


State of Alaska
Department of Labor and Workforce Development
Division of Labor Standards and Safety

AKOSH Program Directive #22-01

Date: January 18, 2022

To: All AKOSH Staff

From: William Harlan, Director 

Subject: Amended 2022 FOM Penalties Supplement

This program directive, PD 22-01, is adopted as the 2022 FOM Penalties Supplement.

This program directive incorporates the annual adjustment to civil penalties for inflation.

This program directive is effective immediately. Please ensure that all members of your staff receive a copy of this program directive and understand how to implement it.

Attachment: 2022 FOM Penalties Supplement

cc: Patrick Kapust, Acting Regional Administrator, OSHA, Region X
Abby Lopez, Assistant Regional Administrator, OSHA, Region X



**State of Alaska
Department of Labor and Workforce Development
Division of Labor Standards and Safety**

Effective February 1, 2022

2022 FOM Penalties Supplement

Executive Summary

This document is a supplement to chapter 6 of the AKOSH Field Operations Manual, PD 21-02. The purpose of this document is to aid AKOSH personnel in proposing initial penalties for violations of Alaska’s occupational safety and health standards.

How to Use This Supplement

Chapter 6 of the AKOSH Field Operations Manual provides the policies for proposing penalties for violations. It contains references to the tables contained within this supplement. To use this manual, first identify the appropriate part of the supplement based on the violation date of a citation. The “penalties decision chart” is a helpful tool to identify the correct part. Turn to that part, and use the appropriate table as referenced in the Field Operations Manual.

PART 2: VIOLATIONS OCCURRING ON OR AFTER FEBRUARY 1, 2022	2
APPENDIX A	4

Part 2: Violations Occurring On or After February 1, 2022

Part 2: Violations Occurring On or After February 1, 2022

This part shall be used to assess penalties for violations occurring on or after February 1, 2022.

Table S-1: Statutory Maximum and Minimum Penalties

Set by AS 18.60.095 and further defined under 8 AAC 61.140

Violation Type	Maximum	Minimum
Willful	\$145,027	\$10,360
Repeat	\$145,027	\$10,360* per violation
Serious	\$14,502	\$1,036 per violation
Other than serious	\$14,502	\$0 per violation
Failure to abate	\$14,502 per day unabated beyond the abatement date**	N/A
Posting requirements	\$14,502 per violation	\$0

*Although not a statutory requirement, it is AKOSH policy that when a proposed penalty for a serious violation would amount to less than \$1,036, a \$1,036 penalty shall be proposed for that violation

**Generally limited to 30 days maximum

Table S-2: Violation Gravity Definitions

The gravity of a violation is defined by the gravity-based penalty (GBP):
<ul style="list-style-type: none"> • A high gravity violation is one with a GBP of \$14,502 • A moderate gravity violation is one with a GBP ranging from \$8,287 to \$12,431 • A low gravity violation is one with a GBP of \$6,215

Table S-3: GBP for Serious Violations

Severity + Probability = GBP

Severity	Probability	GBP	Gravity	OIS Code
High	Greater	\$14,502	High	10
Medium	Greater	\$12,431	Moderate	5
Low	Greater	\$10,360	Moderate	5
High	Lesser	\$10,360	Moderate	5
Medium	Lesser	\$8,287	Moderate	5
Low	Lesser	\$6,215	Low	1

Part 2: Violations Occurring On or After February 1, 2022

Table S-4: GBP for Other-Than-Serious Violations

Severity	Probability	GBP
Minimal	Greater	\$1,163 - \$14,502
Minimal	Lesser	\$0

Table S-5: Repeat Other-Than-Serious, No Initial Penalty

For a repeated other-than-serious violation that otherwise would have no initial penalty, a GBP penalty shall be proposed as follows:
<ul style="list-style-type: none"> ➤ \$414 for the first repeated violation, ➤ \$1,036 for the second repeated violation, and ➤ \$2,072 for a third repetition.

Table S-6: Serious Willful Violations

Total percent reduction for size and/or history	High Gravity	Moderate Gravity	Low Gravity
0%	\$145,027	\$124,305	\$103,594
5%	\$137,775	\$118,090	\$101,600
10%	\$130,523	\$111,874	\$93,234
15%	\$123,273	\$105,659	\$88,053
20%	\$116,021	\$99,445	\$82,875
25%	\$108,770	\$93,229	\$77,695
30%	\$101,518	\$87,013	\$72,517
40%	\$87,016	\$74,583	\$62,157
50%	\$72,514	\$62,153	\$51,797
60%	\$58,011	\$49,723	\$41,437
70%	\$43,507	\$37,291	\$31,078
80%	\$29,006	\$24,860	\$20,718
90%	\$14,502	\$12,430	\$10,360

Table S-7: Failure to Provide Access to Medical and Exposure Records

<ul style="list-style-type: none"> ➤ A GBP of \$2,072 shall normally be proposed for each record (i.e., either medical record or exposure record, on an individual employee basis). ➤ A maximum GBP of \$14,502 may be proposed for such violations.
--

Appendix A

Purpose:

This appendix provides instructions for updating the AKOSH Penalties Supplement when maximum penalty adjustments occur.

Background:

Following the *Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015*, federal OSHA began adjusting its maximum¹ penalties according to the Consumer Price Index for All Urban Consumers (CPI-U). Alaska was required to follow suit, and Alaska's initial penalty adjustment went into effect on October 20, 2018.

No later than January 15th each year, the United States Department of Labor will publish a notice in the Federal Register with OSHA's new maximum penalties for that year. Alaska follows suit by publishing the pamphlet, "*Alaska Occupational Safety and Health Civil Penalties*" which goes into effect on February 1st of each year. The new amounts apply to penalties assessed on or after February 1st.

¹ Where the term maximum is used, it also refers to the minimum penalty for willful violations.