

CANCELLED

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

AKOSH Program Directive 92-1

Date: February 19, 1992

To: All AKOSH Staff

From:  Richard Arab, Deputy Director

Subject: Abatement Verification

- A. Purpose. It is important that correction of cited violations be properly documented in the case file and that there be a system for determining when follow-up inspections should be conducted to verify abatement. This Program Directive (PD) sets out the policy and procedures that will be used by AKOSH to verify abatement of violations by employers.
- B. References. Please refer to Chapter II, Paragraph E for the current policy for scheduling follow-up inspections and to Chapter III, Paragraph H. of the Compliance Manual for procedures to be used during a follow-up inspection.
- C. Policy. It is the policy of AKOSH to obtain appropriate documentation during an inspection; from the employer; or by means of a follow-up inspection to verify abatement of violations.
- D. Verification of Abatement:
 1. Verification of Abatement During An Inspection: If the employer corrects the violation while the compliance officer (CO) or industrial hygienist (IH) is at the work site, the CO or IH shall describe the method used by the employer to correct the violation i.e. installed guardrail on a scaffold; put the guard back on the saw, etc. The CO or IH is encouraged to use photographs and or diagrams to back up the written description of abatement. If the employer's method of correction involves purchasing a piece of equipment, issuing an order to correct a mechanical problem or taking a piece of equipment out of service, the CO or IH should ask the employer for a copy of the written order as part of the abatement verification documentation that will be placed in the case file.
 2. Verification of Abatement After An Inspection:
 - (i). Notice of Correction Form: The revised Notice of Correction form (DOSH 2D) requires the employer to document the method use to correct

the violation. This documentation can be in the form of a photograph or diagram; an appropriate and adequate written description of the method used by the employer to correct the violation; or a written order indicating an appropriate corrective action i.e. a guard was purchased; the faulty equipment was taken out of service; a truck's brakes were replaced; etc. If the Notice of Correction form is not timely received, the supervisor shall verify abatement by telephone and documentation shall be included in the case file of the specific correction action taken for each violation cited.

- (ii). Informal Conferences: If the employer indicates during an informal conference that all violations have been abated, the Chief or Assistant Chief shall request that the employer provide adequate documentation to verify abatement. As penalty reduction often is based on abatement of hazards, the Chief or Assistant Chief should make sure that the employer provides this documentation before reducing any penalties.

E. Follow-up Inspections.

1. Criteria for Selecting Follow-up Inspections: As stated in the Compliance Manual (Chapter II. Paragraph E), AKOSH will conduct a follow-up inspection for the following reasons:
 - * Willful, repeated and high gravity violations;
 - * Failure to abate notifications;
 - * Citations related to an imminent danger situation;
 - * When an employer fails to complete and provide AKOSH with a Notice of Correction (DOSH 2D) form or other means after having been contacted several times.
 - * Whenever the Chief believes that particular circumstances (e.g. number and/or type of violations, past history of the employer, complex engineering controls, etc.) indicate the need for a follow up.
2. Procedures for Identifying Inspections that Require Follow-up: The Assistant Chiefs, COs and IHs are all expected to have input on determining which work site or establishments should receive a follow-up inspections. Using the criteria listed above they should identifying on the AKDOSH-1 form those initial inspections that they recommend for a follow-up inspections. Whenever possible this selection should be accomplished when the AKDOSH-1 is submitted for early data entry. Enter the following on item 42 of the AKDOSH-1: Under "Type" enter a "S", Under "ID", enter 01, and Under "Value" enter "Y" if you are recommending a follow-up or enter "N" if you are not recommending a follow-up.
3. Selecting Establishments for Follow-up Inspections: The Office Manager on a weekly basis will run a report from IMIS which contains all inspections which

have been identified for a follow-up inspections (those that are identified in Block 42 with a "Y"). This report will be titled "Follow-up Report." In addition to this report, the Office Manager will also run the "Violation Abatement Report" that is available from IMIS. This report identifies inspections for which no abatement of violation is indicated. She will screen both reports to assure they are accurate. These reports will be provided to the Assistant Chiefs on a weekly basis. The Assistant Chiefs will use these reports to identify the establishments that should be scheduled for follow-up inspection.

4. Evaluation of Follow-up Inspection Effectiveness: On a semi-annual basis the Deputy Director will review the results of follow-up inspections to determine if such inspections are revealing failure to abatement by employers. The Deputy Director shall use the results of this review to set, after consultation with the Chief, Compliance, objectives of the number of follow-up inspections that should be scheduled for the next six month period.