

State Plans

Arizona Improperly Lowered Safety Fines, OSHA Says

BY BRUCE ROLFSEN

Arizona officials improperly reduced safety and health violation fines in some cases considered by the Industrial Commission of Arizona, the agency that oversees Arizona's Division of Occupational Safety and Health, according to a letter from federal OSHA.

The federal Occupational Safety and Health Administration found that the industrial commission is "reducing penalties in a seemingly arbitrary manner" without regard to the policies agreed to by the state and federal government.

"This practice reduces the deterrent effect of higher penalties and fails to ensure that employers within the state are treated equally," the letter from the OSHA area director with oversight of Arizona, T. Zachary Barnett, says.

OSHA recommends Arizona revise its guidance for the industrial commission to better define the commission's role in approving citations and adjusting penalties. Also, the commission must cease altering the classification of violations, the letter says.

Arizona is among the 28 states and other jurisdictions that have the federal government's permission to regulate workplace safety and health as long as the programs at least match federal requirements.

\$186,000 in Reductions OSHA's review of Arizona commission practices was prompted by the complaint of private safety consultant, Peter Dooley, to the agency and an investigation by the Arizona Star, a Tucson newspaper.

The Star found that 139 proposed penalties were reduced by more than \$186,000. Commissioners voted to reduce ADOSH's recommended penalties in more than half of the cases they reviewed this year, the Star said.

The OSHA letter marks at least the second time in recent years, that the federal agency has faulted Arizona's handling of safety issues.

In February 2015, OSHA and Arizona settled a three-year dispute concerning the state's rules for construction fall protection. After the state legislature amended fall protection requirements, OSHA said the state's regulation was weaker than federal mandates.

The dispute ended with Arizona reverting to its prior fall protection rule and OSHA dropping its threat to take over construction inspections in the state.

Commission officials couldn't be reached for comment. OSHA declined to discuss the case. The letter was provided to Bloomberg BNA by the National Council for Occupational Safety and Health.

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The OSHA letter is available at <http://src.bna.com/oWj>.

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