



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES
Division of Occupational Safety and Health
PO Box 44650, Olympia, WA 98504-4650

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ENVIRONMENTAL HEALTH
& SAFETY

Amended Permanent Variance

January 9, 2008

Barbara McPhee, Director EH&S
University of Washington
201 Hall Health Center Box 35440
Seattle, WA 98195

RE: Permanent Variance FN 10200

Dear Ms. McPhee:

The Department of Labor and Industries, Division of Occupational Safety and Health (DOSH) has rewritten the rule in which you were granted a permanent variance. Your original variance was from Washington Administrative Code (WAC) 296-24-045(1)(a), regarding employee-elected safety and health committee members. The current rule related to your variance is found in WAC 296-800-13020(1). Our review of your variance file shows you still need a variance from WAC 296-800-13020(1).

This amended variance is effective the date of this letter and is being issued only to change the referenced code. It will remain in effect for as long as you continue to follow the conditions you described in your initial variance application, or until withdrawn by you or the department. Our DOSH staff will be notified of this decision.

You Proposed:

1. To extend the terms of the employee-elected members of the health and safety committees to a two-year term, university-wide. The employer-selected representatives will also serve a two-year term.
2. The two-year term will allow health and safety committee members time to become oriented to how the committees function and to pursue health and safety initiatives and projects that may take more than the remaining months of the one-year term.

Current rule related to your variance request:

WAC 296-800-13020 Establish and conduct safety committees.

If you employ 11 or more employees on the same shift at the same location, you must:

(1) Establish a safety committee.

- Make sure your committee:
 - Has employee-elected and employer-selected members.



- The term of employee-elected members must be a maximum of one year. (There is no limit to the number of terms a representative can serve.)
- If there is an employee-elected member vacancy, a new member must be elected prior to the next scheduled meeting.

Our Investigation Determined:

- Because of the organizational structure and size of the university, it is more efficient and effective to conduct elections every two years.
- Our determination is to grant this variance request with the understanding that a minimum of 12 safety and health committees (1 university-wide, 11 group, and more if determined necessary by each work group) are allowed to operate full authority provided by the standard.
- Each committee must be compliant with all other elements of the standard.
- Particular attention should be given to ensure that, at a minimum, each committee is allowed to do the following tasks as defined by the standard.
- Safety and health committee meetings shall address the following:
 1. A review of the safety and health inspection reports to assist in correction of identified unsafe conditions or practices.
 2. An evaluation of the accident investigation conducted since the last meeting to determine if the cause of the unsafe condition or unsafe acts involved was properly identified and corrected.
 3. An evaluation of the accident and illness prevention program with a discussion of recommendations for improvement where indicated.
 4. The attendance shall be documented.
 5. The subject(s) shall be documented.

Rights and requirements for you and your employees

- Reporting changes: If there is a change in your workplace operation that would affect this variance such as the name of your business, the location of your operation, or the equipment, materials, or processes you are using, you must immediately report it in writing including a description of the change.

Mail this written report to:
Department of Labor & Industries
Division of Occupational Safety and Health
PO Box 44650
Olympia, WA 98504-4650

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FN 10200

- Enforcing this variance and related rules: If, in a future inspection, DOSH enforcement inspectors find you have violated the terms of this variance and the rule, you may receive a citation and a possible penalty.
- Posting this letter: You must post this letter for as long as the variance is in effect in every work site affected by this variance. All affected employees must be able to easily see it.
- Appealing this decision: If you or any affected employee disagree with our decision, you, the employee, or the employee's representative may file a petition for review to Superior Court pursuant to RCW 34.05.514(1) by filing in: (a) Thurston County, (b) the county of the petitioner's residence or principal place of business, or (c) in any county where the property owned by the petitioner and affected by the contested decision is located. Pursuant to RCW 34.05.542, a petition for review from the Department's variance decision must be filed within thirty (30) days of service of the Department's decision and must be served on the Department, the Office of the Attorney General, and all parties of record.

If you have any questions, please call the customer service specialist at 360-902-5568.

Sincerely,



Stephen M. Carr, CIH
Assistant Director
Division of Occupational Safety and Health