NO. 41489-9-II

COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

POTELCO, INC.,

Plaintiff/Appellant

v.

DEPARTMENT OF LABOR AND INDUSTRIES
OF THE STATE OF WASHINGTON,

Defendant/Respondent.

REPLY IN SUPPORT OF OPENING BRIEF OF APPELLANT POTELCO, INC.

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I. INTRODUCTION

Appellant Potelco, Inc. ("Potelco") respectfully requests that the Board of Industrial Insurance Appeals' ("Board") Decision and Order be reversed, and the citation and penalty be vacated, because: (1) under a reasonable interpretation, the relevant regulations do not require the placement of advance warning traffic control signs on cross streets or the use of specific flagger signs as alleged by the Respondent Department of Labor and Industries ("Department"); (2) the substantial evidence in the record shows that Potelco used proper signage under the relevant regulations that adequately protected its employees; and (3) the substantial evidence in the record does not support the "serious" designation and severity rating assigned to the citation.

II. ARGUMENT

A. Under a Reasonable Interpretation, The Relevant Regulations Do Not Require Posting of Signs on Cross-Streets or Use of Particular Signs

1. Posting on Cross Streets is Not Expressly or Unambiguously Required

WAC 296-155-305(8)(a) states that "on all flagging operations" employers must provide a three sign advance warning sequence "on all roadways with a speed limit below 45 mph." By its own terms, this regulation pertains to flagging operations. And, as noted by the Department, the regulation does not define "all roadways" (Brief of Respondent at 15) or otherwise indicate that the term is meant to refer to

roadways where the flagging operation is not located, such as the cross-street at issue here, Central Valley. Viewed in combination with the reference to flagging operations, the regulation is at best ambiguous as to what roadways must have advance warning sequences and is susceptible of the reasonable interpretation that the advance warning sequences are required only on those roadways on which the flagging operation is actually located. Under this interpretation of WAC 296-155-305(8)(a), there is no legal basis for the citation, which cited Potelco for not having advance warning signs on the cross street, Central Valley.

For similar reasons, the Department's contention that Table 1 in WAC 296-155-305 countenances advance warning signs on cross streets fails. Noting that Table 1 states that "[a]ll spacing [of advance warning signs] may be adjusted to accommodate interchange ramps, at-grade intersections, and driveways", the Department contends that Table 1 supports the notion that advance warning signage must be posted on cross streets. WAC 296-155-305 (Table 1); *see* Brief of Respondent at 16. But this conclusion is not a logical corollary of Table 1, which, as the Department acknowledges, does *not* expressly require posting on cross streets and, instead, only addresses the situation in which spacing of advance warning signs may be adjusted—presumably on the road on which the flagging operation is located—to accommodate an intersection, ramp, or driveway. This provision of Table 1 actually supports Potelco's interpretation of WAC 296-155-305(8)(a).

The Department attempts to avoid this result by contending that its interpretation of a WISHA regulation is entitled to deference. But the only evidence of the Department's interpretation here is the inspector's individual opinion on the matter. The Department cites to no official Department interpretation of this aspect of WAC 296-155-305(8)(a), although the Department *does* issue official policies and guidelines reflecting its interpretation of relevant law. *See* Policies and Guidelines, available at *http://www.lni.wa.gov/Safety/Rules/Policies/Topic/default.asp#t* (last visited April 6, 2011).[1] Nor do the cases cited by the Department in support of this claimed deference standard indicate that Department inspectors' opinions qualify as the Department's official regulatory interpretation. *See, generally, Washington Cedar & Supply Co., Inc. v. Dep't of Labor and Indus.*, 119 Wn. App. 906, 914, 83 P.3d 1012 (2004) (stating only in general terms that court will give deference to Department in area of its expertise); *Lee Cook Trucking and Logging v. State of Washington, Department of Labor and Industries*, 109 Wn. App. 471, 477, 36 P.3d 558 (2001) (same). And the Department cites to no governing or

[1] Since filing its Opening Brief, Potelco has identified a WISHA Regional Directive issued by the Department regarding traffic control and flagging operations (WISHA Regional Directive 27.20 – Traffic Control and Flagging Operations (Dec. 30, 2004)). This Directive does not address or reflect the interpretation of WAC 296-155-305(8)(a) that the Department advances here with regard to whether advance warning signs must be placed on streets other than that on which the flagging operation is located. *See* *http://www.lni.wa.gov/Safety/Rules/Policies/pdfs/WRD2720.pdf* (last visited April 6, 2011). This Directive does, however, support Potelco's interpretation of WAC 296-155-305(1)(a), which is discussed in more detail below, *infra* Part II.A.2.

analogous Washington case law holding that an individual agency employee's opinion carries the weight of the agency's regulatory interpretation. *See e.g., Securities & Exch. Comm'n v. National Student Mktg.*, 538 F.2d 404, 406-07 (D.C. Cir. 1976) (Statements "authored by agency staff or individual Commissioners cannot be considered as an official expression of the will and intent of the Commission.") (internal quotations omitted); *Pennzoil Company v. United States Dep't of Energy*, 680 F.2d 156, 171(Temp. Emer. Ct. App. 1982) (only interpretations that are "institutional in character" are entitled to deference). This makes sense when considered in the context of this case where the Department employs numerous field inspectors, any one of which might have a different interpretation of a regulation that he or she then applies differently as compared with his or her colleagues. According each inspector's opinion with the weight of official agency interpretation likely would lead to varying results and application of the law. Inspector Maxwell's preference for signs on the cross streets does not make it a requirement under the law or constitute the Department's official interpretation and is not entitled to deference.

Finally, although the Department suggests that it would be ill-advised to adopt Potelco's interpretation that WAC 296-155-305(8)(a) does not require posting on streets on which the flagging operation is not located, adopting the Department's view, absent support and a clear direction to that effect in the regulation, would deprive employers of notice of what the regulatory standard requires.

2. Posting of a "Flagger Ahead" Sign is Not Required and the Signage Used Adequately Protected the Workers

In addition to citing Potelco for not having advanced warning signs on Central Valley, the citation also is based on Potelco's use of a "Road Work Ahead" sign west of the worksite on NE Paulson instead of a "Flagger Ahead" sign or a sign including a flagger symbol. But WAC 296-155-305 and the Federal Highway Administration's Manual on Uniform Traffic Control Devices ("MUTCD") do not require the use of either flagging sign. *See* Appellant's Opening Brief at 12-13. Here again, the underlying regulation, WAC 296-155-305(1)(a), is ambiguous. That section provides that "[e]mployers must first apply the requirements in this section. Then you must set up and use temporary traffic controls according to the guidelines and recommendations in Part VI of the MUTCD." WAC 296-155-305(1)(a). This provision can be reasonably read as requiring employers to follow the MUTCD in accordance with the MUTCD's own designations—in other words, give MUTCD provisions the appropriate level of deference depending on whether the provision is a recommended "Guidance" or a mandatory "Standard".

The Department's own WISHA Regional Directive 27.20 – Traffic Control and Flagging Operations (Dec. 30, 2004) ("Directive 27.20") supports this interpretation of WAC 296-155-305(1)(a). *See* *http://www.lni.wa.gov/Safety/Rules/Policies/pdfs/WRD2720.pdf* (last visited April 6, 2011), attached hereto as Appendix A. Directive 27.20 discusses the various designations used within the MUTCD—Standard,

Guidance, Option, and Support—then proceeds to explain that while "an employer may be cited for not implementing a Guidance statement in the MUTCD . . . [e]mployers are required to evaluate each Guidance statement that is applicable to the work zone . . . and then make a determination as to why they will or why they will not implement the recommendation." Directive 27.20, Part III.C. Thus, Directive 27.20 supports Potelco's interpretation of WAC 296-155-305(1)(a) and contradicts the Department's contention here, that WAC 296-155-305(1)(a) renders all provisions in the MUTCD mandatory, regardless of their designation within the MUTCD itself.

Moreover, as indicated in Directive 27.20, where, as here, there is no regulatory directive requiring that traffic be controlled in a particular way and the MUTCD only provides guidance on the matter, Potelco was entitled to not implement that guidance after evaluating it. In these circumstances, the Department must show that sound judgment would require a traffic control method other than the one used. *See In re Asplundh Tree Expert Co.*, BIIA Dec., 03 W0136, 2004 WL 2359747 at *2 (2004).[2] The Department cannot meet this burden for at least two reasons:

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[2] The Department attempts to distinguish *Asplundh Tree Expert Co.*, claiming that once a flagger is used, different rules apply—presumably the provisions of the MUTCD. But this contention presupposes that all of the MUTCD's provisions, even those designated as Guidance, are mandatory. As discussed above, WAC 296-155-305(1)(a) is susceptible of at least two reasonable interpretations in that regard, one of which is that the MUTCD's provisions must be followed in accordance with how they are designated in the MUTCD itself—

- There is no evidence that the "Flagger Ahead" or flagger symbol signs would have been any more protective of the flagger and crew than the "Road Work Ahead" sign that was used. The "Road Work Ahead" sign would have signaled that drivers should proceed slowly just as the "Flagger Ahead" and flagger symbol signs would have.
- There is no evidence that the "Flagger Ahead" or flagger symbol signs that Inspector Maxwell would have required would have been any more visible to drivers entering NE Paulson from Central Valley than the "Road Work Ahead" sign.

Following the sound judgment analysis in *Asplundh Tree Expert Co.* where the underlying regulation fails to provide unambiguous direction, the "Road Work Ahead" sign protected the flagger and crew just as effectively as the "Flagger Ahead" or flagger symbol signs would have.[3] For these same reasons, the Board's findings and conclusions (Findings of Fact Nos. 4 and 5, and Conclusions of Law Nos. 2 and 3) that

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that is, as merely recommended Guidance or as mandatory Standards. MUTCD Section 6F.29, which addresses the flagger signs at issue here, is merely Guidance and therefore is not mandatory. This interpretation is echoed in Directive 27.20.

[3] The Department's contention that it need not show that the signage used would inadequately protect the crew, and its cited authority for that proposition, is, again, premised on the Department's interpretation that WAC 296-155-305(1)(a) unambiguously requires flagger signage per the MUTCD. As already discussed, however, WAC 296-155-305(1)(a) also may be reasonably interpreted as not requiring such signage. *See supra* Part II.A.2 and note 2.

the crew was subjected to risk of death or serious injury because the flagger signs were not used, lack substantial support in the record. Those findings and conclusions further lack substantial support because they are based on Inspector Maxwell's unsubstantiated speculation:

- Inspector Maxwell claimed that the flagger was exposed because he was in the road. But he later admitted that the flagger was on the side of the road and on the shoulder. (Hearing Tr. at 16, Hearing Exs. 2-4, 7). Further, the flagger's purported exposure based on his positioning would be the same regardless of the type of sign used.
- Inspector Maxwell opined that drivers might cut through the mini-mart parking lot from Central Valley to enter NE Paulson creating a hazard for the crew, but the record does not establish that this was likely or something Inspector Maxwell observed. (Hearing Ex. 7). Moreover, there is no evidence that one of the flagger signs would have guarded against this any better than the "Road Work Ahead" sign.
- Inspector Maxwell contended, and the Department reiterates in its brief, that drivers entering NE Paulson from Central Valley could cause death or serious injury, presumably because of the posted 35 mile per hour speed limit on both roads. However, Inspector Maxwell agreed that drivers would not be entering onto NE Paulson at the posted speed limit as they would have to first slow down

> significantly to make the turn. Drivers then would immediately see (if they had not already) the "Road Work Ahead" sign, the flagger in his high visibility vest and hardhat, and the worksite and would thereby be alerted to proceed at a reduced speed. (Record at 44). In this circumstance, there is no evidence that one of the flagger signs would have provided any greater protection than the "Road Work Ahead" sign.

The Department contends that *In re Hawkeye Construction, Inc.*, BIIA Dec., 06 W1072, 2007 WL 4986288 (2007) counsels in favor of finding that the MUTCD guidance provisions must be followed because the Board in *Hawkeye* acknowledged that the Washington Administrative Code ("WAC") *could* make provisions in the MUTCD mandatory. But the issue in *Hawkeye* was whether the temporary traffic controls set forth in WAC 296-155-305(8)(c) took precedence over the temporary traffic control recommendations in the MUTCD. The issue here is that WAC 296-155-305(1)(a) can be read not as requiring compliance with all provisions in the MUTCD, whether designated therein as Guidance or mandatory Standards, but as requiring employers to follow how the MUTCD has designated certain provisions (i.e., as recommended Guidance or as mandatory Standards). Directive 27.20 supports that interpretation. Unlike in *Hawkeye*, here there is no specific provision in the WAC requiring flagger signs and all that exists on the matter is the MUTCD's Guidance. In this context, the Board's recognition in *Hawkeye*

that only the MUTCD's Standards are mandatory, as opposed to its Guidance, is still instructive.

The Board's findings and conclusions indicating that the relevant regulations required signage on Central Valley and use of particular signage on NE Paulson, and that the flagger and crew were not adequately protected, are not supported by the substantial evidence outlined above.

B. <u>The Evidence Does Not Support a Serious Designation</u>

As more fully discussed in Potelco's Opening Brief, a "serious" designation is appropriate only if there is a "substantial probability that death or serious physical harm could result" were an accident to occur. RCW 49.17.180(6); *see* Appellant's Opening Brief at 16. The Department incorrectly suggests that Potelco has misconstrued this standard and that Potelco is confusing or conflating WISHA's probability assessment for purposes of base penalty calculation (WAC 296-900-14010) with the substantial probability analysis.

Potelco does not dispute that Washington courts have interpreted the "substantial probability" analysis for purposes of serious designations to focus on whether the extent of the injury potentially could be death or serious physical harm if an injury did occur, as set forth in the Ninth Circuit's interpretation of the federal counterpart to RCW 49.17.180(6) in *California Stevedore & Ballast Co. v. Occupational Safety & Health Review Comm'n*, 517 F.2d 986 (9th Cir. 1975). *Lee Cook Trucking*, 109 Wn. App. at 482. Some federal courts have recognized that consideration

must be given to the reality of the work site and environment before a serious designation is upheld. Specifically, these courts have held that a serious designation is proper "if evidence is presented that a practice could eventuate in serious physical harm *upon other than a freakish or utterly implausible occurrence of circumstances*." *Brock v. L.R. Willson & Sons, Inc.*, 773 F.2d 1377, 1388 (D.C. Cir. 1985) (quoting *Simplex Time Recorder Co. v. Secretary of Labor*, 766 F.2d 575, 589 (D.C. Cir. 1985)) (emphasis added); *see also Dorey Elec. Co. v. Occupational Safety and Health Review Comm'n*, 553 F.2d 357, 358 (4th Cir. 1977) (same iteration of standard). While the court in *Lee Cook Trucking* acknowledged these courts' limitation of the "substantial probability" standard described in *California Stevedore & Ballast*, it did not specifically analyze or criticize them, and, indeed, the issue of whether to adopt that limitation was not squarely before the *Lee Cook Trucking* court based on the arguments of the parties.

But applying the limitation here makes sense because death or serious physical harm would not be a substantial probability if an injury occurred, as vehicles would not be approaching the worksite and flagger at the posted speed limit of 35 miles per hour given the undisputed realities of the location here. *But cf. In re Hawkeye Constr., Inc.*, 2007 WL 4986288 at *5 (potential for serious physical harm or death if worker struck by vehicle approaching at *35 miles per hour*).[4] The Department's

[4] The Department's reliance on *Hawkeye* in support of the Serious designation

blanket contention that death or serious physical harm will always result from an incident with a vehicle, regardless of consideration of the speed of that vehicle, is unsupported by the facts and the case law discussed above. *See* discussion, *supra*, p. 11; Brief of Respondent at 27, 29; *e.g., Simplex Time Recorder Co.*, 766 F.2d at 589 ("While the existence of a hazard is presumed when the express terms of a standard are not met, the extent of the hazard may not be assumed without proof. The evidence—both direct and circumstantial—does not support the conclusion, without indulging in conjecture, that death or serious injury could have been a substantially probable consequence of the failure to either wear conductive shoes, ground flammable liquid containers, reduce the size of conveyor openings, or use nonsparking cleaning tools.").

Indeed, the facts and evidence show here that vehicles turning onto NE Paulson in the vicinity of the flagger and worksite would be traveling at a much lower speed, having just turned onto NE Paulson from Central Valley, such that death or serious injury would not be substantially probable were an accident to occur. *See* discussion *supra*, pp. 8-9.

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and severity rating assigned here is misplaced because the Board concluded in *Hawkeye* that there was substantial risk of death or serious physical harm (or permanent injury) if a worker were struck by a vehicle traveling at 35 miles per hour. *Hawkeye Constr., Inc.*, 2007 WL 4986288 at *5, *6. The undisputed facts here, however, establish that vehicles would not be approaching at the posted speed limit of 35 miles per hour and thus do not support the injury assessments advanced by the Department that are based on a possible collision with a vehicle traveling at that speed.

The Department's designation of this citation as Serious is also flawed because the underlying evidence shows that the assigned severity rating of 6 is improper. Severity ratings must be based on the most serious injury that could be *reasonably expected to occur* because of an alleged hazardous condition. WAC 296-900-14010 (emphasis added). And a severity rating of 6 is reserved for situations in which death or injuries involving permanent or severe disability are reasonably expected. *Id.* But as discussed above and in Potelco's Opening Brief, the substantial evidence shows that such injuries would not be reasonably expected if an injury were to occur, *see* Potelco's Opening Brief at 13-15, 17-18, such that the Board's Finding of Fact No. 5 and Conclusion of Law No. 2 are not supported by the evidence and the citation should be vacated.

III. CONCLUSION

For the reasons set forth above and in its Opening Brief, Potelco respectfully requests that the Court reverse the Board's Decision and Order and vacate the citation and penalty, and reverse the Superior Court's award of statutory attorney's fees to the Department.

DATED this 6th day of April, 2011.

Respectfully submitted,

RIDDELL WILLIAMS P.S.

By: _____

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APPENDIX A

WISHA REGIONAL DIRECTIVE
WISHA Services
Department of Labor and Industries

27.20 Traffic Control and Flagging Operations

Date: Dec. 30, 2004

I. Background

In 1999, the Legislature passed the "Kim Vendl Act" requiring the department to undertake rulemaking to improve the safety of flaggers. While engaged in that rulemaking effort, L&I heard concerns from members of the Construction Advisory Committee (CAC) suggesting that the scope of the rulemaking was too narrow and noting that flaggers were not the only employees exposed to motor vehicle hazards. Due to the time constraints in the new statute, the department was not able to incorporate the broader issues into the flagger rulemaking project. After the new flagger rules were adopted, the department began meeting with stakeholders to develop rules for the protection of all employees working in the near proximity to motor vehicles. Although the initial effort was withdrawn in 2002 because of concerns that it was too sweeping and cumbersome, L&I developed a narrower proposal focused on the areas of greatest concern. One portion of the proposal, related to the need to protect employees from dump trucks when the trucks are backing up, was adopted on an emergency basis to ensure that workers were protected during the 2004 construction season. On December 1, 2004, the department adopted permanent rules that addressed the dump truck issue and other rules that improved the protections for employees working in the near proximity to motor vehicles.

The standard has historically relied to varying degrees on the Manual of Uniform Traffic Control Devices (MUTCD). In discussing traffic control, the MUTCD uses the following headings: Standard, Guidance, Option and Support to convey different levels of guidance. They are defined by the MUTCDas follows:

Standard: A statement of required, mandatory, or specifically prohibited practice regarding a traffic control device. All standards are labeled, and text appears in bold large type. The verb shall is typically used. Standards are sometimes modified by options.

Guidance: A statement of recommended, but not mandatory, practice in typical situations, with deviations allowed if engineering judgment or engineering study indicates the deviation to be appropriate. All Guidance statements are labeled and the text appears in large type. Guidance text is the same size as Standard text, but it is not bold. The verb should is typically used. Guidance statements are sometimes modified by Options.

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Option: A statement of practice that is a permissive condition and carries no requirement or recommendation. Options may contain allowable modifications to a Standard or Guidance. All Option statements are labeled, and the text appears in small type. The verb may is typically used.

Support: An informal statement that does not convey any degree of mandate, recommendation, authorization, prohibition, or enforceable condition. Support statements are labeled, and the text appears in small type. The verbs shall, should and may are not used in Support statements.

One of the recurring questions raised in relation to the WISHA traffic control and flagging rules is how they relate to the MUTCD and the way in which employers are expected to treat these various MUTCD provisions. This directive describes the department's understanding of those relationships.

II. Scope and Application

This WISHA Regional Directive (WRD) provides guidance to WISHA enforcement and consultation staff when evaluating work zones where traffic control or flaggers are used. It will remain in place indefinitely, and replaces all other instructions on this issue, whether formal or informal.

III. Interpretive Guidance

A. What is the relationship between the Manual on Uniform Traffic Control Devices (MUTCD) and WAC 296-155-305, Signaling and Flagging?

When flaggers are used, employers are required to implement the requirements of WAC 296-155-305 and then supplement the requirements of the rule with the requirements and guidance in the MUTCD. If there is a conflict between the two, the requirements in the rule must be followed.

For all traffic control issues not addressed by the WISHA rule, whether or not a flagger is present, the employer is required to set up the work zone according to the requirements in the MUTCD. An employer's failure to implement appropriate traffic controls as required by the MUTCD is a violation of WAC 296-155-305(1)(a), with each individual omission an instance of the same violation.

B. What in the MUTCD is mandatory and what is recommended?

Employers are required to *implement* all applicable Standard statements related to the work zone (there are exceptions for Short Duration Work Zones (see Section III-D below)). Employers are required to *consider* Guidance statements and implement them when engineering judgment or study indicates they are appropriate. Options and Support statements are not required and the failure to implement an Option or a Support is not a violation of the rule.

C. Can an employer be cited for not implementing a Guidance statement?

Yes, an employer may be cited for not implementing a Guidance statement in the MUTCD. Employers are required to evaluate each Guidance statement that is applicable to the work

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zone they are establishing and then make a determination as to why they will or why they will not implement the recommendation.

A simple statement by the employer that the Guidance statement is not mandatory, if not accompanied by an explanation as to how it was evaluated and why it was not implemented, is not sufficient reason to comply with the rule.

D. *What are the exceptions for Short Duration Work Zones?*

The MUTCD defines a Short Duration Work Zone as a work that occupies a location for up to 1 hour. It goes on to say in a Guidance statement that "Safety in short-duration or mobile operations should not be compromised by using fewer devices simply because the operation will frequently change location."

The MUTCD provides for the use of fewer devices in short-duration work zones in the following Option Statement: "A reduction in the number of devices may be offset by the use of other more dominant devices such as rotating lights or strobe lights on work vehicles." The typicals in the MUTCD may provide guidance for short-duration work zones. Short-duration work zones will be evaluated using the criteria set out in III-C above.

E. *When flaggers are used in short-duration work zones, is the employer allowed to eliminate some of the advance warning signs required by WAC 296-155-305?*

No. When flaggers are used in short-duration work zones, an employer must not reduce the number of advanced warning signs. Independent of the provisions of the MUTCD, WAC 296-155-305 requires three or four advanced warning signs whenever a flagger is used. This is consistent with the legislative intent of the "Kim Vendl Act" in providing greater protections for flaggers.

IV. Special Enforcement and Consultation Protocols

A. *How is a WISHA inspector or consultant expected to evaluate an employer's implementation of MUTCD guidance statements or an employer's practices in a short-duration work zone to determine if there is a violation of WAC 296-155-305(1)(a)?*

In addressing an employer's lack of implementation of a Guidance statement, including practices related to short-duration work zones, a WISHA inspector or consultant is expected to do with the following:

- Determine and document the employer's reason for not implementing the control;
- Determine and document who made the determination not to implement the guidance statement and their level of training (for example, Traffic Control Supervisor, Registered Professional Engineer, etc.);
- Determine and document the feasibility of the control in question;
- Determine and document whether the control would provide a greater margin of safety for the exposed employee(s);

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B. What review requirements must be followed to issue a violation or hazard based on an employer's failure to follow an MUTCD Guidance statement?

Any proposed violation for the failure to implement a Guidance statement must be reviewed by the Safety Program Manager in WISHA Policy and Technical Services.

Approved: _____

Michael D. Wood, Senior Program Manager
WISHA Policy & Technical Services

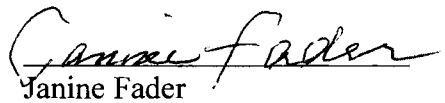
For further information about this or other WISHA Regional Directives, you may contact WISHA Policy & Technical Services at P.O. Box 44648, Olympia, WA 98504-4648 -- or by telephone at (360)902-5503. You also may review policy information on the WISHA Website (http://www.lni.wa.gov/Safety/).

CERTIFICATE OF SERVICE

I, Janine Fader, hereby certify that on the 6th day of April, 2011, I caused to be served via email and hand delivery, a copy of the foregoing addressed as follows:

Sarah Martin, AAG
Office of the Attorney General
Labor & Industries
800 5th Avenue Suite 2000
Seattle, WA 98104
Lniseaeservice@atg.wa.gov

DATED this 6th day of April, 2011.



Janine Fader

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