



STATE OF WASHINGTON  
DEPARTMENT OF LABOR AND INDUSTRIES  
Division of Occupational Safety and Health  
PO Box 44600 • Olympia, Washington 98504-4600

January 11, 2013

WA ST NATURAL RESOURCES DEPT OF  
DNR OLYMPIA DIVISION  
Attn Celeste Benson  
Po Box 47041  
Olympia, WA 98504-7041

Inspection: 316354208  
UBI: 342008101  
Region: 3-Safety  
Inspector: PAUL VIERELA (M0027)  
Reference: 102370772

Dear Employer:

Enclosed are the results of the safety and health inspection of your workplace. This packet contains:

- **Citation Invoice** – The total assessed penalty is \$172,900.00
- **Citation and Notice of Assessment** – Washington Administrative Code (WAC) Violations.
- **Hazard Correction instructions and form** - Correct all violations and return written verification or additional penalties may result.
- **Employer Appeal Rights** – You have 15 working days to appeal this citation.

You must immediately post this Citation and Notice of Assessment at or near where the violation(s) occurred, where employees can easily find and read it, or where employees normally receive posted information. All postings must remain until you have corrected all violations, or for three working days, whichever is longer. "Working day" means a calendar day, except Saturdays, Sundays and all legal state holidays.

The Occupational Safety and Health Administration (OSHA) publishes Division of Occupational Safety and Health (DOSH) inspection results on the Internet at [www.osha.gov](http://www.osha.gov), since this information is available under provisions of the Federal Freedom of Information Act. It is posted 30 days after the date the results are issued.

**If you have questions, call the compliance supervisor, JAMES RONE, at (360) 902-4956.**

Respectfully,

*Anne F. Soiza*

Anne F. Soiza  
Assistant Director  
Division of Occupational Safety & Health

Enclosure(s)



## Citation Invoice

### Inspection: 316354208

<b>UBI:</b> 342008101	<b>Issued:</b> January 11, 2013
<b>Legal Name:</b> WA ST NATURAL RESOURCES DEPT OF	<b>Opening Conference:</b> July 25, 2012
<b>DBA Name:</b> DNR OLYMPIA DIVISION	<b>Closing Conference:</b> January 7, 2013
<b>Inspection:</b> Puget Sound Restoration Pt Ha,	<b>Inspector:</b> PAUL VIERELA
<b>Site:</b> LAT 47 34.340 N, LONG 122 31.355 W, Bainbridge Island, WA, 98110	M0027

### Summary of Assessed Penalties

The Citation and Notice of Assessment includes a full description of each violation.

Violation Item	Violation Type	WAC	Correction Due Date	Penalty Amount
1-1	Willful	296-37-550(3)(d)	Corrected	\$70,000.00
1-2	Willful	296-37-520(3)(a)	Not Applicable	\$65,000.00
2-1	Serious	296-800-11005	Corrected	\$7,000.00
2-2	Serious	296-800-14020	1/29/2013	\$7,000.00
2-3	Serious	296-37-550(3)(b)	Not Applicable	\$5,500.00
2-4	Serious	296-800-16070(2)	Corrected	\$2,400.00
2-5	Serious	296-37-535(4)(f)	Not Applicable	\$3,000.00
2-6	Serious	296-37-535(6)(a)(ii)	Not Applicable	\$3,000.00
2-7	Serious	296-37-535(7)	Not Applicable	\$4,500.00
2-8	Serious	296-37-550(3)(a)	Not Applicable	\$5,500.00
3-1	General	296-37-535(3)(a)	Corrected	\$0.00
3-2	General	296-37-545(4)(a)	Corrected	\$0.00
3-3	General	296-37-540(2)(c)	Corrected	\$0.00
3-4	General	296-800-30020	Corrected	\$0.00
3-5	General	296-24-61703(6)	Corrected	\$0.00
3-6	General	296-24-61703(7)	Corrected	\$0.00
<b>Total assessed penalties</b>				<b>\$172,900.00</b>

## PAYMENT INFORMATION

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**Payment is due 15 working days from receipt of this citation.**

Make check payable to the Department of Labor and Industries.

Write Inspection number 316354208 on the check and mail to:

**Attn: DOSH Cashier**  
**Department of Labor and Industries**  
**PO Box 44835**  
**Olympia, WA 98504-4835**  
Or deliver to: **Any L&I office**

POST THIS DOCUMENT



## Citation and Notice of Assessment Inspection: 316354208

**UBI:** 342008101

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**Legal Name:** WA ST NATURAL RESOURCES DEPT OF

**Opening Conference:** July 25, 2012

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**Closing Conference:** January 7, 2013

**Inspection** Puget Sound Restoration Pt Ha, LAT 47 34.340 N,

**Inspector:** PAUL VIERELA

**Site:** LONG 122 31.355 W Bainbridge Island, WA  
98110

M0027

### Message

NOTE: In reference to WAC 296-37-550(3)(d)(ii) A Spare Air bottle, or equivalent device, that is attached positively to the diver by a suitable line (so that the bottle is not lost if dropped) is sufficient as an independent reserve cylinder, provided that it meets the emergency air volume requirements for the dive profile. Spare Air is the trade name for a small, high-pressure air bottle with an attached breathing regulator that is designed for use as an emergency-air source. Reference: OSHA CPL 02-00-151 which may be located at:  
[http://www.osha.gov/OshDoc/Directive\\_pdf/CPL\\_02-00-151.pdf](http://www.osha.gov/OshDoc/Directive_pdf/CPL_02-00-151.pdf)

### Severe Violator Enforcement Program Message

This employer has been identified as a Severe Violator Enforcement case under the Labor & Industries Division of Occupational Safety & Health's (DOSH), Severe Violator Enforcement Program (SVEP). Your company will be subject to follow-up inspections to determine if the conditions cited here still exist in the future. Follow-up inspections of this company will continue at a heightened level until the Department is satisfied that the conditions no longer exist.

This case has been sent to the Occupational Safety & Health Administration's (OSHA). For further information, please refer to DOSH Directive 2.68 and OSHA Instruction CPL 02-00-149.

### **Violation 1 Item 1**

Violation Type: Willful

WAC 296-37-550(3)(d)

The Employer is required to ensure that Employee/Divers engaged in SCUBA diving operations are provided with a diver carried reserve breathing gas supply consisting of a manual reserve (J-valve) or an independent reserve cylinder with a separate regulator or connected to the underwater breathing apparatus.

During the inspection of the Washington State, Department of Natural Resources, Aquatic Resources Division, Dive Team in Tumwater, Washington, it was discovered that in the 6 months prior to this inspection, 9 Divers made a total of 370 SCUBA dives, and did not carry a reserve breathing gas supply as required by this standard.

Exhaustion or failure of the primary breathing gas supply while diving at depths of less than 100 feet of seawater, without a reserve breathing gas supply, would likely result in barotraumas, embolisms, or death by drowning.

Note: "A willful violation is one committed with intentional disregard of or plain indifference to WISHA requirements or employee safety and health, or through substitution of judgment for the Act's requirements".

**This violation was corrected during the inspection.**

**Assessed penalty: \$70,000.00**

### **Violation 1 Item 2**

Violation Type: Willful

WAC 296-37-520(3)(a)

The Employer or an Employee designated by the Employer (Designated Person in Charge) shall be at the dive location in charge of all aspects of the diving operation affecting the safety and health of dive team members.

During the inspection of the Washington State, Department of Natural Resources, Aquatic Resources Division, Dive Team in Tumwater, Washington, a Designated Person in Charge (DPIC) was not at the dive location in charge of all aspects of the diving operation affecting the safety and health of dive team members as required by this standard. In this instance, the DPIC was a diver in the water for the three dives that took place on July 24, 2012. Four Employee/Divers were exposed to this hazard.

Ensuring that a DPIC is at the dive location in charge of all aspects of the diving operation affecting the safety and health of dive team members will prevent exposure to hazards likely to result in serious injury or death.

Note: WAC 296-37-515 Definitions.

(12) "Dive location": A surface or vessel from which a diving operation is conducted.

Note: "A willful violation is one committed with intentional disregard of or plain indifference to WISHA requirements or employee safety and health, or through substitution of judgment for the Act's requirements".

**Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.**

**Assessed penalty: \$65,000.00**

### **Violation 2 Item 1**

Violation Type: Serious

WAC 296-800-11005

The Employer is required to provide its Employees a workplace free from recognized hazards that are causing or are likely to cause serious injury or death.

During the inspection of the Washington State, Department of Natural Resources, Aquatic Resources Division, Dive Team in Tumwater, Washington, 9 Employee/Divers were exposed to the following hazards while engaged in SCUBA diving operations:

1. A Diving Equipment Preventive Maintenance Program was not designed and implemented to ensure all manufacturers' maintenance intervals were incorporated into the plan. In this instance, the divers were using Aqua Lung/Black Diamond buoyancy compensators (BC's) that were not subjected to a three to six month service interval when used in a saltwater environment.

Reference: International Consensus Standards for Commercial Diving and Underwater Operations (Association of Diving Contractors International) ADCI section 6.0 paragraph 6.1 General: Equipment such as helmets, masks, bailout systems, regulators, etc., that provide direct life support shall be of a type familiar to the diver and subject to a planned maintenance system.

2. The diving equipment was not being maintained in strict compliance with the manufacturer's recommendations. A. The intermediate pressure setting on the 1st stage of the Mares Abyss MR22 regulator measured 192 at 3000psi and 196 at 500 psi. The manufacturers specifies the IP setting to be 142 to 148 PSI. B. The second stage regulator cracking effort was measured at .8 inches of water column. The manufacturer specifies the second stage cracking effort be set between 1.1 and 1.3 inches of water column. C. Eight Mares Abyss MR22 regulators were found to contain a high pressure seat that was not recommended by the manufacturer. D. The BC dual exhaust valve on the top of the airway assembly between the power inflator and the bladder was found in a factory sealed condition which indicates the valve had not been disassembled and subjected to a maintenance check since its manufacture in 2007. E. The BC contained a modification that was not approved by the manufacturer. A CO2 inflation device (commonly found on a personal flotation device) was fitted to the bladder of the BC. The device failed to inflate the bladder upon testing. F. The low pressure hoses to the dry suit & BC were found in an unserviceable condition (cracks in the outer jacket of the hoses).

Reference: International Consensus Standards for Commercial Diving and Underwater Operations (Association of Diving Contractors International) ADCI 6th Edition Section 6.0 Paragraph 6.4.1 "Helmets and masks and their associated diver-carried regulators are components of a critical life-support system that, if not functioning properly, can expose the diver to significant hazards. As such, all helmets and masks and their associated diver carried regulators shall be maintained and inspected in strict compliance with the manufacturer's recommendations. Suitable logs shall be maintained to reflect compliance.

3. Dive Equipment Technician did not have current training and experience in the maintenance of the Mares Abyss MR22 regulators and the Aqua Lung/Sea Quest Black Diamond Buoyancy Compensators.

Reference: International Consensus Standards for Commercial Diving and Underwater Operations (Association



## **Citation and Notice of Assessment Inspection: 316354208**

of Diving Contractors International) 6th edition: Section 6.0 Life Support Equipment: Requirements, Maintenance and Testing 6.1 General Requirements: Due to the life-support nature of diving, personnel involved in the operation, maintenance and repair of diving systems and equipment shall have appropriate training and experience in the maintenance and use of type of equipment used.

4. High Pressure breathing air (gas) storage cylinders were not hydro tested at the required 5 year intervals.

Reference: International Consensus Standards for Commercial Diving and Underwater Operations (Association of Diving Contractors International) 6th edition: Section 6.0 Life Support Equipment: Requirements, Maintenance and Testing 6.11.2 Gas Storage Cylinders and Tubes: High pressure gas cylinders or tubes shall: 5. Be hydrostatically tested every 5th year to the requirements of the code of the manufacturer by an authorized test facility and stamped with the date of the test.

5. Scuba cylinder #45 was not visually inspected on an annual basis.

Reference: International Consensus Standards for Commercial Diving and Underwater Operations (Association of Diving Contractors International) 6th edition: Section 6.0 Life Support Equipment: Requirements, Maintenance and Testing 6.11.3 SCUBA and EGS (bailout) bottles. High pressure bottles used for SCUBA and EGS (bailout) shall: 3. Be inspected at least annually for damage and corrosion.

A feasible method of abatement would include the development of a formal preventive maintenance program based on frequencies recommended by the manufacturer (or more frequently based on the conditions and environment that the equipment is subjected). The periodic inspections and maintenance actions on all life support equipment must be in strict compliance with the manufactures recommendations and conducted by personnel with appropriate training and experience as specified by each equipment manufacturer.

Due to the life support nature of diving, an equipment failure while a diver is at depth would likely result in serious injuries such as barotraumas, embolisms, and/or death by drowning.

**This violation was corrected during the inspection.**

**Assessed penalty: \$7,000.00**



### **Violation 2 Item 2**

Violation Type: Serious

WAC 296-800-14020

The Employer is required to develop, supervise, implement, and enforce safety and health training programs that are effective in practice.

During the inspection of the Washington State, Department of Natural Resources, Aquatic Resources Division, Dive Team in Tumwater, Washington, 9 Employee/Divers were exposed to hazards associated with the development, supervision, implementation, and enforcement of safety and health training programs as required by this standard. The Diving Safe Practices Manual was not effective in practice in the follow instances:

1. Pre-dive planning and assessment checklist contained in appendix C of the Diving Safe Practices Manual (DSPM) was not filled out prior to the dive.
2. Pre-dive employee safety briefing checklist contained in appendix C of the DSPM was not filled out prior to the dive.
3. SCUBA equipment inspection checklist contained in appendix C of the DSPM was not filled out prior to the dive.
4. One Employee/Diver assigned to the dive team did not meet the basic qualifications specified in Section 1 of the DSPM (required to pass the open water diving skills proficiency exam contained in appendix C).
5. The Dive Technician did not meet and maintain the basic certifications for each piece of dive equipment that he/she works on. (DSPM Section 1 Page 15, Dive Technician).
6. A standby diver was not available at the dive location prior to the dive. (DSPM Section 1, Page 22, SCUBA Diving Procedures).
7. The working diver and working safety diver did not maintain continuous visual contact with one another. (DSPM Section 1, page 22, SCUBA Diving Procedures).
8. A diver carried reserve breathing gas supply was not carried by each diver. (DSPM Section 1, page 22, SCUBA Diving Procedures).
9. A Designated Person in Charge (DPIC) was not at the dive location in charge of all aspects affecting the safety and health of dive team members. (DSPM Section 1, page 14, Dive Team Organization and Responsibilities, DPIC).
10. Definitions: Dive Location: The general location of the diver during a dive. (DSPM Section 1 Page 6, Definitions) was in conflict with WAC 296-37-515 (12) Dive Location: A surface or vessel from which a dive operation is conducted.
11. Individual dive team member assignments were not being accomplished by the Master Diver (DSPM Section 2, page 3, Pre-dive procedures, Planning and Assessment and Employee Briefings).

Developing, supervising, implementing, and enforcing safety and health training programs that are effective in practice will prevent exposure to hazards likely to result in serious injury or death.

## **Citation and Notice of Assessment Inspection: 316354208**

The following additional correction documentation is required for this violation:  
Employer you must provide documentation to accompany the Hazard Correction Form for this violation to show that:

1. The Diving Safe Practices Manual has been corrected.
2. The Employee/Divers have been trained in each of the elements cited above.

The training document (at a minimum) needs to indicate the topic discussed, the date of the training, who was in attendance, and the name of the person giving the training.

**Correct by: 1/29/2013**  
**Assessed penalty: \$7,000.00**

POST THIS DOCUMENT

### **Violation 2 Item 3**

Violation Type: Serious

WAC 296-37-550(3)(b)

The Employer is required to ensure that a diver be line tended from the surface, or accompanied by another diver in the water in continuous visual contact during the diving operations.

During the inspection of the Washington State, Department of Natural Resources, Aquatic Resources Division, Dive Team in Tumwater, Washington, two non-line tended SCUBA divers did not maintain continuous visual contact with one another during the diving operation.

Ensuring that SCUBA divers maintain continuous visual contact with one another will minimize the potential for serious injury or death.

**Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.**

**Assessed penalty: \$5,500.00**

### **Violation 2 Item 4**

Violation Type: Serious

WAC 296-800-16070(2)

The Employer is required to provide approved life rings with attached line on all docks, walkways, and fixed installations on or adjacent to water more than five feet deep.

During the inspection of the Washington State, Department of Natural Resources, Aquatic Resources Division, Dive Team in Tumwater, Washington, a U.S. Coast Guard (USCG) approved 30 inch life ring with 90 feet of retrieval line was not available on the dive support vessel "Observer". A minimum of four Employees were exposed to this hazard.

Ensuring that a USGG approved life ring with 90 feet of retrieval line is provided where the water depth is more than 5 feet deep will prevent serious injury or death.

**This violation was corrected during the inspection.**

**Assessed penalty: \$2,400.00**

### **Violation 2 Item 5**

Violation Type: Serious

WAC 296-37-535(4)(f)

The Employer is required to ensure that prior to conducting a commercial diving operation, that pre-dive procedures include a planning and assessment of the safety and health aspects of the diving operation to include dive team assignments and physical fitness of the dive team members (including any impairment known to the Employer).

During the inspection of the Washington State Department of Natural Resources, Aquatic Resources Division Dive Team, in Tumwater, Washington, a pre-dive planning and assessment of the diving operation, including dive team personnel assignments, and an assessment of the physical fitness of the dive team members was not conducted prior to commencement of SCUBA diving operations as required by this standard. 4 Employee/Divers were exposed to this hazard.

Ensuring that a pre-dive planning and assessment is conducted prior to the commencement of diving operations will prevent serious injury or death.

**Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.**

**Assessed penalty: \$3,000.00**

### **Violation 2 Item 6**

Violation Type: Serious

WAC 296-37-535(6)(a)(ii)

The Employer is required to ensure that an Employee briefing is conducted with all dive team members prior to start of the diving operation to include safety procedures for the diving mode.

During the inspection of the Washington State Department of Natural Resources, Aquatic Resources Division Dive Team, in Tumwater, Washington, an Employee briefing was not conducted with all dive team members prior to the commencement of SCUBA diving operations to include the safety procedures for the diving mode.

Conducting a pre-dive Employee briefing with all dive team members prior to the start of diving operations will prevent exposure to hazards likely to result in serious injury or death.

**Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.**

**Assessed penalty: \$3,000.00**

### **Violation 2 Item 7**

Violation Type: Serious

WAC 296-37-535(7)

The Employer is required to ensure that an equipment inspection is conducted prior to each dive. The breathing gas supply system including reserve breathing gas supplies, masks, helmets, thermal protection, and bell handling mechanism (when appropriate) shall be inspected prior to each dive.

During the inspection of the Washington State Department of Natural Resources, Aquatic Resources Division Dive Team, in Tumwater, Washington, a pre-dive equipment inspection was not conducted prior to each dive as required by this standard. Two Employee divers were exposed to this hazard.

1. The Aqua Lung/Black Diamond Buoyancy Compensator (BC) low pressure inflator hose was found to be cut/torn at the connection to the power inflator control head rendering the BC inoperable as a buoyancy control device.
2. The CO2 cartridge for emergency inflation of the buoyancy compensator was found in an unserviceable condition (severe corrosion and pitting).
3. The low pressure hose to the dry suit was found in an unserviceable condition (cracks in the outer jacket of the hose).
4. The low pressure hose between the regulator and the power inflator control head on the BC was found in an unserviceable condition. (cracks in the outer jacket of the hose).
5. The reserve breathing gas supply cylinder bracket was severely corroded and did not contain a bailout bottle.
6. The steel 100 cubic foot compressed gas (SCUBA) cylinder internal visual inspection label was dated 12/2010. (internal visual inspection is required annually).

Conducting pre-dive equipment inspections in accordance with the SCUBA equipment checklist contained the Diving Safe Practices Manual will prevent exposure to hazards likely to result in serious injury or death.

Note: The equipment inspection requirement prior to each dive relates directly to the equipment inspection checklist requirement in the Diving Safe Practices Manual. Pre-dive equipment inspection items are those that are critical for the safety of the diving operation.

**Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.**

**Assessed penalty: \$4,500.00**

### **Violation 2 Item 8**

Violation Type: Serious

WAC 296-37-550(3)(a)

The Employer is required to ensure that a standby diver is available while a diver is in the water.

During the inspection of the Washington State, Department of Natural Resources, Aquatic Resources Division, Dive Team in Tumwater, Washington, a standby diver was not available at the dive location prior to commencement of diving operations as required by this standard. Two Employee/Divers were exposed to this hazard.

Ensuring that a standby diver is available to render immediate assistance to the diver/s in the water will prevent serious injury or death.

#### Definitions:

WAC 296-37-515 (12) "Dive location": A surface or vessel from which a diving operation is conducted.

WAC 296-37-515 (29) "Standby diver": A diver at the dive location properly equipped and available to assist a diver in the water.

Note: For the purposes of this standard an "available" standby diver means that the diving gear for the standby diver is at the dive location and ready for use (i.e., set up and fully checked out), with a qualified diver at the dive location available to be the standby diver.

**Situation not believed to exist any longer. However, if this violation is identified again during future inspections, it may result in repeat or failure to abate violations which may include penalties.**

**Assessed penalty: \$5,500.00**

### **Violation 3 Item 1**

Violation Type: General

WAC 296-37-535(3)(a)

The Employer is required to ensure that a first aid kit appropriate for the diving operation and approved by a physician shall be made available at the dive location.

During the inspection of the Washington State, Department of Natural Resources, Aquatic Resources Division, Dive Team in Tumwater, Washington, the first aid supplies which were available at the dive location had not been approved by a physician as required by this standard.

NOTE: The dive location is defined as a surface or vessel from which the dive is conducted.

**This violation was corrected during the inspection.**

**Assessed penalty: \$0.00**

### **Violation 3 Item 2**

Violation Type: General

WAC 296-37-545(4)(a)

The Employer is required to ensure that the names of all dive team members including the designated person in charge be recorded and maintained for each diving operation.

During the inspection of the Washington State, Department of Natural Resources, Aquatic Resources Division, Dive Team in Tumwater, Washington, the names of the Designated Person in Charge and the Standby Diver were not being recorded and maintained for each diving operation as required by this standard.

**This violation was corrected during the inspection.**

**Assessed penalty: \$0.00**



## Citation and Notice of Assessment Inspection: 316354208

### **Violation 3 Item 3**

Violation Type: General

WAC 296-37-540(2)(c)

The Employer is required to provide a means to assist an injured diver from the water.

During the inspection of the Washington State, Department of Natural Resources, Aquatic Resources Division, Dive Team in Tumwater, Washington, a means to assist an injured diver from the water, such as an in water stage, stokes basket, or harness was not available onboard the DNR vessel "Observer" as required by this standard.

**This violation was corrected during the inspection.**

**Assessed penalty: \$0.00**

### **Violation 3 Item 4**

Violation Type: General

WAC 296-800-30020

The Employer is required ensure that portable fire extinguishers are visually inspected monthly and serviced annually.

During the inspection of the Washington State, Department of Natural Resources, Aquatic Resources Division, Dive Team in Tumwater, Washington, the portable dry chemical fire extinguishers aboard the DNR vessels "Observer" and "DawnBreaker" were not being subjected to monthly visual inspections and last received an annual service in 3/2011.

**This violation was corrected during the inspection.**

**Assessed penalty: \$0.00**

### **Violation 3 Item 5**

Violation Type: General

WAC 296-24-61703(6)

The Employer is required to ensure that fixed fire extinguishing systems are inspected annually by a person knowledgeable in the design and function of the system to assure that the system is maintained in good operating condition.

During the inspection of the Washington State, Department of Natural Resources, Aquatic Resources Division, Dive Team in Tumwater, Washington, the clean agent (FE-241) fixed fire extinguishing system, installed in the engine compartment, aboard the DNR vessel "DawnBreaker", had not received an annual inspection since the system was installed in 12/2010.

**This violation was corrected during the inspection.**

**Assessed penalty: \$0.00**

### **Violation 3 Item 6**

Violation Type: General

WAC 296-24-61703(7)

The Employer is required to ensure that the weight and pressure of refillable containers for fixed fire extinguishing systems is checked at least semi-annually.

During the inspection of the Washington State, Department of Natural Resources, Aquatic Resources Division, Dive Team in Tumwater, Washington, the refillable storage cylinder for the clean agent (FE-241) fixed fire extinguishing system, installed in the engine compartment, aboard the DNR vessel "DawnBreaker", had not been weighed since the system was installed in 12/2010.

Note: If the container shows a loss in net content or weight of more than 5 percent, or a loss in pressure of more than 10 percent, it shall be subjected to maintenance.

**This violation was corrected during the inspection.**

**Assessed penalty: \$0.00**

## Hazard Correction Instructions

### Inspection: 316354208

#### What you must do now:

- Check the correction due date(s) shown on the enclosed Hazard Correction Form. You must fully correct the hazards by these dates.
- Describe on the form how you corrected each hazard, rather than what you *intend to do* in the future. Examples:

**Right:** All staff have received the required training.

**Wrong:** All staff will receive the required training next week.

Use attachments if you need more space. Submit additional documentation of hazard correction if requested in the citation packet.

- Fill in the date you corrected the hazard and sign.
- Post a copy of the completed form for at least three working days, or until you have corrected all violations, whichever is longer. It must be posted near the hazard location or in a place that is readily accessible by affected employees and their representatives.
- Send your completed form to the address provided.

**Note:** If we do not receive written confirmation you have corrected the hazards, we will take follow-up action, which may include additional penalties. If you provide us with false information, you may face criminal penalties.

#### If you are unable to fix the hazard(s) by the correction due date(s):

We must receive your written request for an extension **before** the correction due date(s) listed for the hazard(s). Correction due dates are shown on the enclosed Citation and Notice of Assessment and on your Hazard Correction Form(s).

Extensions are not automatically granted. To be considered for an extension, you must provide the following:

- Inspection number, employer name, telephone number, and site address.
- Violation and Item number for each requested extension.
- Correction due date on the citation and additional time needed.
- Steps taken to fix the hazard by the correction due date.
- Why you cannot correct the hazard by the correction due date.
- How you will protect your employees until you fix the hazard.

For more information, contact:  
Or call: (360) 902-4956

JAMES RONE, Compliance Supervisor  
Department of Labor and Industries  
DOSH  
P.O. Box 44650  
Olympia, WA

You must post all documentation associated with your request for extension with your citation packet. All postings must remain until you have corrected all violations, or unless you have appealed and received and posted your hearing notice.



## Hazard Correction Form

Inspection: 316354208

**UBI:** 342008101

**Issued:** January 11, 2013

**Legal Name:** WA ST NATURAL RESOURCES DEPT  
OF

**DBA Name:** DNR OLYMPIA DIVISION

**Site Address:** Puget Sound Restoration Pt Ha, LAT 47 34.340 N, LONG 122 31.355 W, Bainbridge Island, WA,  
98110

**You must complete this form and return it to:** PAUL VIERELA, Department of Labor & Industries  
7273 Linderson Way SW first fl, Tumwater, WA 98501  
Or Fax to:

Violation(s) are fully described in the Citation and Notice of Assessment section.

Violation, Item & Group#	Type of Violation	WAC# Violated	Correction Due Date
2-2	Serious	296-800-14020	1/29/2013
Violation Summary: Develop, implement, supervise and enforce S&H prog			
How you corrected the hazard →			
Date you corrected the hazard →			

I certify that the hazards described in this Employer Certification of Hazards Corrected have been corrected as described above. Affected employees and their representatives have been informed of the correction activities. I am aware that knowingly providing false information may result in criminal penalties (RCW 49.17.190(2)).

Signature

Name

Title

Date

Phone No.

DOSH USE ONLY

DOSH Reviewer's Signature

Date

## For Employers

If you are cited for a violation of Occupational Safety and/or Health rules, you have the right to appeal the citation. **You have 15 working days from the date you receive this citation to appeal.** (RCW 49.17.140(1)) "Working day" means a calendar day, except Saturdays, Sundays and all legal state holidays. Your appeal must be in writing. It may be mailed, faxed, or personally delivered.

For violations classified as serious, willful, repeat serious, or failure to abate serious, an employer must correct the violations by the date listed on the Citation and Notice / Employer's Certification of Abatement form unless a stay of abatement date is requested in the appeal as described on this page. A stay of abatement date means the employer's requirement to abate or correct the hazard is put on hold until the appeal is resolved. All general and repeat general violations under appeal automatically have stay of abatement dates until a final order on those violations has been issued. If you only need an extension of an abatement date, please see the above section entitled, **"If you are unable to fix the hazard(s) by the correction due date(s)"**.

### Your appeal must include:

- Name, address, telephone number, and fax number if available of the employer who is appealing, and for the employer's representative, if any, such as an attorney or interpreter.
- Inspection Number (You will find this nine-digit number in the top right corner of this page.)
- Statement explaining:
  1. What you think is wrong with the citation and any related facts.
  2. How you think the citation should be changed.
  3. What relief you are seeking and why.

**If you are requesting a stay of abatement date for serious, willful, repeat serious or failure to abate serious, you must also include:**

- Each violation and item number for which a stay of abatement date is requested; and
- The reason for the stay of abatement date request.

Note: Employees and/or employee representatives may elect to participate in appeal hearings.

## Posting requirement:

You must post your appeal documents (along with this citation packet) until the appeal is resolved.  
You must also post all other documents related to this appeal.

## For Employees or Their Representatives

If your employer is cited, you may only appeal the correction due date(s).

### Your appeal must include:

- Your name, address, telephone number, and fax number if available and the same information for anyone who is representing you, if any.
- Inspection number.
- Statement explaining why the correction due date should be changed.

### Send all appeals to:

**Assistant Director for DOSH**  
**Attn: Appeals Program**  
**PO Box 44604**  
**Olympia, WA 98504-4604**  
 Fax to: **(360) 902-5581** or deliver to: **Any L&I office**

For more information call the Appeals Program: **(360) 902-5486.**

WA ST NATURAL RESOURCES  
DEPT OF  
DNR OLYMPIA DIVISION  
Attn Celeste Benson  
Po Box 47041  
Olympia, WA 98504-7041

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