware that knowingly providing false information to the Division of Occupational Safety and Health (DOSH) may result in criminal penalties (RCW 49.17.190(2)).

Signature: _____

Name: _____

APPENDIX 8-C

PAST DUE NOTICE - CERTIFICATION OF HAZARDS CORRECTED (FOR 10 - DAY NOTICE)

DateCompany Name: *[dba name]*

Consultation #: [xxxxxxxxxx]

I have not received your certification that you corrected the serious hazards I found during your recent consultation.

Return the enclosed Past Due Certification of Hazards Corrected by: *[Past Due Notice Date + 10 Days]*.

What you must do now:

- You must ensure the hazards are corrected.
- Describe on the form how you corrected each instance of each hazard. (Use attachments if you need more space.)
- Write in the actual date you fully corrected the hazard.
- Send the completed form by the correction due dates to:

Attn: *[Name of Consultant]****Department of Labor and Industries****[Consultant's address]***Your legal requirements:**

- The law (RCW 49.17.250) requires you to fix, by a specific date, any serious hazards I may discover during the visit. Also, you must take steps to protect your employees until the serious hazard is corrected. **If you do not fix serious hazards, we must refer you to Occupational Safety and Health Compliance. This could result in an unannounced inspection, citation, and possible penalties.**
- This past due notice is considered part of the original written report. As with the original report, you are required to share it with your employees and/or their collective bargaining representatives as soon as possible but no more than 30 days after receiving it (RCW 49.17.250(3)).

If you have any questions, call (xxx) xxx-xxxx.

APPENDIX 8-C
PAST DUE NOTICE - CERTIFICATION OF HAZARDS CORRECTED
(Continued)

Date _____

Company Name: *[dba name]*

Consultation #: [xxxxxxxx]

This table includes all remaining uncorrected hazards

Item #	Instances	Correction Date	Date Fully Corrected	Explain what you did to correct each instance. Use attachments if you need more space.

I certify that the hazards described in the consultation report have been corrected, as described above. I am aware that knowingly providing false information to the Division of Occupational Safety and Health (DOSH) may result in criminal penalties (RCW 49.17.190(2)).

Signature: _____

Name: _____

Title: _____

Date: _____

**APPENDIX 8-D (NOT IN WIN)
SUPERVISOR LETTER/ PAST DUE NOTICE – FINAL ACTION
(FOR 10-DAY NOTICE)**

LETTERHEAD

[Today's Date]

[Name of Contact]

[Title of Contact]

[Name of Business]

[Address]

[City, State ZIP]

RE: *[Visit Number]*

Dear []:

The Department of Labor and Industries has not received confirmation of abatement from you for the serious hazards found during the *[Visit Date]* Consultation visit conducted by *[Consultant's Name]* at your *[Site Address]* facility. These hazards were to have been corrected by *[Hazard Abatement Date]*.

When confirmation of abatement was not received, *[Consultant's Name]*, DOSH Consultant sent you a notice dated *[Past Due Notice Date]* requesting abatement certification by *[Past Due Notice Date + 10 Days]* and again, no response was received.

We are required by law under RCW 49.17.250 to verify abatement of all serious hazards. We must refer to DOSH Compliance any serious hazards for which we have no record of abatement. This could result in an unannounced inspection, citation and possible fines.

A copy of the Consultant's *[Written Report Date]* report and a duplicate Certification of Hazards Corrected Form (***Note: Use duplicate of certification form sent with Past Due Notice***) is attached for your use. Please indicate the method you used to correct the hazard for each item listed. Please sign and date the form where indicated and mail or fax a copy to me by *[Final Action Date – 10 days from date of this letter]*.

If I do not receive hazard abatement certification from you by [Final Action Date – 10 days from date of this letter], I am required to make a referral to DOSH Compliance for action. No further notice will be sent.

Please call me if you have any questions. Thank you for your immediate attention to this matter.

Sincerely,

[Consultant Supervisor/Manager Name]

[Title]

[Phone]

[FAX]

[E-Mail]

Enclosure

APPENDIX 8-E FOLLOW-UP LETTER

[Today's Date]

[Name of Contact]

[Title of Contact]

[Name of Business]

[Address]

[City, State ZIP]

RE: *[Visit Number]*

Dear *[Name]*:

On *[date of revisit]*, I revisited your workplace at *[address]* to verify that you had corrected the serious hazards identified during my DOSH consultation.

[Optional text field]

Thank you for giving me the opportunity to help you improve the on-the-job safety and health of your employees.

Sincerely,

[Consultant Name]

[Title]

[Phone]

[FAX]

[E-Mail]

CHAPTER 9

TRAINING AND ASSISTANCE BY SAFETY AND HEALTH CONSULTANTS

A. INTRODUCTION

- A. 1. Purpose.** This chapter contains policies and procedures on provision of training and assistance by DOSH Consultants to employers and employees. Training and assistance are among the tools available to the Consultant to assist employers in the development and implementation of safety and health management systems and in the identification and control of hazards.
- A. 2. Types of Training and Assistance.** Training and assistance may be provided by Consultants during an **initial visit**, or as a **follow-up visit**. Consultants also provide other types of training and assistance, including presentation of structured workshops and classes.
- a. Informal Training.** Training and assistance which occurs during the initial visit or hazard survey, typically involves a brief interruption of work or production to instruct individuals or small groups on concepts, techniques, or methods.
 - b. Formal Training.** Training and assistance on a particular subject which is structured and scheduled, and usually takes place in a classroom-like setting. Formal training sessions are typically longer than informal sessions and may be conducted during the initial visit or hazard survey, but are usually a separate activity.
 - c. On-site Training.** Informal or formal training and assistance takes place at the employer's place of business.
 - d. Off-site Training.** Formal training which takes place at a location other than the employer's place of business. It is often provided to larger groups of employers and employees such as associations and unions.
 - e. Class Description and Roster of Attendees.** Formal training and assistance requires that a brief class description and roster of attendees be included in the case file, if the training visit is recorded in WIN. If the formal training requires a form 66 the class description and roster of attendees must be attached to the form 66. (See C.1 through C.5 of this chapter to determine whether to use the WIN system or a form 66 to document training).

A. 3. Safety and Health Consultant Training and Assistance Capabilities.

Consultants need specialized knowledge and skills to provide training and assistance “on demand” during on-site visits, and to present formal training sessions or workshops. See Section D in this chapter for information on Safety and Health Consultant training and assistance skills.

A. 4. Recording Training and Assistance Time. Instructions for recording time spent and other data related to training and assistance are located in the WIN Activity Reporting System.**B. ON-SITE TRAINING AND ASSISTANCE****B. 1. Training During an Initial Visit.** While training and assistance are often a natural part of the consultative process, they are not intended to become the major emphasis of an initial on-site consultation visit. Informal training and assistance is typically unscheduled, and can be provided during the initial visit or a follow-up visit.

- a. Informal on-site training and assistance should complement the Department’s formal training and education efforts and any training provided by OSHA, the private sector, or other public agencies.
- b. Some assistance to employers or employees which is provided during the walk through or in conference with management can be considered training and assistance, yet it is similar to technical assistance. Safety and Health Consultants are encouraged to provide this type of service.

B. 2. Pre-visit Planning. In preparation for a consultative visit, Safety and Health Consultants should anticipate employer or employee training and assistance needs in view of the work processes and potential hazards of the workplace, and brief themselves on the information necessary to provide incidental or informal instruction.**B. 3. Examples of Informal Training During Initial Visit.**

- a. During the hazard survey, the Safety and Health Consultant notices that a machine guard has been removed, apparently because an employee thought it was cumbersome. The Consultant points this out to the employer, who acknowledges that it is a problem which has occurred more than once. The Consultant offers to provide a brief “refresher” session on the purpose, value and use of machine guards. The employer agrees, and asks a small group of employees who use the machine to stop what they are doing for a few minutes and gather around the machine to watch and to listen to the Consultant.

B.3. Examples of Informal Training During Initial Visit (continued).

- b. During the opening conference, the plant manager and supervisors mention that they would like to improve their method of training new employees. The Consultant suggests several methods, and mentions Job Hazard Analysis as an effective, easy-to-use procedure for analyzing a job, determining the best way to perform it, and identifying an employee's training and education needs. When the managers express an interest, the Consultant shows them a Job Hazard Analysis form, discusses how to apply it to new worker training and education, and tells them how to obtain copies of the form and its instructions.

B. 4. On-site Training and Assistance – Not Part of Initial Visit. On-site training and assistance which is **not** part of an initial visit may be conducted during a training and assistance visit. The employer must have requested or agreed to the training, and a hazard survey that covered the conditions related to the request must have been performed within the last 12 months. A DOSH Compliance inspection would be considered a hazard survey for this purpose. A hazard survey may be accepted as a basis for training and assistance if:

- It was conducted by a DOSH Consultant, DOSH Compliance Officer, or a private consultant; **and**
- The DOSH Consultant has access to the report and is able to confirm that any hazards which were identified have been corrected or are being corrected, and that no new hazardous conditions exist. The Consultant will conduct a brief walk through of the workplace to verify hazard corrections and review current conditions.

B. 5. Reporting to the Employer.

- a. **Inclusion in Written Report.** If training and assistance services are provided during the initial visit, a summary of the services provided must be included in the written report to the employer. See Chapter 7, Section B, *Written Report to the Employer*, for additional instructions on developing this section of the report.
- b. **Inclusion in Official File.** If training and assistance services are provided after the written report has been sent to the employer, in separate training and assistance visits, or during a follow-up visit, the Safety and Health Consultant must place a training syllabus and roster of attendees into the employer's official file. In addition, the Consultant must send a letter to the employer documenting the training. (See Appendix 9-A for sample letter.)

- B. 6. Employer Dependence on DOSH Services.** One disadvantage of successful training and assistance by DOSH Consultants is that employers may come to rely on or expect Consultants to provide all of their workplace training. However, training by Consultants is designed to foster the self-sufficiency of workplace protection programs and to enhance employer ability to conduct workplace training and education. Consultants must make every effort to help employers develop their own training and education programs, or refer employers to other training and education organizations or sources of information.

C. INTERVENTION ACTIVITY REPORT, FORM 66

- C. 1. Intervention Activities.** For the purpose of this chapter, an intervention is defined as DOSH Consultation services or activities delivered to external customers or stakeholders with the ultimate goal of reducing injuries and illnesses.

On-site consultation hazard surveys and some other consultation activities are also considered “interventions.” However, data for these activities is recorded on other Consultation forms and tracked separately.

The Intervention Activity Report, Form 66 is used to record information about specific consultation-related activities that affect external stakeholders in a manner that furthers the DOSH mission. Examples include conference presentations and technical assistance not tied to a specific on-site consultation visit. Activities that are reported on Form 66 are **not** recorded in the online WIN Consultation data system.

EXCEPTION: Self Insurance APPA reviews and Right-to-Know may develop into regular Consultation visits. If this occurs, the visit must be documented using the WIN Consultation data system and *must also* be recorded on a Form 66.

- C. 2. Reporting.** All Safety and Health Consultants must report Form 66 activity data. Other DOSH staff who performs an activity that meets the definition of an **intervention** may report the activity using Form 66. The consultant enters their Form 66 information directly into the Form 66 database. See Appendices 9-B, 9-B1, and 9-B2, for a sample form and instructions.
- C. 3. Consultation Form 66 Activities.** The Consultation Form 66 is used to collect data for the intervention activities listed below whenever performance of any of these activities achieves a **threshold of significance – at least 30 minutes**. This list may change over time as agency goals and priorities change. A more detailed explanation defining each of the categories below is available in Appendix 9-B.

Conference or Seminar	Safety & Health Program Assistance
Formal Training	Speech
Interpretation	VPP
Outreach	Other Information

- C.4. Interventions Not Recorded on Form 66.** Data for the following intervention activities is recorded in the WIN Consultation data system and should **not** be reported on Form 66.

Hazard surveys	Hazard correction assistance
On-site safety & health program assistance	Off-site formal training associated with a visit
Informal training provided on-site	

- C.5. Reporting Team Interventions.** If more than one Safety and Health Consultant participates in the same intervention, each Consultant must submit a Form 66.

D. TRAINING AND ASSISTANCE SKILLS

D.1. Skills Required for All Safety and Health Consultants.

All Safety and Health Consultants must have the training outlined in DOSH Directive 40.0, New Hire Training Program for DOSH Safety and Health Staff.

- a. Informal Training.** To be qualified to provide informal training the consultant must:
 - Have Attended DOSH New Hire training
 - Have subject matter knowledge in the area of the training being offered.
- b. Formal Training.** To be qualified to deliver formal training the consultant must meet all of the requirements for providing informal training in addition to the following:
 - Be selected by the consultation manager to deliver formal training; and
 - A minimum of two (2) years training experience for adults; or
 - Be trained as a trainer through internal means or by an accredited institution.

All Safety and Health Consultants must possess the following knowledge, skills and abilities:

- The ability to recognize workplace problems, hazardous conditions or situations which can be addressed effectively through training and assistance.
- The ability to recognize appropriate opportunities for training and assistance.
- The skill and ability to provide informal training and assistance during or subsequent to the initial visit.

- The ability to help employers and employees identify their needs for additional training and assistance, to propose solutions which will help them meet these needs, and to recognize when it is appropriate to refer employers to other training resources.
- The ability to select training materials which are technically correct and appropriate to the workplace.
- The ability to assess employer and employee training and assistance needs in light of both the workplace and the industry.
- Effective communication skills for training and assisting both employers (management) and employees.
- Knowledge of effective methods of instruction, and how to adapt them to the learning situation.
- Knowledge of sources of information for training materials.
- Ability to evaluate training programs and to plan future programs based on these evaluations.
- Technical skills and abilities to evaluate an employer's safety and health programs.
- Ability to relate hazards identified to program deficiencies.

D. 2. Training and Assistance Techniques.

a. Preparation for Informal Training.

- (1) Preparation for a consultation visit should include the compilation of sufficient information about the workplace, any hazards and potential hazards, information on controlling these hazards, claims information, and general industrial processes or trends so that if the employer requests it, informal training and assistance can be provided on-the-spot.
- (2) Safety and Health Consultants who frequently consult with employers in the same or similar industries may want to prepare informal or formal training programs in advance of a visit and use the same presentation at more than one workplace.

b. Preparation for Formal Training.

- (1) Preparation of formal training programs should be specific to the request of the employer and the needs of the audience.
- (2) The planning of formal training programs typically involves the following:
 - Identification of training and education needs.
 - Selection of content.
 - Development of objectives to produce the desired changes in the audience.
 - Development of learning activities.
 - Design of methods or instruments to evaluate the results of the training.

APPENDIX 9-A LETTER - TRAINING VISIT

[Today's Date]

[Name of Contact]

[Title of Contact]

[Business Name]

[Address]

[City, State ZIP]

RE: *[Visit Number]*

Dear []:

Recently, I visited your workplace to provide safety and health training to your organization. This training took place at *[site address]*, beginning *[opening conference date]*.

Thank you for giving me the opportunity to help you improve the on-the-job safety and health of your employees.

If you or your employees wish to know more about our safety and health services, please feel free to call me. For on-line access to our safety and health rules, go to www.lni.wa.gov/safety.

Sincerely,

[Consultant Name]

[Title]

[Phone]

[FAX]

[E-Mail]

[blank text for optional attachments]

APPENDIX 9-B INTERVENTION FORM 66

INSTRUCTIONS: <ul style="list-style-type: none"> Tab between fields Click on Arrows to show list of options For Questions 6 and 20, if name does not show up, select from the top of the list "_ Not On List" option, then click on the "Add To List" link. 			
2. Intervention Type <div style="border: 1px solid #ccc; padding: 2px; width: 100%;">Select Intervention Type ▼</div>			
3. Additional Detail <div style="border: 1px solid #ccc; height: 40px;"></div>			
4. Opening Date (<i>example: mm/dd/yyyy</i>) <div style="border: 1px solid #ccc; height: 20px; width: 100%;"></div>	5. Reporting ID (Region) <div style="border: 1px solid #ccc; padding: 2px; width: 100%;">Select Region ▼</div>	6. Consultant ID <div style="border: 1px solid #ccc; padding: 2px; width: 100%;">Select Your Name ▼</div>	
7. Number of Establishments /Employers Represented <div style="border: 1px solid #ccc; height: 20px; width: 100%;"></div>	8. Total Number of Attendees <div style="border: 1px solid #ccc; height: 20px; width: 100%;"></div>	9. Primary NAICS (Multiple OK - 50 Characters) <div style="border: 1px solid #ccc; height: 20px; width: 100%;"></div>	
10. Union Yes No Unknown		11. Safety Health Both	
12. Local Emphasis Program <div style="border: 1px solid #ccc; padding: 2px; width: 100%;">Select Local Emphasis ▼</div>			
13. Strategic Plan (N/A)		14. Closing Date (<i>example: mm/dd/yyyy</i>) <div style="border: 1px solid #ccc; height: 20px; width: 100%;"></div>	
15. Optional Information <div style="border: 1px solid #ccc; padding: 2px; width: 100%;">Select Other Emphasis ▼</div>	16. Time (hours) <div style="border: 1px solid #ccc; height: 20px; width: 100%;"></div>	17. Prep Time (hours) <div style="border: 1px solid #ccc; height: 20px; width: 100%;"></div>	
18. Supporting Documentation (Optional text) <div style="border: 1px solid #ccc; height: 40px;"></div>			
19. Performed at the employers place of business Yes No			
20. Establishment Name <p style="text-align: center;">-If Establishment Name not given, select "_ Unknown Business name not provided". -If More than one establishment, select the appropriate "Multiple Employers - " already listed.</p> <p>(Show List of Names)</p> <div style="border: 1px solid #ccc; padding: 5px;"> <div style="display: flex; justify-content: space-between;"> <div>Establishment Name</div> <div>Site Address</div> </div> <div style="display: flex; justify-content: space-between;"> <div>Site City</div> <div>Site State</div> <div>Site Zip</div> <div>UBI</div> </div> </div>			
21. Establishment Size <div style="border: 1px solid #ccc; padding: 2px; width: 100%;">Select Establishment Size ▼</div>		<p style="text-align: center;">-If the intervention type selected is for multiple employers then do NOT select an establishment size.</p>	
22. Is this Hispanic Outreach activity? Yes No			
<div style="display: flex; justify-content: space-between; align-items: center;"> Version 06/26/2013 <div> <div style="border: 1px solid #ccc; padding: 2px 10px; background-color: #f0f0f0;">Submit</div> <div style="border: 1px solid #ccc; padding: 2px 10px; background-color: #f0f0f0;">Clear all fields and start over</div> </div> </div>			

APPENDIX 9-B1		Form 66 Instructions	
Item #	Description	Instructions	
1	Intervention Number	The intervention number is pre-filled by the system and will appear on the completed form.	
2	Intervention Type	Select the type of intervention activity. (See Definitions and Examples in “Form 66 – Intervention Activities”)	
		<input type="checkbox"/> Conference/Seminar(CS)	
		<input type="checkbox"/> Formal Training (FT)	<input type="checkbox"/> Interpretation (IT)
		<input type="checkbox"/> Outreach (OH)	<input type="checkbox"/> Safety & Health Program Assistance (PA)
		<input type="checkbox"/> Speech (SH)	<input type="checkbox"/> Scheduled Workshop (SW)
	<input type="checkbox"/> VPP (VP)	<input type="checkbox"/> Other (ZZ)	
3	Additional Detail	Enter the subject of the training or speech or a brief description of the activity or services provided.	
4	Opening Date	Enter the date the intervention begins. (MM/DD/YYYY)	
5	Reporting ID	Select your region from the drop down selection.	
6	Consultant ID	Select your name from the drop down selection. If your name is not listed, click “add to list” and complete the boxes provided.	
7	# of Establishments/ Employers Represented	Enter the number of establishments/employers represented at the intervention.	
8	Total # of Attendees	Enter the number of people in attendance.	
9	Primary NAICS	Select a 4 to 6-digit North American Industry Classification System (NAICS) code that defines the major work function or process performed by the company or by those represented by the establishments/companies attending. List the NAICS codes of each of the companies, if known. List the NAICS with a space between each using up to 50 characters.	
10	Union	Select Y if any persons employed by the company or attending the intervention activity are organized by a union. Otherwise, select N .	
11	Safety/Health/Both	Indicate whether this intervention is aimed at safety or health issues by selecting S (safety), H (health), or B (both).	
12	Local Emphasis Program	Specify the particular list for interventions conducted with employers on one of the following SHIMS scheduling lists: Construction; Logging; Safety; Health; or LEP (local emphasis program). Otherwise, leave blank.	
13	Strategic Plan	Leave blank.	
14	Closing Date	Enter the date the intervention is completed. (MM/DD/YYYY)	
15	Optional Information	If the intervention is associated with a specific N-code or P-code, select the appropriate code. Otherwise, leave blank.	
16	Time (hours)	Using numbers and decimals, enter the actual time spent on the intervention rounded to the nearest half hour. Do not include travel, preparation, etc. – that will be captured in the online Activity Reporting System.	
17	Prep Time (hours)	Enter the preparation and travel time for the intervention.	
18	Supporting Documentation	(Optional text.) Enter any information that needs to be documented.	
19	Performed on Site	Select Y for yes if the activity occurred at an employer’s place of business. Otherwise select N for no.	
20	Establishment Name	If the activity is done for one employer, enter the size of the company from the drop down box. Otherwise leave blank. NOTE: If the intervention is with a single employer use the drop down list to select the employer along with the UBI#. If the employer is not on the list, then select “add to list” and complete the boxes provided.	
21	Establishment Size	If the activity is done for an employer, enter the size of the company from the drop down box. Otherwise leave blank.	
22	Hispanic Outreach	Mark yes or no.	

APPENDIX 9-B2		Form 66 Intervention/Activities
Intervention Type	Definition	Examples
Conference/ Seminar	Participation at the State of Washington's Governor's Industrial Safety and Health Conference or other conferences.	Liaison to or member of panels. Presenter. Work crew. Exhibit staff.
Formal Training	Prepared talks of more than one hour on one or more subjects involving occupational safety and/or health, not given in conjunction with a consultation visit. (Do not include preparation time or travel; that time is included in the Activity Reporting System.)	Workshops by request. All other formal training: A two-hour presentation on Energy Control. An eight-hour rigging safety course.
Interpretation	Review of a WISHA standard and related documents to help an employer or other customer/stakeholder understand a WISHA provision, where such review and explanation requires 30 minutes or more. (Excluding on-site consultation issues.)	Explaining requirements for a safety committee. Explaining requirements for OSHA recordkeeping.
Outreach	Contact initiated by a consultant or consultation project with an employer or an organization that could benefit from the consultation project's services. (requires 30 minutes or more).	Creation and use of a mailing list to promote consultation services to small businesses within SICs shown on DOSH scheduling lists. Creation of promotional materials in support of the DOSH Consultation Program, such as written outreach materials, explanatory documents, training materials, and other safety & health program information.
Safety & Health Program Assistance	Review of documentation and recommendations for improvement in one or more specific aspects of an establishment's safety and health program that requires 30 minutes or more and is not part of an open request for on-site services. This is off-site safety and health program assistance not tied to a specific on-site consultation visit.	Assisting an employer with required written programs in the Regional Office. Review of a construction contractor's proposed written safety and health program, prior to the start of work on a new site. Right-To-Know (RTK), and Self-Insurance. Office Ergo Assistance. (May also include a formal consult – See Section D in this chapter.)
Speeches	Prepared OR impromptu talks of one hour or less on one or more subjects involving occupational safety and/or health, not given in conjunction with a consultation visit.	A presentation of 60 minutes on hazard recognition to a group of high school students. A 30-minute presentation at a construction site safety meeting.
Scheduled Workshop	These workshops are scheduled out in advance and are available on-line for registration.	These workshops are usually 3 hours in length and are on basic safety and health topics. Other topics may be included for a selected period of time because of some identified need such as new rule requirements.
Voluntary Protection Program (VPP)	Provision of occupational safety or health assistance related to VPP and VPPPA.	VPP pre-approval visits. VPPPA activities.
Other Information	Provision of information not necessarily requiring safety or health expertise, but related specifically to the DOSH Program.	A demonstration of DOSH resources available on the Internet. Working at an information booth at a trade show, professional conference, job fair or similar gathering to provide information about the consultation program and its services.

CHAPTER 10

START PROGRAM

Safety Through Achieving Recognition Together (START), Pre-START, and START Demonstration

A. DIVISION OF OCCUPATIONAL SAFETY AND HEALTH (DOSH) ON-SITE CONSULTATION PROGRAM

DOSH's Consultation Program provides a free and confidential on-site consultation service partially funded by Federal OSHA. On-site consultations are provided which use highly qualified occupational safety, health and risk management professionals to help employers detect potential hazards at their worksite and to establish and maintain a safe and healthful workplace.

A special program called "Safety Through Achieving Recognition Together" (START) is an exemption and recognition program required by Federal OSHA and administered by DOSH. The pre-START program is a deferral program granted to employers actively progressing toward the achievement of full START status and is also required by Federal OSHA and administered by the DOSH Consultation Program.

B. SAFETY THROUGH ACHIEVING RECOGNITION TOGETHER (START)

START is designed to provide incentives and support to employers who implement and continuously improve effective safety and health management system(s) at their worksite. START participants are exempted from DOSH's programmed (scheduled) inspections.

B.1. Employer Eligibility. Employers who request a consultation visit may be considered for participation in START. Priority for START and Pre-START participation will be given to employers with fewer than 50 employees at a specific worksite and not more than 250 employees at all of an employer's worksites statewide. Employers with 251 or more employees will be encouraged to consider participation in DOSH's Voluntary Protection Programs (VPP). In order to begin the START process, DOSH will inform employers that they must:

- a. Request a consultation visit that involves a full service safety and health hazard identification survey, including a comprehensive assessment of the worksite's safety and health management system; and
- b. Request a risk management consultation; and have at least one year of operating history at the particular worksite for which the employer is seeking START participation.

B.2. Program Requirements. DOSH Consultation will inform employers seeking START approval that their worksites must:

- a. Receive a full-service safety and health consultation visit and a comprehensive review of their safety and health management system with all hazards found by the consultant(s) corrected.

- b. Receive a score of at least "2" on all 25 basic attributes of the DOSH Form 25.
 - c. Receive a risk management consultation with review of Industrial Insurance rates and premiums, claims and return to work plans, human resource and business best practices.
 - d. Agree to notify the Statewide Consultation Manager and request a subsequent on-site consultation visit when changes in working conditions or work processes occur that may introduce new hazards into the workplace;
 - e. Have an injury/illness rate for the preceding year that meets the requirements outlined below; **and**
 - f. Submit a request for START participation to the Statewide Consultation Manager.
-

NOTE: All disciplines should coordinate their activities to avoid confusion and redundancy for the employer.

B.3. Safety and Health Program Management Guidelines. The DOSH Consultation Program must ensure that START applicants implement, demonstrate, and maintain a safety and health management system. At a minimum, consultants must ensure that the major elements of the Safety and Health Program Management Guidelines (as measured by the DOSH Form 25) have been addressed.

B.4. Injury/Illness Rates. In order to establish the DART and TRC rates at their worksite, START applicants must have at least one year of operating history at the particular worksite for which START approval is requested. This section establishes the methods for calculating DART and TRC rates as well as the rate requirements for START participants.

- a. For all applicants, DART and TRC calculations will be based on OSHA Form 300 injury and illness information for the last full calendar year preceding the on-site evaluation. The calculated DART and TRC rates will be compared against the most recently published Bureau of Labor Statistics (BLS) rates for the applicant's industry. To qualify for START, the applicant's DART and TRC rates must be below the published BLS industry average. See Chapter 6, Appendices 6-A and 6-B, for rate calculation formulas and examples, in this manual.
- b. The following alternative calculation methods are available for those applicants whose calculated injury and illness rates are above the published BLS average if the calculation method above is used.
 - (1) Where the applicant has at least three (3) years of operating history, the DART and TRC rate calculations may be based on the OSHA Form 300 information for the most recent three (3) full calendar years preceding the on-site evaluation. The calculated average DART and TRC rates for the last three years will be compared to the most recently published BLS national average for that industry. To qualify for START, the applicant's average DART and TRC rates must be below the most recently published BLS industry averages. See Chapter 6, Appendices 6-A and 6-B, for rate calculation formulas and examples, in this manual.

- (2) For START applicants for whom a single or a relatively small number of incidents would cause the applicant to be disqualified from START when using the three-year rate calculation described above, DART and TRC rates may be calculated using the best three out of the most recent four full calendar years' injury and illness data preceding the on-site evaluation. In determining whether an employer qualifies for the best three out of four year calculation method, the DOSH Consultation Program must do the following:
- Using the most recent employment statistics (hours worked at the site in the most recent calendar year, including overtime hours), calculate hypothetical TRC and DART rates for the employer assuming that the employer had **two** cases during the year;
 - Compare the hypothetical rate to the three most recently published years of BLS combined injury/illness rates for the industry; and
 - If the hypothetical rate (based on **two** cases) is equal to or higher than the BLS average for the employer's industry for any of the most current BLS published rates, the employer qualifies for the best three out of four years calculation method.
- c. The Statewide Consultation Manager may recommend, and the DOSH Assistant Director may approve, START status in those rare instances where an applicant has rates equal to or slightly greater than the industry average after using the calculations as described in Section B.4.a. and b. above. In determining whether or not to grant an employer approval, the Statewide Consultation Manager must consider the following factors:
- Employer is currently a START participant
 - Employer has a score of at least "2" on all 25 basic attributes of the DOSH Form 25.
 - Employer qualifies for the rate calculation at B.4.b.(2) above, but, fails to meet either the DART or TRC rate requirements
 - The employer's history with the DOSH Consultation Program.
- d. Employers who meet all of the START requirements, with the exception of the rate requirements, may be recommended for Pre-START status. See Sections C and D of this chapter for Pre-START eligibility and requirements.

B.5. Regional Consultation Manager Responsibilities.

- a. Verification of Employer's Eligibility.** The Regional Consultation Manager must ensure that the employer satisfies all START participation criteria, and that all elements of an effective safety and health management system are fully operational. If hazards are found during the on-site evaluation, which reflect significant deficiencies resulting in a rating of 0-1 on the DOSH Form 25 evaluation of the employer's safety and health management system, the site cannot be recommended for START approval.

The Regional Consultation Manager may not recommend START approval until the deficiencies have been corrected and the Regional Consultation Manager is confident that a worksite's safety and health management system will operate effectively.

- b. Submission of START Requests for Approval.** After ensuring that the employer has met all of the requirements, the Regional Consultation Manager must confirm the employer's interest in START participation. The Regional Consultation Manager must then submit the request with the following information to the Statewide Consultation Manager.
- The Regional Consultation Manager 's recommendation for START approval;
 - The site's DART and TRC rates, and the BLS national averages for that industry;
 - The date and type of each consultation visit conducted during the time the employer was working toward START approval or renewal;
 - A copy of the completed DOSH Form 25 for the worksite's full service safety and health consultation visit;
 - A copy of a mutually agreed upon Achievement Plan, which will provide an outline for the continuous improvement of the employer's safety and health management system; and
 - Verification of the employer's request for START participation.
- c. Notification of Approval.** If the START request is approved, the Statewide Consultation Manager must inform the employer of the duration of the exemption period.

B.6. Statewide Consultation Manager Responsibilities. Upon receipt of written verification that the employer has met all of the START program requirements, or through a completed START commitment letter, the Statewide Consultation Manager will:

- Recommend approval if warranted to the Assistant Director.
- If the Assistant Director approves, the Statewide Consultation Manager will provide the START certificate to the employer. The certificate will include the company's name, location, and period of exemption.

- Notify the Statewide Compliance Manager of the worksite's status; and, notify the DOSH IT Systems Manager to facilitate the removal of the worksite from DOSH's Programmed Inspection Schedule for the approved exemption period.
- Provide a copy of the certificate and the transmittal letter for the case file, **and**
- Submit a monthly update of START activities to Federal OSHA to ensure that the employer is added or removed from the national database appropriately.

B.7. Duration of START Status.

- a. All initial approvals of START status will be for a period of up to two (2) years, commencing from the date the Assistant Director approves acceptance of the employer into the START Program. After the initial approval, any START renewal will be for a period of up to three (3) years. The total period for the initial approval and subsequent renewal may not exceed a total of five (5) years.
- b. The exemption period from DOSH programmed (scheduled) inspections will begin on the date that the Assistant Director approves the employer's participation in START.
- c. During the participation period, participating employers must submit the following to the Regional Consultation Manager:
 - A copy of the worksite's OSHA 300 log,
 - A copy of the worksite's Injury and Illness incident reports, and
 - Information regarding the completion of item(s) set forth in the achievement plan.
- d. After the Regional Consultation Manager has verified the employer's documentation, the Regional Consultation Manager will submit all documentation to the Statewide Consultation Manager for inclusion in the appropriate case file.

NOTE: A site self-evaluation template (DOSH Form 25, Safety and Health Program Assessment Worksheet) is available in Chapter 6, Appendix 6C. Worksites will find this template to be a useful tool for documenting their progress in meeting their achievement plan.

B.8. Renewal Requirements. The DOSH Consultation Program must inform employers seeking a START site renewal that they must request a renewal visit within 180 days prior to the expiration of their exemption status. The Statewide Consultation Manager may begin to process the employer's request for START renewal provided that the steps outlined above, and the following steps have been taken:

- a. The Regional Consultation Manager has provided a full service safety and health visit, and conducted a comprehensive program assessment to ensure that the safety and health management system has been effectively maintained or improved;

- b. The Regional Consultation Manager has provided risk management consultation;
- c. The Regional Consultation Manager has verified that the employer continues to meet all eligibility and program requirements; and
- d. The Regional Consultation Manager has received the employer's interim-year self-evaluation and OSHA 300 log data. The employer's interim-year self-evaluation is required as verification of the employer's continued eligibility for renewal.

B.9. Renewal Approval. Renewal for START participation must be approved by the Assistant Director prior to the expiration of START status to assure continued eligibility for exempt status. It is the responsibility of the Statewide Consultation Manager to ensure that process for renewal of START status is completed before expiration of exempt status. If a START site fails to request a renewal visit within 180 days prior to the expiration of their exemption status, they may still receive a renewal at the Assistant Director's discretion.

B.10. DOSH Inspection(s) at START Worksites. As noted above, employers that meet all the requirements for START status will have the names of their establishments deleted from DOSH's Programmed Inspection schedule. However, the following types of incidents can trigger an DOSH enforcement inspection at START sites:

- Imminent danger
- Fatality/Catastrophe
- Hospitalizations
- Formal complaints or referral, **or**
- Follow-up inspections.

C. PRE-START STATUS

Those employers who do not meet the START requirements, but who exhibit a reasonable promise of achieving agreed-upon milestones and time frames for START participation, may be granted Pre-START status. Upon achieving Pre-START status, employers may be granted a deferral from DOSH Programmed Inspections.

C.1. Employer Eligibility. Employers who request a comprehensive safety and health consultation visit may be considered for participation in Pre-START. In order to begin this process, the DOSH Consultation Program must inform employers that they must:

- a. Request and receive a consultation visit that involves a full service safety and health hazard identification survey, including a comprehensive assessment of the worksite's safety and health management system.
- b. Request and receive a risk management consultation; and
- c. Have at least one year of operating history at the particular worksite for which the employer is seeking Pre-START participation.

C.2. Pre-START Requirements. Consultation personnel will inform employers that the following criteria must be met prior to **and** following the granting of Pre-START status.

a. Initial Requirements.

- (1) Receive a full service, comprehensive consultation visit that involves a complete safety and health hazard identification survey, including a comprehensive assessment of the worksite's safety and health management system;
- (2) Receive a Risk Management Consultation with review of Industrial Insurance rates and premium, claims and return to work plans, human resource and business best practices;
- (3) Post the List of Hazards identified by the consultant(s);
- (4) Provide information regarding all hazards identified by the consultant(s) to employees;
- (5) Correct all hazards identified by the consultant(s);
- (6) Submit hazard correction verification(s) to the Regional Consultation Manager;
- (7) Inform employees of hazard correction(s); and
- (8) Provide evidence of that the employer has the foundation for a safety and health management system.

b. Post Pre-START Status Requirements.

- (1) Implement the Action Plan developed with the consultant outlining the necessary achievements and time frames required for the employer to achieve START status. The employer must provide timely progress reports to the Regional Consultation Manager;
- (2) Upon receipt of an approval letter from the Assistant Director granting Pre-START status, the employer must post the letter in a conspicuous area. At sites having recognized employee representative(s), the employer must notify the employee representative(s) of the employer's intention to participate in Pre-START and involve the recognized employee representative in the process;
- (3) Involve employees in the safety and health management system, including the implementation of the Action Plan;
- (4) Agree to notify the Regional Consultation Manager prior to making any changes in working conditions or work processes that might introduce new hazards into the workplace; and
- (5) Agree to a full service, comprehensive consultation visit for safety and health and risk management at the end of the Pre-START deferral period; this will initiate the START application process.

C.3. Deferral Time Frame. The deferral time frame recommended by the Statewide Consultation Manager must not exceed a total of 18 months from the expiration of the latest hazard correction due date(s), including extensions.

C.4. Regional Consultation Responsibilities. The Regional Consultation Manager must:

- a. Assure verification of hazard correction for all hazards and compliance with the requirement to post the List of Hazards and other employee information;
- b. Assist the employer in the development of an Action Plan to be implemented by the employer. The Action Plan must outline a goal, recommended method of correction, and an expected completion date for the 25 basic attributes of the DOSH Form 25 that received a score of less than "two;"
- c. Determine if the employer is capable of meeting all START requirements within the programmed inspection deferral period, including DART rate and TRC requirements;
- d. Provide a signed notice of intent to participate in Pre-START, to be posted by the employer;
- e. Provide to the Statewide Consultation Manager a letter or e-mail certifying that the employer exhibits reasonable promise of achieving the agreed-upon milestones within the programmed inspection deferral period;
- f. Provide to the Statewide Consultation Manager a copy of the employer's DOSH Form 25 evaluation, including an Action Plan;
- g. Recommend a deferral period (not exceeding a total of 18 months, including extensions, from the end of the latest hazard correction due date) to the Statewide Consultation Manager; and
- h. Request through the Statewide Consultation Manager that the Assistant Director terminate the employer's Pre-START status if the employer fails to maintain Pre-START requirements, or fails to meet START requirements within the established time frame.

C.5. Statewide Consultation Manager Responsibilities. The Statewide Consultation Manager will verify and forward to the Assistant Director a recommendation for deferral from DOSH programmed inspections for the period identified by the Regional Consultation Manager. If the deferral is granted, the Statewide Consultation Manager will notify the Statewide Compliance Manager and the DOSH IT Systems Manager. Prior to granting a deferral, the Assistant Director must concur that:

- a. The worksite has met or is likely to meet the applicable DART and TRC rate requirements;
- b. The employer has in place the foundation of a safety and health management system; and
- c. The employer has in place the foundation of a safety and health management system; and

- d. The Action Plan adequately outlines the goal, recommended method of correction, and an expected completion date for each attribute of the DOSH Form 25 that received a score of less than "two."

C.6. DOSH Inspection(s) at Pre-START Worksites: As noted above, employers that meet all the requirements for Pre-START status may be granted a deferral from DOSH programmed inspections; however, the following types of incidents can trigger an DOSH enforcement inspection at Pre-START sites:

- Imminent danger
- Fatality/Catastrophe
- Hospitalizations
- Formal complaints or referrals; **or**
- Follow-up inspections.

D. ADDITIONAL REQUIREMENTS

D.1. Fatalities or Catastrophes at START or Pre-START Sites. Consultants must advise employers that in the case of a fatality, catastrophe or hospitalization at a START/Pre-START site, the employer must notify DOSH within eight (8) hours of the incident as required by law. Consultants must also inform employers that they must notify the Regional Consultation Manager and Statewide Consultation Manager as soon as possible after notification of the incident. If inspected, until all citations have been issued, consultation personnel are not permitted to discuss with the employer any issues related to the fatality, catastrophe, hospitalization or a DOSH enforcement inspection. After the enforcement inspection is concluded and/or all citations have been issued, the Statewide Consultation Manager must evaluate the START/Pre-START status of the worksite using the following criteria:

- a. If no citation is issued, an on-site visit must be conducted by a consultant to ensure that all elements of the safety and health management system continue to be effective.
- b. If a serious or repeat citation is issued, a consultant must conduct an on-site visit to ensure that the alleged hazardous condition(s), which resulted in violation(s), have been corrected and that the safety and health management system is operating effectively.
 - (1) If the Regional Consultation Manager believes that a serious or repeat citation is connected to a reduction in the effectiveness of the company's safety and health management system, the Statewide Consultation Manager will recommend the employer's withdrawal from START/Pre-START.
 - (2) If the Regional Consultation Manager believes that there is no connection between the serious or repeat citation and the effectiveness of the employer's safety and health management system, the employer must be counseled on how to prevent a recurrence.

- c. If a willful citation is issued or there is evidence that the site's application or interim self-evaluation is inaccurate, the employer will be asked to withdraw from the START program. If the employer does not withdraw voluntarily within 5 working days, participation must be terminated. The employer may re-apply to the program 12 months after withdrawal or termination.

D.2. Changes that May Affect a START or Pre-START Employer's Eligibility.

- a. **Relocation.** Consultants must inform employers planning to relocate their facilities that they must notify the Regional Consultation Manager 60 days in advance of the move. Consultants must also visit the new site within 30 days after the new site becomes operational to ensure that an effective safety and health management system is in place and that the employer still meets all the requirements for exemption or deferral. If this is not the case, the Statewide Consultation Manager must ask the employer to withdraw from the START or Pre-START program.
- b. **Change in Ownership and Organizational Changes.** Whenever ownership or major organizational changes occur that may impact the effectiveness of the company's safety and health management system, the employer or employer representative must notify the Regional Consultation Manager. The Regional Consultation Manager will confer with the Statewide Consultation Manager and must then discuss the changes with the employer and schedule an on-site visit, if necessary.

D.3. Failure to Maintain START or Pre-START Requirements. If an employer fails to maintain the participation criteria outlined in this Chapter, the Statewide Consultation Manager should give the employer the opportunity to voluntarily withdraw from the program.

- a. **Voluntary Withdrawal from the Program.** Any approved START/Pre-START participant may withdraw at any time. Withdrawal may occur as a result of plant closing, economic difficulty, change in management, or at the request of the employer or Statewide Consultation Manager. To withdraw, the employer must send a letter explaining the withdrawal and/or return the START certificate to the Statewide Consultation Manager. The withdrawal is effective immediately upon receipt of the letter. The Statewide Consultation Manager will notify the Assistant Director of the employer's withdrawal from START/Pre-START. Withdrawal from the Program will result in all program benefits including exemption or deferral status being withdrawn.

- b. Termination of Exemption or Deferral.** If an employer fails to maintain the participation criteria outlined in this Chapter and refuses the opportunity to voluntarily withdraw from the program, the Statewide Consultation Manager must request that the Assistant Director terminate the employer's participation in START/Pre-START. The employer, DOSH Statewide Compliance Manager, and the IT Systems Manager must be notified in writing when START/Pre-START participation is terminated. The written notice to the employer must contain the reason(s) for the termination and outline the requirements for re-entry into the program.

E. START PILOTS

START Pilots enable DOSH to work with companies and industries to demonstrate the effectiveness of methods for achieving excellence in safety and health management systems that are potential alternatives to current START requirements. All START Pilot Programs must conform to the requirements.

E.1. Framework. START Pilots must be designed to meet one of the following requirements:

- To test alternatives which, if successful, will allow previously ineligible sites to participate in START.
- Exploring the application of START in industries where DOSH lacks substantial experience in recognition and exemption programs.
- Testing alternative approaches that could improve current standards in safety and health management.
- Exploring other opportunities to develop innovations and improvements in safety and health management.

E.2 Duration. START Pilot programs will be approved for an agreed upon time period not to exceed 5 years.

E.3. Process Overview. START Pilots are designed in two parts. Pilots must be submitted for review and approval by the Assistant Director. If the Assistant Director chooses to approve the Pilot, the Statewide Consultation Manager will administer the Pilot Program, and the recommendation to the AD for approval of individual sites to the pilot. The Regional Consultation Manager will be responsible for collecting appropriate data, according to the structure of the Pilot, and submitting it to the Statewide Consultation Manager.

- E.4. Approval of Applicants.** Applications for approval of employers for START Pilot status will be the same as for START and Pre-START applications. All START requirements except those specifically waived in the START Pilot should be prescribed for all applicants and START Pilot members, including on-site evaluations and periodic annual reviews. In addition, quarterly data collections and other monitoring techniques should be applied. START Pilot members will receive the same benefits as other START sites (including deletion (deferral) from programmed inspections). START Pilot members will receive exemptions from programmed inspections for a period of up to one year.
- E.5. Outcome of a START Pilot.** Once a START Pilot is terminated, the Statewide Consultation Manager will direct an assessment of the goals of the pilot, including injury and illness information, the effect of various policy changes and other pertinent information. The Statewide Consultation Manager will make a recommendation to the Assistant Director as to whether or not the Pilot should be included in the general criteria for START participation.

F. INCENTIVE PROGRAMS

This section incorporates a new memorandum from OSHA dated September 17, 2013 regarding Incentive Programs and START Applicants. Please see the attached memorandum in Appendix 10-C.

- F.1. Applicant for START Participation.** Before a START applicant can be certified as a START employer, the employer must make sure their incentive programs promote safety awareness, injury and illness reporting, and worker involvement.
- F.2. Current START Participants.** If an employer is a START participant, the Regional Program Manager must advise the participant of the updated policy, and ensure the employers current incentive programs are in compliance with DOSH's policy.

APPENDIX 10-A START Commitment Letter

<Date>

<Name of Regional Consultation Manager>

<Mailing Address>

<City, State, Zip>

RE: Commitment to pursue the Safety Through Achieving Recognition Together (START) certification

Dear <Name of Regional Consultation Manager>,

The management staff and employees of <Company Name> in <City>, Washington would like to formally declare our commitment to work with the DOSH Consultation staff to become a Safety Through Achieving Recognition Together (START) employer. The Washington START program was explained to us by <Consultant's Name> on <month, date, and year>.

By signing this letter, we agree to:

1. Undergo a comprehensive consultation of all conditions and operations at our establishment, including a complete safety and health program review and risk management consultation.
2. Involve employees in the development, operation, and improvement of all elements of the workplace safety and health program. *If the employees or their representatives object to our organization's involvement in Safety Through Achieving Recognition Together (START), we understand we cannot move forward until both labor and management agree on participation in the START program .*
3. Accomplish the following to achieve and maintain START status:
 - a) Correct all identified safety and health hazards and provide DOSH Consultation with written confirmation that each identified hazard has been corrected within an agreed upon time frame.
 - b) Develop, implement, or improve all elements of an effective safety and health program at the site.
 - c) Develop, implement, or improve all elements of an effective claims management plan at the site.

APPENDIX 10-A

START Commitment Letter (continued)

- d) Achieve a Days Away, Restricted, Transferred (DART) Rate and Total Recordable Case (TRC) Rate for the establishment at a level that is below the national average for your industry, based on at least one full year of operation.
 - e) Satisfy the requirement to achieve an acceptable rating on the required attributes of the DOSH Safety and Health Program Assessment Tool (two or better on each applicable element).
4. Inform the Regional Consultation Manager prior to making any changes in working conditions or work processes that might introduce new hazards into the workplace. *These "changes" could include such things as: relocation of facilities, change of ownership or management, major organizational changes, additions to buildings, implementing new processes, i.e., painting of parts rather than purchasing them already painted, new lines of machinery, etc.*
5. Notify the Regional Consultation Manager when all elements of START have been fully implemented so a follow-up visit can take place.

We understand that START certification must be renewed prior to the end of the designated recognition period and that failure to initiate the renewal process will result in automatic termination of the START certification.

We at <Company Name> understand that this letter must be signed and submitted before we begin the Action Planning phase of the START consultation. We look forward to working with DOSH Consultation staff as we work through the process of becoming certified as a START company.

Sincerely,

(Chief Executive Officer)

(Safety and Health Manager)

(Safety Committee Chair)

(Union Representative)

(Other)

(Other)

(Printed Name, Address and Telephone of Primary Contact Person)

APPENDIX 10-B START Checklist

Name of Company:

Consultants Name:

Date:

Consultant and Supervisor Verify

- Employer has at least one year of operating history at applicable worksite.
- Received a full-service safety consultation visit as part of the application process.
- Received a full-service hygiene consultation visit as part of the application process.
- Received a full-service risk management visit as a part of the application process.
- Received a comprehensive review of their safety and health programs.
- All hazards found by the consultants from both disciplines are corrected with a CSHO closed date.
- Employer received a score of at least “2” on all 25 basic attributes of the Form 25.
- Injury and illness rates for the preceding year for the employer are below the published BLS industry average. (See additional information to determine alternative if employer is close but not below published BLS industry average).
- Received employer’s request for START participation.
- Copy of mutually agreed upon Achievement Plan; which outlines areas for improvement.
- Agrees to request a subsequent on-site consultation visit if changes occur in working conditions or work process that may introduce new hazards into workplace.

Documents attached by RCM:

- Checklist
- Completed START commitment letter.
- START Pre-approval report (Executive Summary) from Regional Consultation Manager. Summary of company, type of business, size, location, etc.
- Copy of Consultation Log with a summary of activity at company for at least last 12 months, to include type of consults, hazards found, etc.
- Copy of Safety and Health Program Assessment Worksheet (Form 25)
- DART and TRC information.
- OSHA 300 Log & summary packet. (Current year plus 3 full years)
- Copy of mutually agreed upon Achievement Plan, which outlines areas for improvement.

START Liaison:

- Prepares approval letters from Statewide Consultation Manager and DOSH Assistant Director.
- Coordinates with Public Affairs for a press release.
- Updates L & I Internet webpage
- Contacts employer to set up recognition event.
- Prepares START Certificate
- Notifies OSHA
- Removes employer from inspection scheduling list

APPENDIX 10-C

INCENTIVE PROGRAMS MEMO (OSHA)

U.S. Department of LaborAssistant Secretary for
Occupational Safety and Health
Washington, DC. 20210**SEP 17 2013**

MEMORANDUM FOR REGIONAL ADMINISTRATORS

FROM: DAVID MICHAELS, PhD, MPH

SUBJECT: Incentive Programs and Safety and Health Achievement Recognition
Program (SHARP) Applicants

This memorandum clarifies actions for the Occupational Safety and Health Administration's (OSHA) On-site Consultation Projects in implementing the Agency's efforts to improve the administration of the Safety and Health Achievement Recognition Program (SHARP). This instruction clarifies policies and procedures for the review and evaluation of safety and health incentive programs at SHARP applicant and participant worksites. These instructions are effective immediately.

SHARP Incentive Program Evaluations

Incentives that promote safety awareness, injury and illness reporting, and worker involvement are an acceptable part of a SHARP injury and illness prevention program. A positive incentive program encourages or rewards workers for reporting injuries, illnesses, near-misses, or hazards and for involvement in injury and illness prevention programs. Examples of positive incentives include providing tee shirts to workers serving on safety and health committees, offering modest rewards for suggesting ways to strengthen safety and health, or throwing a recognition party at the successful completion of a company-wide safety and health training.

Incentives that discourage injury and illness reporting and worker involvement are not acceptable. Companies with incentive programs that have the potential to discourage reporting of workplace injuries and hazards do not meet the injury and illness prevention program requirements to qualify as a SHARP participant. An incentive program that focuses on injury and illness numbers often has the effect of discouraging workers from reporting an injury or illness. When an incentive program discourages workers reporting injuries or hazards or (in particularly extreme cases) disciplines workers for reporting injuries or hazards, problems remain concealed, investigations do not take place, nothing is learned or corrected, and workers remain exposed to harm. Disincentives to reporting may range from awarding paid time off or other benefits and forms of recognition to a unit that has the greatest reduction in incidence rates to rewarding workers with a pizza party for achieving an injury/rate reduction goal or maintaining an injury and illness free worksite for a period of time.

APPENDIX 10-C

INCENTIVE PROGRAMS MEMO (OSHA)

(continued)

Incentives that may discourage workers from reporting injuries and illnesses include corporate bonuses. Note that executive level bonuses based on injury and illness rates or reductions are outside the scope of this memorandum and are not a basis for excluding a site from participating in SHARP. The primary area of concern involves bonuses for front line workers. For this group, incentives based on injury and illness rates or reductions would be considered unacceptable. Bonuses for lower level management that are based on injury and illness rates or reductions would be evaluated on a site-by-site basis.

SHARP Incentive Program Management Procedures

Applicant for SHARP participation. The CPM (Consultation Program Manager (or designee)) must ensure that a SHARP applicant's incentive program does not contain provisions that could discourage injury and illness reporting, worker participation, or both. The CPM must advise the applicant of OSHA's position and SHARP policy. The applicant may choose to make an immediate change to its incentive program that will bring the program in line with SHARP policy. If the applicant needs 90 days or less to eliminate the disincentive, to revise its program, or both, the CPM should reappraise the site once the change to the applicant's incentive program takes place. If an applicant for SHARP status refuses to make the needed change, the CPM will inform the site that they are not currently eligible for SHARP participation.

Current SHARP participant. If a site has already been awarded SHARP status, the CPM must advise the participant of OSHA's position and SHARP policy and confirm that the existing incentive program complies with Agency policy. To confirm that an incentive program does not contain provisions that could discourage injury and illness reporting, incorporate this element into the review criterion when participants submit interim year self-evaluations, enter the reapplication processes, and provide other reports. If disincentives are found, the CPM will

assist the SHARP participant in reaching compliance with OSHA's position and SHARP policy.

The participant may choose to make an immediate change to its incentive program that will bring the program in line with the SHARP policy. If the participant needs time to eliminate the disincentive, revise its program, or both, designate this needed improvement as an item on the Action Plan. The participant will be given the opportunity to bring its incentive program in line with OSHA policy consistent with a 90-day item. Following the 90-days, the CPM will assess progress in completing this action item. Extensions beyond 90 days require approval from the Regional Administrator. The CPMs will monitor SHARP participants' progress and report the status to the Region as indicated in the extension.

Refusal to make the recommended improvement to an incentive program is grounds to terminate a participant from the SHARP. Failure to demonstrate effective implementation of incentive program changes during agreed upon time frames (90-day action item, Regional Administrator- approved extensions, or both) is also grounds to terminate a SHARP participant. The established termination procedures will apply, including the Regional Administrator's written notice of intent to terminate and the participant's right to appeal in writing to the Assistant Secretary.

APPENDIX 10-C

INCENTIVE PROGRAMS MEMO (OSHA)

(continued)

OSHA's goal is the use of safe work practices all day, every day. This is also a goal for the companies that have worked very hard to get into SHARP and to stay there. SHARP sites have the opportunity to lead the way by example and to inspire positive and creative change throughout their industries. By working cooperatively, OSHA, On-site Consultation Projects, and SHARP participants can demonstrate that incentive programs, which emphasize positive worker involvement in safety and health activities and conscientious hazard reporting and correction, can be one element in an effective injury and illness prevention program.

CHAPTER 11

OTHER PROGRAMS

A. VOLUNTARY PROTECTION PROGRAM (VPP)

The VPP is designed for worksites with comprehensive, exemplary safety and health programs. The VPP encourages cooperative action among government, industry and labor to address worker safety and health issues and expand worker protection. Requirements for VPP participation are based on comprehensive safety and health management systems with active employee involvement to prevent and control potential safety and health hazards at the worksite.

Employers who meet eligibility requirements may apply for and achieve approval for participation in the VPP. Any company with days away, restricted/transferred (DART) injury and illness rate below the industry's average may apply for STAR level. Companies with DART incidence rates above the industry's average may qualify to apply for MERIT level. Additional requirements are outlined in the DOSH VPP Manual. Approved VPP sites will not be scheduled for programmed inspections. However, participation does not diminish employer or employee rights and responsibilities under WISHA. Unscheduled inspections for fatalities, catastrophes or complaints **may still be conducted**.

Application for the VPP is made to the Department of Labor & Industries through the DOSH Education and Outreach Services, Special Employer Programs and is responsible for administering the program statewide. The VPP Specialist coordinates with the DOSH Regional Consultation Managers or Supervisors for technical expertise in evaluating the applications and to schedule teams for on-site evaluations. (Refer to the DOSH VPP Manual for more detailed information.) VPP activities should be documented using a Consultation Form 66 unless the activity is considered a visit. (See Chapter 9, Section C, for more information about Form 66). In this case, the visit must be documented in the WIN Consultation online data system.

B. RIGHT-TO-KNOW ASSESSMENT REVIEW

The Right-to-Know evaluations are coordinated by the Right-to-Know program Central Office and assigned to Regional Consultation Managers or Supervisors for employer Right-To-Know fee assessment reviews. Reviews are conducted by DOSH Consultants to determine if hazardous chemicals are present at the employer's worksite. These typically include on-site visits. DOSH Consultants are encouraged to offer full service consultations to these employers. DOSH Consultants are required to communicate their findings to the Right-To-Know Coordinator and to complete a Form 66 Intervention form. If a full/limited service consultation is conducted, then the visit must also be documented in the WIN Consultation data system.

C. THE GOVERNOR'S INDUSTRIAL SAFETY AND HEALTH CONFERENCE

C. 1. Purpose and Goals. The goal of the Governor's Safety and Health Conference is to educate and make attendees aware of the latest information and technology in the fields of accident prevention and industrial safety and health. The purpose of the conference has not changed since its inception in 1949. This annual conference provides the agency an excellent opportunity to demonstrate its commitment to safety and health and to reach a wide audience from nearly every industry.

C. 2. Conference Staff. The Governor's Safety and Health Conference staff are a part of the DOSH central office programs. They work in conjunction with other DOSH and L & I agency staff and the Governor's Industrial Safety and Health Advisory Board to coordinate and promote the annual conference. DOSH Consultants provide the primary staff support for the conference. Consultants must complete a Form 66 to document conference related activities (see Chapter 9, Section C, for more information about Form 66).

D. SELF-INSURANCE REVIEWS**D.1. Role of DOSH Consultation in Self-Insurance Assessments.**

Employers wishing to self-insure their employees against injury and illness losses in lieu of being protected by the Washington State Industrial Insurance fund may apply to the Department of Labor and Industries' Self Insurance Program.

The DOSH Consultation Program is an integral part of the assessment for determining whether the employer is eligible for self-insured status. In addition to the financial analysis done by Self-Insurance, DOSH conducts on-site consultations of selected sites to determine if the company should be approved for self-insurance based on the safety and health of their organization.

If DOSH Consultation determines that the company does not have safety and health programs that are current, applicable, and effective, they will recommend not approving the request for self-insurance.

D.2. The Self-Insurance Assessment Process.

- The Department's Self-Insurance Section sends requests for Self-Insurance reviews to the DOSH Statewide Consultation Manager.
- The DOSH Statewide Consultation Manager has delegated the responsibility to the Consultation Operations Specialist for coordinating requests with the appropriate Regional Consultation Manager(s) (RCM) or Supervisor(s) and Self-Insurance staff.

- The Self-Insurance requests are received quarterly and are expected to be acted upon as soon as possible. The Consultation Operations Specialist contacts the employer representative to make sure they understand the process, make sure all the company sites are listed on the application, and identify the contact for the regional consultants to work with when setting up the consultation visit.
- The Consultation Operations Specialist will provide a list of sites that are to be contacted for a visit along with contact names, due dates and any additional information that was provided.
- The RCM or Supervisor assigns the request to a consultant for a consultation visit. The DOSH consultant assigned to conduct the evaluation will contact the employer and arrange a convenient time for the on-site review. Sometimes this will also require coordination with a corporate office delegate located outside the state of Washington.
- The DOSH Consultant is expected to complete a comprehensive program review and either a full-service or limited consultation. The decision about whether to do a full-service or limited consultation will be made with the RCM, Operations Specialist and the Statewide Consultation Manager. Determining factors include the size and complexity of the establishment site that is being reviewed.
- Regardless of whether a full-service or limited service consultation is done, all programs the employer is required to have must be reviewed and evaluated. In addition, injury and illness logs, if applicable, claims history, and previous inspection and consultation history, must be evaluated. If the visit is a limited service consultation, a walk-through of the entire establishment is required.
- If the employer has an inspection in progress then the on-site visit can't take place until the citation has become a final order. The Consultant must notify the RCM or Supervisor, when this occurs, who will in turn notify the Consultation Operations Specialist. (See Chapter 5.D.1.a. through d. for more information). This will most likely mean that the employer will need to reapply for self-insurance at a later date.

D.3. Completing the Self-Insurance Evaluation Review Form.

- Upon completion of the Consultation Visit and issuance of the written report, the consultant must complete the Self-Insurance Evaluation Review Form. This form summarizes the findings of the consultant and assists in determining whether the employer should be recommended for self-insurance.
- Any items scored a "1" or a "2" must be explained on the back of the Self-Insurance Evaluation Review Form. This provides documented rationale necessary for the Statewide Consultation Manager, and Self-Insurance Manager to have as justification for the denial of the self-insurance request.

- The Self-Insurance Evaluation Review Form must also be signed by the consultant and their supervisor with a “yes” or “no” checked, indicating the employer does or does not meet the safety and health program requirements. A “no” means the employer most likely will not be recommended for self-insurance by DOSH.
- The Consultation Operations Specialist will review the forms and determine if there appear to be inconsistencies between reports. If so, he/she will follow-up with the consultants to determine if there are inconsistencies, or if the different sites are operating at different levels of safety and health effectiveness.
- The Consultation Operations Specialist provides the documentation to the Self-Insurance Coordinator, along with the recommendation for whether or not to self-insure.
- Check “self-insurance” in the “Source of Request” drop down box on the request form in WIN.

APPENDIX 11-A
SELF-INSURANCE EVALUATION REVIEW FORM
Safety and Health Program Analysis

Department of Labor & Industries
DOSH Services Division

I. GENERAL INFORMATION				
Contact Date:	Consultant Name & ID		Region	County
Employer Name	UBI		Account #	Visit #
Site Address	City		State	Zip
Person(s) Contacted	Phone #		SIC/NAICS	Number employed at site
II. ANALYSIS OF PROGRAMS				
Rating Scale	Not Applicable (0)	No evidence of item existing (1)	Item Unacceptable (2)	Item Acceptable (3)
	1. Accident Prevention Program (APP): A formal written APP is in place and tailored to the needs of the worksite or operation and to types of hazards involved. It is supervised and enforced in a manner which is effective in practice. Training programs have been developed and implemented that are effective in practice.			
	2. Personal Protective Equipment (PPE): Hazard assessments are done to identify appropriate PPE. Hazard Assessments are documented. Appropriate PPE is selected and provided to employees and are required to use. PPE training is provided to employees and documented.			
	3. Safety Committees & Safety Meetings: Follow requirements for having safety committees or safety meetings. Establish and conduct safety committees, or Conduct safety meetings			
	4. First Aid: Appropriate first-aid trained personnel are available to provide quick and effective first aid; appropriate first-aid supplies are readily available.			
	5. Emergency Eyewash and Showers: These are readily available and accessible if needed.			
	6. Chemical Hazard Communication Program: A written program has been developed, implemented, maintained and is available to employees, if required.			
	7. Safety Bulletin Board, WISHA Poster: A safety bulletin board is provided and maintained and includes required posters.			
	8. Employer Responsibilities: Safe Workplace: Provides a workplace free from recognized hazards; establishes, supervises and enforces rules that are effective in practice.			
	9. Bloodborne Pathogens, Hearing Loss Prevention, Respirator Programs, Confined Space: These programs are in place and effective in practice if required.			

APPENDIX 11-A (Continued)
SELF-INSURANCE EVALUATION REVIEW FORM
Safety and Health Program Analysis

III. SUMMARY OF EVALUATION AND RECOMMENDATIONS	
<p><i>All items rated 1 or 2 in Section II must be listed here in sufficient detail to clearly show the deficiency and appropriate recommendations for improvement (e.g., if PPE is lacking, show the PPE involved and the specific problem with it). Reference the written report for recommendations or comments that will assist the employer in reducing injuries or accidents. Comments concerning commendable areas of the employer's program may also be included.</i></p>	
IV. APPROVALS	
<p>1. This site meets the current safety and health program requirements.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>_____ Consultant Signature Date</p>
<p>2. Supervisor remarks if any.</p>	<p>_____ Supervisor Signature Date</p>

CHAPTER 12

RISK MANAGEMENT SERVICES

A. PROGRAM DESCRIPTION

Risk Management is an integral part of the Consultation program within the Division of Occupational Safety and Health (DOSH). Risk Management Consultants help employers increase their awareness of business and insurance risk and the value of evaluating, mitigating and preventing risks. This enables employers to make informed decisions about human resource management, claim management, safety and health and best practices for their business.

B. SOURCES OF WORK BY PRIORITY

B.1. Small Employer Requests.

Requests from small employers and/or their representatives will be first priority. Requests can be received via phone, FAX, e-mail, outreach functions, or in person. See Chapter 3, Section B.2.b. in this manual, for a description of small employer.

B.2. Referral Sources May Include But Are Not Limited To:

- Employer requests
- Safety and/or Health Consultation Staff
- Other Department staff
- Civic, community, chamber of commerce or similar groups
- Labor organizations
- Agency or regional emphasis
- Professional contacts and other referrals
- Marketing
- Outreach activities
- Associations
- Unions
- Any other sources, referrals, or requests for assistance

B.3. Marketing.

Marketing activities generate referrals through outreach, workshops, letters, cold calls, associations, industries, labor, and community activities. See Section D.1., in this chapter, for specific criteria on marketing.

B.4 Lists of Employers.

Lists of employers will be developed at the agency, division, or regional level based on injury types, industries and/or agency emphases. At times, based on agency or division initiatives, lists may have priority as a primary referral source. Risk Management Consultants will select firms from the list for priority attention.

B.5. Large Employers.

Larger employers requesting consultation services will be prioritized for service based on their experience factor, incidence rates or on their listing on the high hazard list(s). Normally only limited service visits will be conducted for these employers.

See Chapter 3, Section B.2.b., in this manual.

NOTE: Risk Management does not typically provide service to Self-insured employers.

C. TYPES OF SERVICES

The services identified in this section may be offered to the employers based on need, through resources, samples, best practices, and review of current programs. Check for resources with peers, on the internet, or the RMS resources in the G drive.

C.1. Management.

Management must demonstrate their commitment to incorporating safety into the business in the same way they would demonstrate it for quality and production. Commitment should be displayed through providing resources, behavior modeling, and communications.

C.2. Human Resources.

To ensure safety and business excellence, a business should have a Personnel Management Plan including recruiting and hiring practices, training and retention programs, corrective action plans, employee assistance programs, adherence to safety policy, and exit interviews/separation questionnaires.

C.3. Claims Management & RTW.

Claims Management includes all policies and activities necessary to monitor, communicate and control costs associated with workers' compensation claims. Employers have the most to lose and most to gain when dealing with an injured worker. Topics to be covered in Claims Management include claim initiation, monitoring, accident investigation, return to work (RTW), Stay at Work, and communication throughout.

C.4. Rates.

Understanding of Industrial Insurance rates and premiums is imperative to an employer's motivation to operate safely and manage their claims. Rates explanations should include risk classes, base rates, premium calculation, experience factor, experience rating window and how claims impact these.

C.5. Safety Management.

Safety management goes hand in hand with efficiency, productivity, quality and profitability. Effective safety management programs establish a framework in which an organization can achieve its goals. Discussions with the employer should include elements of a Safety Management Plan including: Accident Prevention programs (APP), management's commitment to safety, Safety committee/meetings, Hazard Specific Programs, OSHA Recordkeeping, Accident investigation, Supervisory Training, Trend Analysis, and Safety Communication. The Risk Manager should ensure the employer has an understanding of these elements and provide them with any needed resources or referrals.

C.6. Best Practices.

Best practices are learned from experience and from experienced co-workers. In order to achieve credibility and a sound working relationship with employers, the Risk Management Consultant should strive to be well versed in business practices and able to share these best practices as needed with employers.

D. RISK MANAGEMENT PROCESSES**D. 1. Marketing.**

Marketing may be accomplished in a variety of ways in order to reach the appropriate customers. Prior to marketing, an account review and analysis should be done. Account reviews and analyses help determine potential candidates, and the type and level of services needed.

The following are suggested marketing techniques:

- Mail
- Email
- Phone
- Fax
- In Person
- Conferences
- Associations

The following are Specific Criteria used to identify evidence of high enough risk levels to merit a contact:

- a.** Experience Factor currently above 1.0 or trending upward.
- b.** Claims:

- Open and closed
- Affecting current and future rates.
- c. Injury trends:**
 - Injury rates above industry average.
 - Changes or patterns in number, type, nature, and source of injuries.
- d. Account status and premium size:**
 - Open and current, or an organization preparing to hire workers.
 - Reflects number of hours and assigned risk classes.
- e. In agency focus, initiative or scheduling program.**

NOTE: Marketing activities are entered into the WIN system and data used in monthly reports generated for management.

D. 2. Referrals.

- a. Referral Received.** Verify all referral information and research the issue. Provide appropriate service. Document all “*referrals received*” in the RMS-WIN system.

NOTE: A referral received from internal or external services is entered into WIN if the Risk Manager provides the direct service to the employer. If the referral is forwarded to another Risk Manager the WIN note type becomes “general” or “technical” depending on the level of service.

- b. Referral Made.** During the course of consultation or technical services, a referral may be appropriate to provide necessary services to the customer. Provide all contact information to the discipline whose service is needed or to the customer. Document all referrals made in the RMS-WIN system.

Appropriate referrals include:

- Company name
- Account number
- Contact name and number
- Reason for referral with any expectations the contact may have
- Other pertinent account information

D. 3. Consultation.

Consultations may include one or more visits with the employer and will consist of the following risk management practices:

- a. Pre-visit Preparation**

(1) Review account history and create summary:

- Establish RMS WIN entry
- Review prioritization criteria
- Check with the referral source, if appropriate, for useful insights and information about the customer
- Review existing files if appropriate
- Identify key individuals with authority to make decisions and put programs in place, and make contact and/or an appointment with that individual whenever possible

Consider using:

- LINIIS screens. (See Appendix 12-B in this chapter)
- Employer Profile report
- RCANT characteristics of the risk class or NAICS code.
- Loss Run and other reports. The Loss Run includes information on claims affecting current and future rating years:
 - Review loss run chronological injury date report.
 - Review all claims for impact on employer's rates.
 - Identify trends and problems through summary report pages.
 - Prepare to introduce solutions.
- EMRE/EMPR. If the employer needs to discuss their entire account history, order the EMRE, or view the EMPR report.
- Experience Rating Calculation sheet (ERC)

(2) Compile packet of handout materials tailored to the visit.**Consider using:**

- Loss run reports and LINIIS screen prints.
- Sample claims program
- Information on accessing the Claims and Account Center
- L&I and Access Washington Website information and materials.
- Resource lists, contacts for other programs, business cards for referrals.
- Brio/Data warehouse: Data and graphics, experience factor history, payroll deduction and premium trends prepared by the Risk Management Consultant before the visit.
- Appropriate WAC and RCW information.
- Other materials – required postings, safety posters, sample documents or reports and items directly requested by the customer
- Retrospective Rating information if appropriate.
- Washington Stay at Work Program
- FileFast
- Medical Provider Network

b. On-site Visit.**(1) Personal Safety.**

When conducting an on-site walk-through, be prepared with appropriate PPE for the site. Also refer to Chapter 5, Sections C.3 and C.4, in this manual.

(2) Scope of Visit (Purpose).

Explain the purpose of Risk Management Services. The primary purpose is to assist the employer in efforts to develop systems that reduce occupational injuries and illnesses and to prevent or reduce long term disability and related costs.

- Include an explanation that the responsibility of the Risk Management Consultant is not to identify code violations or hazards, and that working with Risk Management will not prevent compliance activity, that the service is discretionary and at the request of the employer, with no obligation, and no charge. Refer to Section E in this chapter, regarding relationship to Compliance.
- Explain the consultation process, including assessment, recommendations, and referral process. Describe the services available from DOSH.

(3) The Employer or Company's Current Status.**The Risk Management Consultant will:**

- Provide premium and experience rate history, including additional costs or cost savings based on experience factor
- Current risk classifications
- Claims history, including claims currently affecting the employer's premium rate and any open claims are identified

Consider using:

- LINIIS screen prints
- Loss Run
- Employer Profile
- Claims and Account Center

(4) Consultation Process. The Risk Management Consultant performs an assessment by using an effective Risk Management Assessment tool. The assessment process should result in appropriate analysis, evaluation, and recommendations for actions to be completed by the employer.

In order to be classified as a consultation, the Risk Management Consultant must provide discussion and explanation on all of the following elements and their relationships to the employer's workers' compensation premium rates and workplace safety during the consultation .

- Management: Commitment and knowledge

- Human Resources: Hiring procedures, new employee orientation, corrective action plans, evaluations, training, employee handbook.
- Claims and Return to Work: Pre-injury plan in place, RTW plan with RTW options identified, Stay at Work, claims communication and monitoring .
- Industrial Insurance rates and premiums: Base rates, experience factors, discounts, rating windows, cost drivers.
- Safety Management: Accident Prevention Program, safety committee or meetings as appropriate. OSHA Recordkeeping, injury trending including prevention recommendations, etc.

Consider using:

- Interview
- Discussion
- Walk-through survey (See Appendix 12-A and 12-C in this chapter, for assessment samples):
 - The Risk Management Consultant may conduct a walk-through of company operations to get familiar with the operation and inherent risks.
 - While the Risk Management Consultant's primary role is not to identify code violations or unsafe conditions, when serious hazards are identified; those hazards may be brought to the attention of the employer to encourage a voluntary consultation with a Safety and Health Consultant.

NOTE: When a serious hazard is believed to be identified in a walk-through survey, the Risk Management Consultant must advise the Regional Manager or Supervisor for further action as they deem appropriate.

(5) Recommendations. Recommendations are based on the assessment and are meant to:

- Increase risk awareness
- Address workers' compensation cost containment, and
- Prevent injury and illness.

The Risk Management Consultant will:

- Communicate, in writing, using the Assessment template in WIN, all recommendations to the employer within 15 calendar days of closing the consultation.
- Explain the results of the assessment, suggesting areas that will benefit from attention.
- Recommend and assist the employer with immediate and long term goals.

Goals may include:

- On-site training (safety committee, supervisors' workshop, etc.)
- Assistance with program development or refinement (accident prevention and workers' compensation plans).
- Referrals to other agency staff or resources

The Risk Management Consultant should strive to limit active involvement to four months. Exceptions to this time frame should be discussed and approved with the Regional Consultation Manager.

(6) Referrals.

Promote and encourage the use of other appropriate services available from the Department as indicated by the assessment and discussion. Provide descriptions of these services, offer to make a referral or provide phone numbers.

c. Closing.

At the conclusion of ongoing activities the Risk Management Consultant will:

- Use WIN to generate a customized Risk Management Assessment to the employer within 15 calendar days of closing the consultation that lists accomplishments and reviews the recommendations, implemented or not.
- Provide customer feedback form.
- Remind the customer of the RMS ongoing availability.
- Make customer aware of all DOSH services.
- Close the assignment in RMS-WIN
- See Appendices, 12-A, and 12-C, for samples.

D. 4. Technical Assistance. Technical Assistance is defined as anything less than the 5 required elements of a consultation. Technical Assistance does not require an assessment or closing letter; is typically provided in a single visit, by phone or email; and may include:

- Information, materials, loss runs or statistical analysis provided to help the customer respond to their identified needs.
- On-site workshops tailored to the employer's needs.
- Services requiring research or follow-up
- Other limited scope services may include:
 - Rates and experience factor information
 - Claims assistance
 - Claims and Account Center (CAC)

- Accuracy of loss runs or reports
- HR issues
- Safety
- Incentive programs
- VOC
- Ergonomics
- OSHA Recordkeeping
- Predetermined visit(s) with an employer for singular or limited purposes.

NOTE: Details on how the Risk Manager met the needs of the employer must be documented in WIN to be entered as Technical Assistance.

D.5. Workshops. Risk Managers present two types of workshops based on need:

- a. **Scheduled Workshops** are offered to registered audiences at designated sites. Workshop material is available through the shared DOSH Workshop folder on the G drive. (G:/tumw-WISHA/DOSH workshops 2011-2012-2013.)
- b. **Specific or Tailored Workshops** may be offered to a specific business, group or organization. Risk Managers will use materials appropriate for the audience.

NOTE: Workshops presented to groups or organization with multiple employers attending are recorded under Outreach in WIN.

D.6. Follow-up.

- a. Following completion of any service, Consultants may contact customers and provide information about future rates, loss run, and L&I initiatives.
- b. When customers initiate the contact, consultants should determine the length of time their assistance may be needed.

E. DOCUMENTATION

E.1. Account File Documentation.

The Risk Management Consultant will create a file for consultations as well as technical assistance visits using the RMS-WIN system. The WIN file is the official file.

E.2. Correspondence.

Retain any correspondence sent to and received from customer during the consultation process in RMS-WIN

E.3. Measurement / Month End Reports.

These reports are pulled from RMS-WIN. Monthly activity reports will be extracted from RMS-WIN data.

F. RELATIONSHIP TO COMPLIANCE**F. 1. When a Compliance Inspection Is Opened.**

If DOSH Compliance opens an inspection while a Risk Management Consultation is in progress, all risk management activities must be suspended until the Compliance and Consultation Manager or Supervisor meet and discuss the situation and basis of the compliance activities. If it is deemed that no conflicts exist, the risk management consultation can resume, but the risk management activities must be limited to mitigating and controlling losses related to worker compensation claims or topics related to the insurance side of Labor and Industries.

The Risk Management Consultant will:

- Verify the employer wishes to continue and has resources available to continue with the consultation.
- **Not** make any statements to the employer in regards to the basis or components of the compliance inspection, or any findings related to the compliance activities.
- Refer questions related to interpretation of the regulatory standards to the appropriate DOSH program, i.e. Compliance, Consultation or Technical Services.

[DELETED: Section F.2., Unsafe Conditions]

APPENDIX 12-A

RISK MANAGEMENT ASSESSMENT TOOL

Firm Name: _____

Acct: _____

Contact: _____

Date: _____

1. MANAGEMENT	
Assessment	Comments
Upper management is involved in the planning and evaluation of safety and health policies and performance.	
Management policy establishes clear priority for safety and health.	
Managers support safety and health policies including allocating necessary resources.	
Managers follow safety and health rules	
2. HUMAN RESOURCES	
Assessment	Comments
Employer's Hiring Practices: <ul style="list-style-type: none"> • Uses standard application form • Face-to Face Interviews • Work History Verification • Written Job Descriptions • Corrective action plan • Policy on Return to Work (RTW) • New Employee Orientation • Ongoing Training Plan For All Positions • Exit interviews/separation questionnaires 	

3. CLAIMS MANAGEMENT & RTW

Assessment	Comments
Return to Work Policy in place and covered during new employee orientation.	
Return to Work Packet available and explained during new employee orientation.	
Assistance provided to injured workers following an injury.	
Management/employees understand the benefits of RTW.	
Person assigned to review claims and provide assistance to injured worker/s.	
Reviews claims using CAC	
Employer uses Stay at Work	

4. RATES

Assessment	Comments
Employer understands risk classes	
Employer understands the need for correctly reporting injuries in risk class	
Understands base rates	
Premium calculation	
Experience factor and their experience rate	
Rating window and claims impact	

5. SAFETY

Assessment	Comments
Accident Prevention Program	
OSHA Recordkeeping if required	
Safety committee or safety meetings that meets or exceeds the requirements in WAC 296-800-130	
Provides safety training	
Injury trending, hazard analyses involving both management and employees and prevention measures	
Safety and Health inspections	

APPENDIX 12-B

LIST OF LINIIS SCREENS

EMPLOYER

NSEA- search by name of company or firm
 RACC- account status, active dates (Y or N for Retro Group enrollment)
 RRHI- rate Hx by risk class, Experience rated funds
 RNHR- rate Hx by risk class base rates in 3 funds
 RPOL- experience rate hx, A in “option” brings up all related accounts
 RMES- messages on account
 CONT- contact messages on account
 RRIS- risk classes listed, N in “option” gives desc of RC
 RADD- all addresses and type of address (physical locations, TPA, claims and QR mailed to.)
 EMPR- employer claim hx, status of claims(open/close, compensable, PPD, Case Reserve, med costs)
 SGBR- ownership Also RAOI
 SAF2- trends (# of claims, total costs), ownership, L&I activity, F9= claims by Risk Class
 RBUS- review business detail
 CITE- individual quarterly reports/ hours by risk classes
 ITEM- premium hx by quarter
 RERE/RERA/RERF- rates data (F11 to print)
 PMCT- policy/account manager assigned
 EMRE- order employer claim hx report
 PERC- order proposed Experience Rating Calculation (“Y” for the proposed rates notice)
 LOSS- request loss report (leave sub account blank to get all related accounts)
 RRAT- base rate data by Risk Class- not attached to account Claims
 RZIP – find out what region employer is in
 RPAC – provides employer’s PAC #
 ROWA – Employer Safety inspection date

CLAIMS

LSSC- quick claims status
 PRFL- claims detail
 RCMP- claim status/ pd to date, reserves
 RCRP- Pd to Date, pymt totals
 RCNA- address for all
 CCHI- claimant hx
 RICH- inactive claims hx
 RROA- report of accident
 REPO- employer portion of ROA only R
 CAO/RLTR/MAIL- correspondence
 AFPI- listing of all payments
 RLOG- activity log (3rd pty, preferred worker, occ dis.)
 RAPN/TAPS- claims managers working screen, plan
 RPRT- protest status ATHR- authorized diagnosis and tx. Also ELIG, RDAI RPRT- protest log
 CEIN- employer liability rvw. Also RPOD with adjustment # from RMES for details
 RVOC- Voc status
 RCRP- payment totals, 3rd party recovery data
 RLTR – Letters sent by claims manager requesting information
 RAPS – Claims manager plan of action

GENERAL RATES

RCLV – Review Claim Values (Table I)
 RWBL – B&N Values (Table II)
 REXM – Claim Free Experience Modifications (Table IV)

APPENDIX 12-C

SAMPLE OF RISK MANAGEMENT ASSESSMENT	
Employer Name Company Name	Date Conducted: 2/21/2013
Account ID:	
Conducted With: Phone:	Consultant: Risk Manager
<p><i>I met with Controller Jeff Smith and Payroll Administrator Lisa Little at the firm's Fourth Ave South location. Pacific Rim is part of a larger company, South Pacific, which has been doing business in Forks for nearly ninety-five years. Pacific Rim is one of the largest scrap processing plants in the Pacific Northwest.</i></p>	
CLAIMS MANAGEMENT <ul style="list-style-type: none"> • Create a claims management plan. During our meeting I gave you a hard copy of the Sample Claims Management Plan and sent you a Word copy via email. Use the elements of the sample plan that meet your needs as a recycler and as a retail store. The plan for you is about what actions you will take when an employee is injured at work. • An important part of a successful Return-to-Work program is to have job descriptions. A job description is a one or two page document that describes a proposed light-duty job. It should describe job duties and tasks the job requires, how often and how long the employee would do the tasks, physical demands required to do the job, and typical work hours. You should create a job description for every position (i.e. fork lift operator, cashier) for all locations. • When we met with you we suggested that your business open an account on our Claims and Account Center (CAC). Once you have an account you can check the status of a workplace injury, view claim documents, check your rates and classifications check your account balance; send a secure message, complete the employer's Report of Accident, protest a claim decision, trend analysis and much more. If you have any questions about CAC please feel free to contact me. I would be happy to help you navigate this program. • When experiencing a time loss claim, consider use of the Washington Stay-at-Work Program (WSAW) to manage a claim and control costs. The WSAW is a new initiative that will compensate an employer for 50% of the wage (within limits) when an injured employee is returned to the workplace in a light duty capacity. Please review the handout for additional details and options. 	

APPENDIX 12-C (continued)**SAFETY**

- Most of your injuries occurred on Monday morning. Consider having short safety meetings Monday morning to keep safety on everyone's mind.
- Involve your safety committee in accident investigation and recommendations for preventing injuries.
- Take advantage of DOSH's consultative services. Our consultants can answer questions you may have on your Accident Prevention Plan. For a safety consultation you can contact (add name) at (add phone number).

MANAGEMENT

- I provided Safety Leadership training to you, Dave, Andrew and your supervisory staff concerning the financial and personal costs of accidents. It also included leadership ideas about supervisors taking personal responsibility for the safety of their staff.

RATES

- If you haven't done so already, contact your Account Manager, Nancy Smith, at (360) 902-5635, and review your risk classes. During our meeting it sounded like you would be eligible for the clerical rate, 4904. With the expansion of the business you may also want to review for other risk classes that may be required.

HUMAN RESOURCES

- Review your hiring process to insure hiring of the most qualified candidates. Reference checks are often a valuable tool in vetting a potential hire.

NOTE: An optional "closing letter" can also be created in the WIN system.

CONSULTATION MANUAL

INDEX

A

Abatement Assistance, Prioritizing

Concerns, Issued Citations, 3.B.4.b.

Hazards Cited, 3.B.4.a.

Prioritizing, 3.B.4.

Abatement Extensions, Requesting, 8.C.

Abatement, Timely, Serious Hazards, 8.A.

Accident Investigation Reports, Information Gathering, 5.C.1.

Accident Prevention Program

Safety and Health Review, 2.A.1.b

Self-Insurance Review, 1.C.2

Accompanied Consultation - Safety and Health Form, Appendix 1-A1

Accompanied Consultation - Risk Management Form, Appendix 1-A2

Accompanied Visits, 1.D.4.a.

Account File Documentation, Risk Management Services, 12.E.1.

Activities, Outreach

Cooperative Efforts, 2.F.3.

Evaluating, Promotional, 2.G.

Form-66, Collecting Data, 9.C.3.

Group Activities, 2.F.3.a.

Methodology, 2.F.2.

Pro Bono Activities, 2.F.3.b.

Target Audiences, 2.F.1.

Additional Requirements, START

Changes Affecting Eligibility, 10.D.2

Fatalities or Catastrophes, START or Pre-START Sites, 10.D.1.

Additional Training, Closing Conference, 5.E.5.f.

Administrative Controls, Interim Protection, 8.D.2.

Alternative Calculations, START, 10.B.4.b.

Analysis of Worksite, 6.B.2.

Appendices

Accompanied Consultation, Safety and Health Form, 1-A1

Accompanied Consultation, Risk Management Form, 1-A2

Appointment Letter, 5-D

Certification of Hazards Corrected, 8-A

Consultation Visit Checklist, 5-A

Cover Letter, 7-C

Follow-up Letter (Hazard Corrected), 8-E

Incentive Programs Memo (OSHA), 10-C

Injury/Illness Incidence Rates, 6-A

Intervention Form 66 (only), 9-B

Intervention Form 66 (*Activities*), 9-B2

Intervention Form 66 (*Instructions*), 9-B1

Interview Questions, 5-B

Letter, Low Priority Employer Request, 4-A

List of Letters and Reports Through WIN, 7-A

List of LINIIS Screens, 12-B

Order of Reports, Case File, 7-B

Past Due Notice - Certification of Hazards

Corrected, 8-C

Risk Management Assessment Tool, 12-A

Risk Management Assessment Sample, 12-C

Safety and Health Program Assessment Worksheet, 6-C

Self-Insurance Evaluation Review Form, 11-A

START Commitment Letter, 10-A

START Checklist, 10-B

Supervisor Letter/Past Due Notice – Final Action, 8-D

Table 1/Table 2, Private/Public Employer

Exemptions, 5-C

Training Visit - Letter, 9-A

Updated Certification of Hazards Corrected, Appendix 8-B

Worksheet, Estimate Number Employees and Hours Worked, 6-B

Approval of Applicants, START Pilots, 10.E.4.

Approval, Self-insurance Reviews, 11.D.1.

Areas Addressed, Limited Service Consultation, 4.A.3.a.

Assessments

Hazards, Site Walk-around, 5.E.4.b.

Hazard, Explanation of Process, 5.E.3.g.

Right-to-Know, 1.C.3.

Risk Management Processes, 12.D.3.b.(4)

Safety and Health Program, 5.E.4.a.; Chapter 6

Samples, Appendix 12-A

Worksheet, DOSH Form-25, Appendix 6-C

Assistance

Hazard Correction, 5.E.

Risk Management Services, Chapter 12

Assistant Director, Roles and Responsibilities, 1.D.1.

Attachments, Written Report to Employer, 7.B.4.

Authority, DOSH Consultation Program, 1.B.

B

Basic Information, DOSH Form-25, 6.D.3.

Benefits, Full Service Consultation, 4.A.2.a.

Best Three out of Four Method, 10.B.4.b.(2)

Best Practices, 12.C.6.

C

Case File

Documentation, 7.B.6.

Compliance, Research, 5.C.2.

Case File, Order of Report, Appendix 7-B

Certificate, START, 10.B.6.b.

CONSULTATION MANUAL

INDEX

Certification

- Attachments, Written Report to Employer, 7.B.4.
- Hazard Abatement, 8.B.
- Serious Hazards Corrected, 7.B.5.
- Not Received from Employer, 8.F.

Changes Affecting Eligibility, START

- Additional Requirements, 10.D.2
- Ownership and Organizational Changes, 10.D.2.b.
- Relocation, 10.D.2.a.

Circumstances, Employer Action Plan, 8.E.1.

Citations, Issuing

- Abatement Assistance Concerns, 3.B.4.b.
- START or Pre-START, Fatalities or Casualties, 10.D.1.

Citing Hazards, Abatement Assistance, 3.B.4.a.

Claims Management & Return to Work Services, 12.C.3.

Classified and Trade Secret information

- Employer Requests, Information, 4.E.3.
- On-site Consultation, Pre-Visit Preparation, 5.C.4.d.

Closing, Risk Management Processes, 12.D.3.c.

Closing Conference, On-site Visit Procedures

- Additional Training Needed, 5.E.5.f.
- Conduct of On-site Consultation, 5.E.5.
- Copies of Forms and Publications, 5.E.5.g.
- Elements of a Visit, 5.B.
- Hazard Correction Assistance, 5.E.5.b.
- Hazards Identified, 5.E.5.a.
- Reporting Correction of Hazards, 5.E.5.c.
- Safety and Health Program Assessment Findings, 5.E.5.d.
- Safety and Health Program Improvement Plan, 5.E.5.e.
- Sampling Results, 5.E.5.i.
- Written Report to Employer, 5.E.5.h.

Closing Letter Samples, Appendix 12-E

Codes

- NAICS, Employer Requests, 4.E.1.
- WIN, Elements of Written Report, 7.B.3.

Committee Meeting Minutes, Information

- Gathering, Pre-visit Preparation, 5.C.1.

Commitment and Communication, Management, Full Service Consultation, 4.A.2.b.

Completion of Analysis, APPA Form, 11.D.3.

Complexity and Formality, Flexibility of Criteria, 6.C.1.

Compliance Case File, Research, 5.C.2.

Conduct of On-site Consultation

- Closing Conference, 5.E.5.
- Credentials, Presenting, 5.E.2.
- DOSH Compliance Inspection in Progress, 5.E.3.c.
- Employer's Obligations and Rights, 5.E.3.d.

- Entry of Workplace, 5.E.1.

- Evaluating Employer's Injury and Illness Rates, 5.E.3.e.

- Explanation of Closing Conference, 5.E.3.h.

- Explanation of Hazard Assessment Process, 5.E.3.g.

- DOSH Compliance Information, 5.E.3.f.

- Interviews, Site Walk-around, 5.E.4.d.

- Limited Compliance Access, 5.E.3.f.(2)

- Multi-Employer Worksite, 5.D.4.

- Opening Conference, 5.E.3.

- Shared Purpose, DOSH Compliance, 5.E.3.f.(1)

- Site Walkaround, 5.E.4.

- Subsequent Inspection, 5.E.3.f.(3)

- Training and Assistance, 5.E.4.e.

- Unprogrammed Inspection, 5.D.3.

Conference, Closing, On-site Visit, 5.E.5.

Confidentiality

- Classified Information and Trade Secrets, 4.E.3.;
- 5.C.4.d.

- Employer Rights, 2.A.2.a.

- START, On-site Consultation, 10.A.

- Written Report to Employer, 7.B.

Confirmation of Visit, 5.C.5.

Construction Sites, On-site Consultation

- 4.B.1.f.

Consultants, Extensions, Requests, 8.C.3.

Consultant's Advice, 2.A.2.d.

- Consultation File, Research, 5.C.2.

Consultation Visits

- In Progress, 5.D.3.

- Multi-Employer Worksite, 5.D.4.

- Prior, 2.A.2.b.

Consultation Services

- Off-site, 4.C.

- On-site Visits, 1.C.1.

- Response to Compliance Inspection in Progress, 5.D.1.b

Consultation Visit Checklist, Appendix 5-A

Consultation Written Report to Employer, 7.B.

Cooperative Efforts, Outreach Activities, 2.F.3.

Cooperative, Recognition and Exemption Programs, 1.C.6.

- Copies of Forms and Publications, 5.E.5.g.

- Core Principles, 2.A.

- Correcting Serious Hazards, Dates, 2.A.2.i.

- Correction Assistance, Hazards, 5.E.5.b.

- Correction Schedule, Employer Rights, 2.A.2.i.

- Correspondence, Risk Management Services Documentation, 12.E.2.

- Cover Letter, Written Consultation Report, 7.A.

- Credentials, Presenting, Conduct of On-site Consultation, 5.E.2.

- Criteria, Hazard Abatement Extensions Requests, 8.C.1.

CONSULTATION MANUAL

INDEX

D

DART and TRC Calculations, 10.B.4.

Dates

- Employer Action Plan, 8.E.2.
- Correcting Serious Hazards, 2.A.2.i.

Deferral Inspection, Following a Consultation, 2.B.

Deferrals

- Time Frame, Pre-START Status, 10.C.3.
- Pre-visit, Relationship to Compliance, 5.D.4.

Definitions

- Action Plan For Inspection Deferral, 1.F.2.
- Compliance Officer, 1.F.3.
- Consultant, 1.F.4.
- Cooperative Agreement, 1.F.5.
- Days Away, Restricted and Transferred (Dart), 1.F.6.
- Effective, 1.F.7.
- Follow-up Visit, 1.F.24.c.
- Full-service Visit, 1.F.20.a.
- General Hazard, 1.F.8.
- Hazard Correction, 1.F.9.
- Hazard Survey, 1.F.10.
- Imminent Danger, 1.F.11.
- Initial Visit, 1.F.24.a.
- Intervention, 1.F.12.
- Limited-service Visit, 1.F.20.a.
- On-site Consultation, 1.F.13.
- OSHA, 1.F.14
- Program Assessment, 1.F.15.
- Program Assistance, 1.F.16.
- Programmed Inspection, 1.F.17.
- Safety and Health Program, 1.F.18.
- Safety and Health Program Assessment Worksheet (DOSH Form-25), 1.F.19.
- Scope of Visit, 1.F.20.
- Serious Hazard, 1.F.21.
- Small Business, 1.F.22.
- Total Recordable Case Rate (TRC), 1.F.23.
- Training and Assistance Visit, 1.F.24.b.
- Visit in Progress, 1.F.24.d.
- Visits, 1.F.24.
- WISH Act, 1.F.1.
- Written Report to Employer, 1.F.25.

Delivery of Services, Elements of a Visit, 5.B.

Demonstrated Good Faith Effort to Correct Hazard, 8.C.1.a.

Dependence on DOSH Services, Employer, 9.B.6.

Description and Promotion of Services, Chapter 2

Disclaimer, Hazard Correction Assistance, 5.E.4.c.(2)

Disposition of Consultation Records, 1.D.5.d.

Documentation, Risk Management Services

- Account File, 12.E.1.
- Correspondence, 12.E.2.

Measurement/Month End Reports, 12.E.3.

Documentation, START, 10.B.7.d.

DOSH Compliance Inspection in Progress, 5.E.3.c.

DOSH Consultants

- Subpoena Served, 1.D.5.a.
- Training and Assistance, Chapter 9

DOSH Consultation Program, Overview, Chapter 1

DOSH Form-25, Use, 6.D.

DOSH Compliance

- Inspection in Progress, 5.D.1.
- Limited Access to Consultation Information, 2.A.2.c.
- Deferral Recommendations, 10.C.5.
- START Worksite Status, 10.B.6.c.

Duration

- START Pilots, 10.E.2.
- START Status, 10.B.7.

E

Effective

- Definition, 1.F.7.
- In Practice, 6.C.2.

Elements of Safety and Health Program

- Hazard Prevention and Control, 6.B.3.
- Management Leadership and Employee Involvement, 6.B.1.
- Training, 6.B.4.

Elements of On-site Visit, 5.B.

Elements, Required of Written Report, 7.B.3.

Eliminate Imminent Dangers, 2.A.1.c.

Employee

- Exposure Not Observed, 5.E.4.b.(4)
- Participation, 2.A.1.f.

Employer

- Abatement Extensions, Requests, 7.B.6.
- Action Plan, 8.E.
- Certification, Not Received, 8.F.
- Dependence on DOSH Services, 9.B.6.
- Obligations, 2.A.1.
- Profile, Research, 5.C.2.
- Requests in Writing, Hazard Abatement, 8.C.1.
- Rights, 2.A.2.
- Submitting Certification, Hazard Abatement, 8.B.
- Written Report, Elements, 7.B.3.

Employer Eligibility, START and Pre-START Status, 10.C.1; 10.B.5.

Employer Safety and Health Requests, Chapter 4

Engineering Controls, Interim Protection, 8.D.1.

Ensuring Safety and Health Hazard Abatement, Chapter 8

Entering Information in LINIIS System, Employer Requests, 4.E.1.

CONSULTATION MANUAL

INDEX

Entrance Requirements, Employer Requests, 4.E.2.
Entry of Workplace, Conduct of On-site Consultation, 5.E.1.
Establishment Size, Employer Requests, 4.E.1.
Evaluating Employer's Injury and Illness Rates, 5.E.3.e.
Evaluating Promotional and Outreach Activities, 2.G.
Evaluation Summary, Elements of Written Report, 7.B.3.
Evidence Supporting Non-completion, Hazard Abatement, 8.C.1.b.
Exemption, Cooperative and Recognition Programs, 1.C.6.
Existing Program, Pre-visit Preparation, Information Gathering, 5.C.1.
Expert Testimony, 1.D.5.c.
Explanations
 Closing Conference, 5.E.3.h.
 Hazard Assessment Process, 5.E.3.g
Extensions, Requests, Hazard Abatement, 8.C.
External Customers or Stakeholders, Intervention Activities, 9.C.1.

F

Factors, Granting Approval for START, 10.B.4.c.
Factual Testimony, 1.D.5.c.
Failure to Maintain Start or Pre-start Requirements
 Additional Requirements, 10.D.3.
 Termination of Exemption or Deferral, 10.D.3.b.
 Voluntary Withdrawal from Program, 10.D.3.a.
Fatalities or Catastrophes at START or Pre-START Sites, 10.D.1.
Files, Research, Pre-visit Preparation, 5.C.2.
Final Action, Supervisor Letter Sent, 8.F.3.
First Reports of Injury, Information Gathering, 5.C.1.
Fixed Industry Employers, Inspection Deferral, 2.B.1.
Flexibility in Application of Criteria, 6.C.
Follow-up
 Abatement Assistance, Inspections, 5.D.2.
 Letter, Correcting Serious Hazards, Appendix 8-D
 On-site Services, 5.A.
 Risk Management Processes, 12.D.6.
 Visits, 8.G.
Forms
 APPA, Appendix 11–A
 DOSH Form-25, 6.D.
 Consultation, Case File, 7.B.6.
Formal Training
 Preparation, 9.D.2.b.

 Letter, Training Visit, Appendix 9-A
 Types of Training and Assistance, 9.A.2.b.
Formality and Complexity, Flexibility of Criteria, 6.C.1.
Framework, START Pilots, 10.E.1.
Full Service Consultation
 Benefits, 4.A.2.a.
 Management Commitment and Communication, 4.A.2.b.
 Submission of Program Materials, 4.A.2.c.

G

Gathering Information, Pre-visit Preparation, 5.C.1.
Good Faith Effort by Employer, 2.A.2.d.
Good Faith Effort to Correct Hazard, Demonstrated, 8.C.1.a.
Governor's Industrial Safety and Health Conference, 11.C.
Granting an Extension, Hazard Abatement, 8.C.3.
Group Activities, Cooperative Efforts, Outreach, 2.F.3.a.

H

Hard Hats, Pre-visit Preparation, 5.C.3.a.
Hazard Assessment, Imminent Danger, 5.E.4.b.(1)
Hazard Corrected, Follow-up Letter, Appendix 8-D
Hazard Correction Assistance
 Closing Conference, 5.E.5.b.
 Disclaimer, 5.E.4.c.(2)
 Site Walk-around, 5.E.4.
 Types, 5.E.4.c.(1)
Hazard Correction Due Date, Extensions, Requests, 8.C.4.
Hazard Prevention and Control, Elements of Safety and Health Program, 6.B.3.
Hazards
 Cited, Abatement Assistance, 3.B.4.a.
 Corrected on the Spot, Site Walkaround, 5.E.4.b.(6)
 Identified, Closing Conference, 5.E.5.a.
 Prioritizing, Specific Small, High Hazard Employers, 3.B.2.a.
High Hazard Industries, Prioritizing, 3.B.2.a.
High Hazard NAICS Codes, Specific Small Employers, 3.B.2.a.
High Incidence Rates, Specific Small Employers, 3.B.2.a.
Human Resources, Types of Risk Management Services, 12.C.2.

CONSULTATION MANUAL

INDEX

I

Identifying

Hazards and Potential Hazards. 5.E.4.b.(2)
Target Audiences, Promotional Methods and Strategies, 2.E.2.

Imminent Danger

Hazard Assessment, Site Walk-around, 5.E.4.b.(1)
Situations, Prioritizing, 3.B.1.

Immunizations, Pre-visit Preparation Special Entrance Requirements, 5.C.4.b.

Impartiality, 2.F.3.c.

In Progress, Consultation Visit, 5.D.3.

Incidence Rates, Employer Requests, 4.E.1.

Inclusions

Official File, 9.B.5.b.
Written Report, 9.B.5.a.
Employer Action Plan, 8.E.3.

Informal Training

Preparation, 9.D.2.a.
Types of Training and Assistance, 9.A.2.a.
Examples, During Initial visit, 9.B.3

Information Gathering, Pre-visit Preparation, 5.C.1.

Information on DOSH Compliance

Conduct of On-site Consultation, 5.E.3.f.
Limited Compliance Access to Consultation, 5.E.3.f.(2)
Shared Purpose, 5.E.3.f.(1)
Subsequent Inspection, 5.E.3.f.(3)

Initial Visit, On-site Training and Assistance, 9.B.1.

Injury/Illness Incidence Rates, Appendix 6-A

Inspection Deferral, Following a Consultation

Fixed Industry Employers, 2.B.1.
Referral from Consultation, 2.B.2.
Unscheduled Inspections, 2.B.3.

Inspection in Progress, Relationship to Compliance

Consultation Response During Appeal Period, 5.D.1.c.
Consultation Response to Compliance Inspection in Progress, 5.D.1.b.
Definition, 5.D.1.a.

Interim Protection

Administrative Controls, 8.D.2.
Engineering Controls, 8.D.1.
Personal Protective Equipment (PPE) and/or Clothing, 8.D.4
Site Walkaround, 5.E.4.b.(5)
Work Practice Controls, 8.D.3.

Intervention Form-66, 9.C.1.; Appendix 9-B; Appendix 9-B1; Appendix 9-B2

Intervention Form-66 (Activities), Appendix, 9-B2

Intervention Form-66 (Instructions), Appendix, 9-B1

Interview Questions, Appendix 5-B

Interviews, Site Walkaround, 5.E.4.d.

Introductions

Training and Assistance, 9.A.
Opening Conference, Conduct of On-site Consultation, 5.E.3.
Safety and Health Program Assessment, 6.A.

Issued Citations, Abatement Assistance, 3.B.4.b.

L

Large Employers, Prioritizing, Risk Management Services, 12.B.5.

Larger Business, Less Hazardous, Prioritizing, 3.B.3.

Letter, Low Priority Employer Request, Appendix 4-A,

Limited Compliance Access, Employer Rights, 2.A.2.c.

Limited Service Consultation

Areas Addressed, 4.A.3.a.
Observed Serious Hazards, 4.A.3.b.

Limited Service Visits, Pre-visit Preparation, 5.C.1.

List of Hazards, Elements of Written Report, 7.B.3.

List of Letters and Reports Through WIN, Appendix 7-A

List of LINIIS Screens, Risk Management Services, Appendix 12-C

Lists of Employers, Prioritizing, Risk Management Services, 12.B.4.

Low Priority Employers, 4.D.

M

Management, Types of Risk Management Services, 12.C.1.

Management Commitment and Communication, 4.A.2.b.

Management Leadership and Employee Involvement, 6.B.1.

Marketing

Risk Management Processes, 12.D.1.
Sources of Work By Priority, 12.B.3.

Materials and Equipment, Pre-visit Preparation

Hard Hats, Safety Glasses and Safety Shoes, 5.C.3.a.
Respirators, 5.C.3.b.

Measurement/Month End Reports, Risk Management Services Documentation, 12.E.3.

Methodology, Outreach Activities, 2.F.2.

Methods and Strategies, Promotional, 2.E.

Miscellaneous Documentation, Case File, 7.B.6.

Multi-Employer Worksite, Consultation Visit, 5.D.4.

CONSULTATION MANUAL

INDEX

N

NAICS Codes

- Basic Information, DOSH Form-25, 6.D.3.
- Employer Requests, 4.E.1.
- High Hazard Industries, 3.B.2.a.
- Injury/Illness Rates, 5.E.3.e.

No Citations or Penalties, Employer Rights, 2.A.2.f.

No Cost, Employer Rights, 2.A.2.e.

No Penalties, Employer Rights, 2.A.2.f.

Not Part of Initial Visit, On-site Training and Assistance, 9.B.4.

Notification of Approval, Regional Consultation Manager Responsibilities, 10.B.5.c.

O

Objective of Promotional Activities, 2.C.

Obligations, Employer, 2.A.1.

Observed Hazards, Site Walkaround, 5.E.4.b.(2)(a)

Observed Serious Hazards Outside Scope of Request, 4.A.3.b.

Obtaining Establishment Information, Employer Requests, 4.E.1.

Official File, Inclusions, On-site Training and Assistance, 9.B.5.b.

Off-site Consultation Services, 4.C.

Off-site Training

- Types, and Assistance, 9.A.2.d.
- Examples, Informal, 9.B.3.

On-site Consultation Services, 4.B.

On-site Safety and Health Consultation Visits, 1.C.1.

On-site Safety and Health Visit Procedures, Chapter 5

On-site Training and Assistance, 9.B.

On-site Visit, Risk Management Processes, 12.D.3.b.

Opening Conference

- Conduct of On-site Consultation, 5.E.3.
- Elements of a Visit, 5.B.
- DOSH Compliance Inspection in Progress, 5.E.3.c.
- Introductions, 5.E.3.a.
- Scope of Visit, 5.E.3.b.

Order of Reports, Case File, Appendix 7-B

OSHA 300 Logs, Pre-visit Preparation, 5.C.1.

Other Findings and Recommendations, Elements of Written Report, 7.B.3.

Other Programs, Chapter 11

Outcome of a START Pilot, 10.E.5.

Outreach Activities, 2.F.

Overview, DOSH Consultation Program, Chapter 1

P

Past Due Notice

- Certification of Hazards Corrected, Appendix 8-B
- Sent by Consultant, 8.F.2.
- Supervisor Letter/Past Due Notice – Final Action, Appendix 8-C

Personal Protective Equipment (PPE) and/or Clothing, Interim Protection, 8.D.4

Personal Safety, Risk Management Processes, 12.D.3.b.(1)

Personal Security Clearance, On-site Pre-visit Preparation, 5.C.4.c.

Potential Hazards, 5.E.4.b.(2)(a)

Posting

- Pre-START Requirements, 10.C.2.b.
- Written Report to Employer, 2.A.1.e.

Practices and Rules, Special Policies of Employer, 5.C.4.a.

Pre-START Requirements

- Initial, 10.C.2.a.
- Posting, 10.C.2.b.

Pre-START Status

- Deferral Time Frame, 10.C.3.
- DOSH Inspections, Pre-START Worksites, 10.C.6.
- Employer Eligibility, 10.C.1.
- Initial Requirements, 10.C.2.a.
- Posting Requirements, 10.C.2.b.
- Regional Consultation Manager Responsibilities, 10.C.4.
- Requirements, 10.C.2.
- Statewide Consultation Manager Responsibilities, 10.C.5.

Pre-visit Deferrals, Relationship to Compliance, 5.D.4.

Pre-visit Planning, On-site Training and Assistance, 9.B.2.

Pre-visit Preparation, On-site Consultation

- Information Gathering, 5.C.1.
- Materials and Equipment, 5.C.3.
- Research, 5.C.2.
- Special Policies of Employer, 5.C.4.
- Visit Confirmation, 5.C.5.

Preparation

- Formal Training, 9.D.2.b.
- Informal Training, 9.D.2.a.
- Pre-visit , Information Gathering, 5.C.1.
- Written Report Responsibility, 7.B.2.

Presenting Credentials, On-site Consultation, 5.E.2.

Pre-START Status, 10.C.

Prior Consultation Visit, 2.A.2.b.

CONSULTATION MANUAL

INDEX

Prioritizing and Scheduling Consultation Services

Abatement Assistance, 3.B.4.
Imminent Danger Situations, 3.B.1.
Less Hazardous, Larger Businesses, 3.B.3.
Specific Small, High Hazard Employers, 3.B.2.

Private Discussion with Consultant, Employer Rights, 2.A.2.h.

Private Employer Exemptions, Table 1, Appendix 5-C

Pro Bono Activities, Outreach, 2.F.3.b.

Process Overview, START Pilots, 10.E.3.

Producing Results, Safety and Health Programs Assessment, 6.A.1.

Program Assessment, Safety and Health, Chapter 6 Program Description, Risk Management Services, 12.A.

Program Materials, Limited Services Consultation, 4.A.2.

Program Requirements, START, 10.B.2.

Program Review, Employer Obligations, 2.A.1.b. Programs

Cooperative, Recognition and Exemption, 1.C.6.
Full Service Consultation., 4.A.2.
Risk Management Services, Description, 12.A.
Safety Through Achieving Recognition Together (START), Chapter 10

Promotional Methods and Strategies

Identifying Target Audiences, 2.E.2.
Tools, 2.E.1.

Providing a Safe Workplace, 2.A.1.a.

Providing Consultation Report to Employees, 2.A.1.e.

Public Employer Exemptions, Table 2, Appendix 5-C

Publications, Copies, 5.E.5.g.

Purpose

Consultation Program, 1.A.
Training and Assistance, 9.A.1.

Q

Quality Assurance, Accompanied Visits, 1.D.4.b.

R

Rates

Types of Risk Management Services, 12.C.4.
Calculating Injury/Illness Incidence Rates, Appendix 6-A

Recognition, Cooperative and Exemption Programs, 1.C.6.

Recommendation Letter, Appendix 12-D

Recommendations and Other Findings, 7.B.3.

Recording Training and Assistance Time, 9.A.4.

Reducing Injury/Illness Rates, Benefits, Full Service Consultation., 4.A.2.a.

Referrals, DOSH Compliance, Abatement Verification Not Received, 8.F.4.

Referrals, Risk Management Processes, 12.B.2.; 12.D.2.

Regional Consultation Manager Responsibilities

Pre-START, 10.C.4

Roles, 1.D.3

START, 10.B.5.

Regional Consultation Supervisor

Accompanied Visits, 1.D.4.a.

Quality Assurance, 1.D.4.b.

Roles and Responsibilities, 1.D.4.

Relationship to DOSH Compliance

Consultation Visit, 5.D.;

Risk Management Services, 12.F.

Renewal Approval, START, 10.B.9.

Renewal Requirements, START 10.B.8.

Reporting

Intervention Activities, Form-66, 9.C.

Correction of Hazards, Closing Conference, 5.E.5.c.

Team Interventions, 9.C.5.

To the Employer, On-site Training and Assistance, 9.B.5.

Requesting Information

Classified and Trade Secret, 4.E.3.

Obtaining, Establishment, 4.E.1.

Special Equipment, Entrance Requirements, 4.E.2.

Requests for On-site Consultation Visits, 4.B.1.

Requests for Abatement Extension, 7.B.6.

Required Elements of Written Report, 7.B.3.

Requirements

Abatement Extensions Requests, 8.C.2.

Entrance, 4.E.2.

Special Equipment, 4.E.2.

Research, Pre-visit Preparation, 5.C.2

Respirators, Pre-visit Preparation, 5.C.3.b.

Responsibilities

Statewide Consultation Manager, 10.B.6.

Preparing Written Report to Employer, 7.B.2.

Reviews

APP Program, Elements of a Visit, 5.B.

Safety and Health Program, Employer Obligation, 2.A.1.b.

Self-Insurance, 1.C.2.

Right-to-Know Assessment

Review, 11.B.

Consultation Services, 1.C.3.

Risk Management Assistance, Consultation Services, 1.C.5.

CONSULTATION MANUAL

INDEX

Risk Management Processes

- Assessment, 12.D.3.b.(4)
- Closing, 12.D.3.c.
- Consultation, 12.D.3.
- Employer's Current Status, 12.D.3.b.(3)
- Follow-up, 12.D.6.
- Marketing, 12.D.1.
- On-site Visit, 12.D.3.b.
- Personal Safety, 12.D.3.b.(1)
- Pre-visit Preparation, 12.D.3.a.
- Recommendations, 12.D.3.b.(5)
- Referrals, Made, Received, 12.D.2.
- Scope of Visit, 12.D.3.b.(2)
- Technical Assistance, 12.D.4.
- Workshops, 12.D.5.

Risk Management Services, Chapter 12

- Compliance Inspection, Opened, 12.F.1.
- Closing, 12.D.3.c.
- Documentation, 12.E.
- Follow-up, 12.D.6.
- On-site Visit, 12.D.3.b.
- Program Description, 12.A.
- Relationship to Compliance, 12.F.
- Sources of Work By Priority, 12.B.
- Technical Assistance, 12.D.4.
- Unsafe Conditions, 12.F.2.
- Workshops, 12.D.5.

Roles and Responsibilities, 1.D.

- Absence of a Regional Consultation Supervisor, 1.D.3.
- Assistant Director, 1.D.1.
- DOSH Consultant, 1.D.5.
- Regional Consultation Manager, 1.D.3.
- Regional Consultation Supervisor, 1.D.4.
- Statewide Consultation Manager, 1.D.2.

Rules and Practices, Pre-visit Preparation, 5.C.4.a.

S

Safeguard Steps, Hazard Abatement, 8.C.1.c.

Safety and Health Consultant Training and Assistance Capabilities, 9.A.3.

Safety and Health Program

- Assessment, Chapter 6
- Complexity and Formality, 6.C.1.
- Effective in Practice, 6.C.2.
- Elements, 6.B.4.
- Flexibility in Application of Criteria, Program Assessment, 6.C.
- Findings, Closing Conference, 5.E.5.d.
- Improvement Plan, Closing Conference, 5.E.5.e.
- Management Guidelines, START, 10.B.3.
- Producing Results, 6.A.1.
- Worksheet, DOSH Form-25, 6.A.2.; Appendix 6-C

Written Format, 6.C.3.

Safety Glasses, Pre-visit Preparation, 5.C.3.a.

Safety Management, Types of Services, 12.C.5.

Safety Shoes, Pre-visit Preparation, 5.C.3.a.

Safety Through Achieving Recognition Together (START), Chapter 10

Sampling Methods, Research, Pre-visit Preparation, 5.C.2.

Sampling Results, Closing Conference, 5.E.5.i.

Scheduling and Prioritizing Consultation Services, Chapter 3

Scheduling Criteria, Consultation Services, 3.A.

Scope of Services, Employer Safety and Health Requests, 4.A.

Scope or Termination of Request, Employer Rights, 2.A.2.g.

Scoring Attributes, DOSH Form-25, 6.D.4.

Secondary NAICS Codes, 3.B.2.a.

Self-Insurance Reviews

DOSH Roles, 11.D.1.

Completion of APPA Analysis, 11.D.3.

Conduct of APPA Review, 11.D.2.

Consultation Services, 1.C.2.

Shared Purpose, DOSH Compliance. 5.E.3.f.(1)

SHIMS list, 3.B.2.a

Site Walkaround

Conduct of On-site Consultation, 5.E.4.

Employee Exposure Not Observed, 5.E.4.b.(4)

Hazard Assessment, 5.E.4.b.

Hazard Correction Assistance, 5.E.4.c.

Hazards Corrected on the Spot, 5.E.4.b.(6)

Identifying Hazards and Potential Hazards, 5.E.4.b.(2)

Interim Protection, 5.E.4.b.(5)

Interviews, 5.E.4.d.

Safety and Health Program Assessment, 5.E.4.a.

Training and Assistance, 5.E.4.e.

Work Processes, 5.E.4.b.(3)

Skills Required

Formal Training, 9.D.1.b.

Informal Training, 9.D.1.a.

Small Employer Requests, Risk Management Services, 12.B.1.

Smaller Employers, Specific, 3.B.2.b.

Sources of Work By Priority, Risk Management Services

Large Employers, 12.B.5.

Lists of Employers, 12.B.4.

Marketing., 12.B.3.

Referral Sources, 12.B.2.

Small Employer Requests, 12.B.1.

Special Equipment Requirements, 4.E.2.

Special Equipment or Entrance Requirements, Employer Requests, 4.E.2.

Specific Hazards, Employer Requests, 4.E.1.

Special Policies of the Employer, 5.C.4.

CONSULTATION MANUAL

INDEX

**START and Pre-START Inspections, 10.B.10;
10.C.6**

**START (Safety Through Achieving Recognition
Together), Chapter 10**

- Additional Requirements, 10.D.
- Alternative Calculations, 10.B.4.b.
- Change in Ownership and Organization, 10.D.2.b.
- Changes Affecting Employer Eligibility, 10.D.2
- DART and TRC Calculations, 10.B.4.b.
- Documentation, 10.B.7.d.
- DOSH Inspections, START Worksites, 10.B.10.
- Duration, 10.B.7.
- Employer Eligibility, 10.B.1.
- Exemption Period, 10.B.7.b.
- Factors Determining Whether to Grant Approval,
10.B.4.c.
- Failure to Maintain Requirements, 10.D.3.
- Fatalities or Catastrophes, 10.D.1.
- Inspections at Worksites, 10.B.10
- Initial Approval Period, 10.B.7.a.
- Injury/Illness Rates, 10.B.4.
- Management Guidelines, 10.B.3.
- Notification of Approval, 10.B.5.c.
- Participation Period, 10.B.7.c.
- Program Requirements, 10.B.2.
- Regional Consultation Manager Responsibilities,
10.B.5.
- Relocation, 10.D.2.a.
- Renewal Approval, 10.B.9.
- Renewal Requirements, 10.B.8.
- Safety and Health Program Management
Guidelines, 10.B.3.
- Statewide Consultation Manager Responsibilities,
10.B.6.
- Termination of Exemption or Deferral, 10.D.3.b.
- Verification, Employer Eligibility, 10.B.5.a.
- Voluntary Withdrawal from Program, 10.D.3.a.

START Pilots

- Approval of Applicants, 10.E.4.
- Duration, 10.E.2.
- Framework, 10.E.1.
- Outcome, 10.E.5.
- Process Overview, 10.E.3.

Statewide Consultation Manager

- START and Pre-START, Responsibilities,
10.C.5.; 10.B.6.
- Roles and Responsibilities, 1.D.2.

Status, Employer Action Plan, 8.E.4.

**Submission of Program Materials, Full Service
Consultation, 4.A.2.c.**

**Submission of START Requests for Approval,
10.B.5.b.**

Subpoena Served, DOSH Consultant, 1.D.5.a.

Subsequent Inspection, 5.E.3.f.(3)

T

Target Audiences, Outreach Activities, 2.F.1.

**Specific Small, High Hazard Employers,
Prioritizing, 3.B.2.**

Scheduling Promotional Activities, 2.D.

**Technical Assistance, Risk Management
Processes, 12.D.4.**

**Technical References, Research, Pre-visit
Preparation, 5.C.2.**

**Telephone Contact, Employer Certification Not
Received, 8.F.1.**

**Termination of Exemption or Deferral, START
Requirements, 10.D.3.b.**

Testifying in Hearings, DOSH Consultant, 1.D.5.b.

Testimony, Types, 1.D.5.c.

**Third Party Case Situations, DOSH Consultant,
1.D.5.b.**

Timely Abatement of Serious Hazards, 8.A.

Timing of Written Report to Employer, 7.B.1.

**Title and Table of Contents, Elements of Written
Report, 7.B.3.**

Total Scores, DOSH Form-25, 6.D.4.b.

**Trade Secrets, and Classified Information,
5.C.4.d.**

Training and Assistance

- Site Walkaround, 5.E.4.e.

- Techniques, 9.D.2

- Types, 9.A.2.

**Training and Assistance by Safety and Health
Consultants, Chapter 9**

**Training or Outreach Not Related to a Visit,
Consultation Services, 1.C.4.**

**Training Provided, Elements of Written Report,
7.B.3.**

Training Visit – Letter, Appendix 9-A

Types of Business, Employer Requests, 4.E.1.

**Types of Testimony Given, Expert, Factual,
1.D.5.c.**

**Types of Accidents, Site Walkaround,
5.E.4.b.(2)(b)**

Types of Services

- Best Practices, 12.C.6.

- Claims Management & Return to Work (RTW),
12.C.3.

- Human Resources, 12.C.2.

- Management., 12.C.1.

- On-site, 5.A.

- Rates, 12.C.4.

- Safety Management, 12.C.5.

Types of Training and Assistance, 9.A.2.

Types of Visits, 4.A.1.

CONSULTATION MANUAL

INDEX

U

Unions, Off-site Training, 9.A.2.d.
Unprogrammed Compliance Inspection,
Consultation Visit in Progress, 5.D.2.
Unsafe Conditions, Risk Management Services,
12.F.2.
Unscheduled Inspections, Inspection Deferral
Following a Consultation, 2.B.3.
Updated Certification of Hazards Corrected,
Appendix, 8-A
Use of Forms, Safety and Health Program
Assessment, 6.D.

V

Verification of Employer Eligibility, 10.B.5.a.
Visit Confirmation, Pre-visit Preparation, 5.C.5.
Visits, Types, 4.A.1.
Voluntary Protection Program (VPP), 11.A.
Voluntary Withdrawal from Program, START
Requirements, 10.D.3.a.

W

WAC (Washington Administrative Code), 7.B.3.
Walk-through, Elements of a Visit, 5.B.
WIN, Elements of Written Report, 7.B.3.
WISHA Information Network (WIN), 1.E.
Work Practice Controls, Interim Protection,
8.D.3.
Work Processes, Site Walkaround, 5.E.4.b.(3)
Workers' Compensation and Insurance Data,
Information Gathering, Pre-visit Preparation,
5.C.1.
Worksheet Comments, DOSH Form-25, 6.D.4.c.
Worksheet, Employees Hours Worked, Appendix
6-B
Workshops, Risk Management Processes, 12.D.5.
Worksite Analysis, 6.B.2.
Written Format, Safety and Health Program,
6.C.3.
Written Report, Case File, 7.B.6.
Written Report, Elements, 7.B.3.
Written Report to Employer
Attachments, 7.B.4.
Case File, 7.B.6.
Certification of Serious Hazards Corrected, 7.B.5.
Closing Conference, 5.E.5.h.
On-site Training and Assistance, Inclusions,
9.B.5.a.
Required Elements, 7.B.3.
Responsibility for Preparing, 7.B.2.
Timing, 7.B.1.

Training, 7.B.3.

Washington Administrative Code (WAC), 7.B.3.

Written Safety and Health Consultation Report,
Chapter 7

Z

Zero to Three, Scoring Attributes, 6.D.4.a.

DOSH Consultation Manual

Significant Changes

September 1, 2013

CHANGES BY CHAPTER	DESCRIPTION OF CHANGE
Chapter 1	Overview of the DOSH Consultation Program
C.2. Self-Insurance Reviews.	Included the requirement that self-insurance reviews include a full-service consultation. Added that the Regional Consultation Manager or Supervisor makes the recommendation to approve, or not approve, a company for self-insurance based on the consultant's findings.
D.4.a. Accompanied Visits.	Added an option that a lead designated by the Regional Consultation Manager can do an accompanied visit. However, this can only be done when there is no designated supervisor for consultation staff other than the Regional Consultation Manager.
D.5.a. Training Requirements for Consultants.	References the DOSH Directive 40.0 for New Hire Training. This section outlines what training is required for new-hire consultants and provides guidance based on the consultants' previous experience.
D.5. Exception:	Added an exception that photos taken by the consultant can be used for training purposes if there are no identifying images of the employer's place of business or of an individual, unless signed permission is given.
F.24.a. Definitions - Initial Visit.	Added clarification to definition of initial visit, that an initial visit can be either a full-service or limited service visit. Removed serious hazard as a criteria for a follow-up.
App 1-A1 Accompanied Consultation Form.	Updated checklist to change requirement that the most current complete year of the OSHA 300 Log and summary plus current year to date be reviewed and incident rates calculated.
Chapter 2	Description and Promotion of Safety and Health Services
F.3.c. Impartiality.	Added a paragraph that Consultation outreach activities must maintain objectivity and impartiality; i.e., not all events would be appropriate for consultants to attend or participate. Examples of what to consider is included.

DOSH Consultation Manual
Significant Changes
September 1, 2013

CHANGES BY CHAPTER	DESCRIPTION OF CHANGE
Chapter 3	Scheduling and Prioritizing Safety and Health Consultation Services
B.2. High Hazard NAICS Codes & SHIMS Lists in LINIIS.	Added clarification that the annually published OSHA NAICS High Hazard list is two lists, a “High Hazard Industry List” and “Top 200 High Hazard Health Industries”. Also added some information about the (SHIMS) high hazard lists in LINIIS. An employer who is on a list should be marked as targeted per DOSH Directive 2.10.
B.4. & NOTE. Assistance Provided After a Consultation.	Changed requirements for abatement assistance. A consultant must offer appropriate abatement assistance to the employer within their level of expertise. If the consultant needs additional technical assistance then they should contact the Technical Services Manager. Deleted previous requirement that consultation provided technical assistance following a compliance inspection. Added a note that compliance contacts Technical Services Manager if technical expertise is needed in assisting an employer. This is now consistent with what is in the Compliance Operations Manual.
Chapter 4	Employer Safety and Health Requests
A.2. Number of Visits.	Changed the number of consultation visits a consultant may provide an employer. This change is based on based on a recent OSHA memorandum dated August 27, 2012. Instead of 1 initial visit per consultant per discipline per site added that an additional visit can be conducted if the first visit was a limited visit, and the employer later requested another visit. If the employer agrees to a full-service visit than an additional visit can be made. DOSH also has kept the caveat that exceptions can be approved by the Regional Consultation Manager.
A.3. Full Service Consultation	Added language that a full service visit also includes a review of all safety and health programs and review and collection of OSHA 300 logs and 300A Summary.
A.4. Limited Service Consultation	Included language that a limited consultation also requires a review of the APP and other programs applicable to the visit as well as a review of the OSHA 300 log and summary.
B.1.f. Requests for Consultation Visits.	Added a requirement for limited service consultation requests to include a review of the APP and any required written programs applicable to the limited service request.

DOSH Consultation Manual
Significant Changes
September 1, 2013

CHANGES BY CHAPTER	DESCRIPTION OF CHANGE
Chapter 5	On-Site Safety and Health Visit Procedures
C.1. Information Gathering	Included that the most current complete OSHA 300 log and 300 A summary as well as current year to date of the log be collected from the employer.
C.1. NOTE.	Added a note that explains when a joint consultation is completed, only one consultant needs to keep a copy of the required log and summary for the case file.
D.2. Consultation Visit in Progress	Updated this section to more clearly specify when consultation visits are considered in progress; when compliance can conduct an inspection during a consultation in-progress; and what consultation should do in response. This is consistent with language in the Compliance Operations Manual, and a recent OSHA memorandum dated July 5, 2012.
E.3.e. Evaluating Employer's Injury and Illness Rates.	Updated requirement for keeping OSHA log and summaries for case file. This is the most current complete year of OSHA 300 Log and OSHA 300A Summary, plus current year to date of the log. The most current complete year of data must be entered into WIN.
E.6 & Appendix 5-A Consultation Visit Checklist	Consultation Visit Checklist: Revised the consultation checklist. Also added a requirement that this checklist is to be used by all safety and health consultants. Additional checklists can be used by the consultant as a supplement if they wish.
Chapter 6	Safety and Health Program Assessment
D.1. Form Completion Requirements	Added language that if doing a joint consultation, the consultants must collaborate on the completion of the Form 25. Only one form needs to be completed.
Chapter 7	Written Safety and Health Consultation Report
A. Cover Letter	Clarified that the cover letter has optional text boxes that are intended to include specifics that may not be in the written report such as: the specific area or hazard evaluated or program reviewed if a limited; areas that may not have been evaluated in a full-service visit; summary of request and scope of services. Additionally, added that the cover letter must list all the attachments included with the report.

DOSH Consultation Manual
Significant Changes
September 1, 2013

CHANGES BY CHAPTER	DESCRIPTION OF CHANGE
Chapter 7	Written Safety And Health Consultation Report
B.3. Elements of the Written Report	This section was updated to more accurately reflect the elements of the written report, changing section titles and descriptions to match what is in the written report template. Also added language under “Evaluation of your company’s safety and health program” that the consultant may direct the reader to comments on the attached Form 25.
B.5. Certification of Hazards Corrected	Swapped paragraph 7.B.5 with paragraph in 8.A. and vice versa because they seemed to fit better.
Appendix 7-B – 10. OSHA 300 Log Summary	Added additional information regarding OSHA log and summary to clarify how many years of logs are required for the case file documentation.
Appendix 7-C Cover Letter	Moved Cover Letter to Chapter 7, Appendix C.
Chapter 8	Ensuring Safety And Health Hazard Abatement
A. Timely Abatement of Serious Hazards	Swapped paragraph 7.B.5 with paragraph in 8.A. and vice versa because they seemed to fit better.
Appendices 8-A thru E	Moved Appointment Letter form to Chapter 5 and Cover Letter form to Chapter 7 .
Chapter 9	Training And Assistance
D.1. Skills Required for All Safety and Health Consultants.	Added language specifying that new consultants take new-hire training depending on their previous DOSH experience as specified in the DOSH Directive 40.0 for New Hire Training.
Appendix 9-B (Form 66)	Updated the Form 66 in the manual so it matched the form being used on-line.
Appendix 9-B2 Form 66 Instructions	Updated the instructions to match the current Form 66.
Appendix 9-B2 Form 66 Intervention Activities	Made some minor updates to the Definitions and Examples for some of the Intervention types.

DOSH Consultation Manual
Significant Changes
September 1, 2013

CHANGES BY CHAPTER	DESCRIPTION OF CHANGE
Chapter 10	Start Program
F. Incentive Programs	Added a New Section to address guidance from OSHA's Memorandum, which clarifies instructions for START Applicants and Participants in Incentive Programs
Appendix 10-C, Incentives Programs Memo from OSHA	Added OSHA's Memorandum as an Appendix
Chapter 11	Other Programs
D.1, D.2. & D.3. Self-Insurance Reviews.	Updated the requirements for self-insurance reviews to reflect that consultants now do a full-service consultation (if feasible) as part of the process for making recommendations on a company becoming self-insured.
Appendix 11- Self-Insurance Evaluation Review Form	Updated the form to be used by the consultants when doing a self-insurance evaluation.
Chapter 12	Risk Management Services
D.1, Marketing D.2 Referrals	Note: Updated for clarification on entering marketing activities for monthly reports. Note: Added clarification added for referrals received and entering into the WIN system. The Risk Manager providing the direct service to the employer will enter the referral received.
D.3.b. (4) Consultation Process	Revised to include all 5 elements to be covered during a consultation, Management, HR, Claims and Return to Work, and Safety. All 5 elements must be included in the written Assessment provided to the employer. Added clarification on reporting perceived unsafe condition/s witnessed during a walk-through survey to employer, Supervisor and Regional Manager.
D.3.c. Closing Consultation	This section was updated to included new requirements on using WIN to generate a customized Risk Management Assessment within 15 calendar days of closing a consultation

DOSH Consultation Manual
Significant Changes
September 1, 2013

CHANGES BY CHAPTER	DESCRIPTION OF CHANGE
Chapter 12	Risk Management Services
D.4 Technical Assistance	<p>This section was updated to define technical assistance. Technical Assistance is anything less than the 5 required elements of a consultation and does not require a Risk Management Assessment or Closing Letter.</p> <p>Clarification added on entry into the WIN system regarding how the Risk Manager met the needs of the employer when providing Technical Assistance.</p>
F.2 Unsafe Conditions	Deleted this section because it is stated in previous sections.
Appendixes 12-A thru 12-C	<p>Replaced Assessment-Sample 1 with an Assessment Tool that includes all 5 elements of a consultation.</p> <p>Added sample of Risk Management Consultation Assessment which includes all 5 consultation elements.</p> <p>Removed Recommendation and Closing Letters samples.</p>