



STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES

729 - 100th St SE, Everett, WA 98208



September 8, 2005

Paul Pittman, River and Flood Geologist
WHATCOM CO PUBLIC WORKS BLDGS
311 Grand Ave Ste 107
Bellingham, WA 98225-4038

RE: 503785115

I have enclosed the findings of your WISHA consultation, beginning 8/22/2005 at Goodwin Road, Swift Creek Project, Everson, WA 98247.

In the enclosed report, you will find a detailed description of my findings and recommendations.

You are required to share this report with your employees and/or their collective bargaining representatives as soon as possible, but no more than 30 days from receiving it (RCW 49.17.250(3)).

If you have any questions about this report, or need further assistance, please contact me. For on-line access to our safety and health rules, go to www.lni.wa.gov/wisha.

Sincerely,

ENRIQUE GASTELUM JR
Industrial Hygiene Consultant
Phone: (425)290-1416
gasr235@lni.wa.gov

Attachments:

Report Findings

1. Whatcom County Public Works, Swift Creek Project, Air Monitoring Results



CONSULTATION SERVICES QUESTIONNAIRE

DEAR CUSTOMER:

We at the Department of Labor & Industries are committed to provide quality customer service. To help us improve, please take a minute to give us your feedback on our services.

Please circle your response to the questions below.

Comments:

1. Were you treated courteously? Yes No

2. Was the service provided in a timely manner? Yes No

3. Were your questions/concerns answered? Yes No

4. Were you given a clear explanation of the issues? Yes No

5. Were you treated in a fair & objective manner? Yes No

6. If you received a written report did it address your issues? Yes No N/A

Was it easy to understand? Yes No N/A

7. Please rate the overall usefulness of this consultation in solving your concerns:

Not Useful	Very Useful
1-----2-----3-----4-----5	
8. How can we improve our consultation services?

9. How did you learn about our services? (Check One)

<input type="checkbox"/> Business acquaintance	<input type="checkbox"/> Insurance company referral	<input type="checkbox"/> Trade association
<input type="checkbox"/> Public presentation	<input type="checkbox"/> New employer letter/phone call	<input type="checkbox"/> Publications/flier
<input type="checkbox"/> Conference/trade show	<input type="checkbox"/> L&I staff	<input type="checkbox"/> Other _____

Company Name:
Consultant ID: S0195

Whatcom County Public Works
Please return this survey to: Kay Lielke, WISHA Consultation Supervisor
729 100th St SE
Everett, WA 98208-3727

Department of Labor & Industries Safety and Health Consultation Report

Consultation Report for: WHATCOM CO PUBLIC WORKS BLDGS

Report No: 503785115

Date of Workplace Visit: 8/22/2005

Consultant Name: ENRIQUE GASTELUM JR

Other Consultant(s) on Visit: Mark Wilson, Industrial Hygienist
Rence Westlund, Industrial Hygienist

Company Representatives: Paul Pittman, River & Flood Geologist

Employee Representative: None

What this report contains:

1. Introduction
2. Hazards Identified
3. Evaluation of your company's safety and health program
4. Review of any training provided during the consultation
5. Other Findings and Recommendations
6. Notice of Obligation
7. Applicable Washington Administrative Codes

I. Introduction

Visit Number: 503785115

I appreciated having this opportunity to help you evaluate the safety and health of your workplace. We at WISHA are committed to encouraging voluntary compliance with Washington safety laws by offering technical advice and consultation with employers and their employees.

Definitions of serious and general hazards

The law (RCW 49.17.250) requires you to fix, by a specific date, any serious hazards identified. Also, you must take steps to protect your employees until the serious hazards are corrected.

- **Serious hazards:** Washington law defines a hazard as serious when there is a substantial probability that death or serious physical harm could result to your employees.
- **General hazards:** A hazard is general when we determine that there is a probability that an employee could be injured or become ill as a result, but there is no reasonable probability that it could cause death or serious physical harm.

Make a copy of this report available to your employees

You are required to share this report with your employees and/or their collective bargaining representatives as soon as possible, but no more than 30 days from receiving it (RCW 49.17.250(3)).

Make safety and health an ongoing priority in your workplace

Your request for this consultation shows that you are committed to the safety and health of your employees. Make sure you continually self-inspect your workplace for hazards. The findings shown in this report were hazards identified on the day of the consult, and are not necessarily all of the hazards that may be present now or in the future at your work site. Situations and conditions can be different from day to day.

2. Hazards Identified

Visit Number: 503785115

In this section, I have listed the hazards identified during my work site visit and my recommendation for correcting the problem. For your convenience, the language of each related WAC is included in section 7. of this report.

Serious Hazards Identified

1. WAC 296-155-200(5)(a) - (See Section 7 for WAC language)

Hazard Description:

Employees walking around the Swift Creek Project were not provided with and required to wear high visibility garments during daylight hours when employees are working in close proximity to moving vehicles. Excavators, dump trucks, and a water truck were being operated on the site.

You corrected this hazard during my visit.

Potential effects of the hazard:

Broken bones, lacerations, permanent disability or death from getting struck by a moving vehicle.

Recommended action:

You had each employee obtain and use a high visibility vest prior to the end of the shift. I recommend that you include the requirement for high visibility garments on ground personnel in your worksite safety procedures.

2. WAC 296-155-205(3) - (See Section 7 for WAC language)

Hazard Description:

Dump truck drivers did not wear a hard hat whenever they got out of the truck and the trackhoe was still unloading dirt into the bed of the truck exposing them to serious head injury.

You corrected this hazard during my visit.

Potential effects of the hazard:

Serious fractures, lacerations, permanent disability, or death from getting hit by falling or flying dirt, debris, and rocks.

Recommended action:

Ensure that each dump truck driver uses a hard hat when getting out of a truck that is still being loaded. You had each dump truck driver use a hard hat prior to the end of the shift. Include this in your jobsite safety policies.

General Hazards Identified

No general hazards were found.

3. Evaluation of your company's safety and health program

Visit Number: 503785115

I reviewed your site specific safety and health plans for the Swift Creek Dredging project. As mentioned during the consultation, you need to ensure that all employees follow the safety rules that you have set out in your policies. This should include the use of high-visibility safety garments and hard hats. Furthermore, I found your methods for control air borne asbestos concentrations to be effective in practice. Continue to use wet methods and dust suppression while working the soil at Swift Creek.

4. Review of any training provided during the consultation

Visit Number: 503785115

None provided.

5. Other Findings and Recommendations

Visit Number: 503785115

Personal and representative air monitoring for airborne asbestos fibers was conducted at the Swift Creek Dredging project. Please see the attached document for a discussion of the findings and other recommendations.

6. Notice of Obligation

Visit Number: 503785115

You are required to share this report with your employees and/or their collective bargaining representatives as soon as possible, but no more than 30 days from receiving it (RCW 49.17.250(3)).

Information obtained during consultations is confidential from public disclosure under RCW 49.17.250 (3). However, a Thurston County Superior Court decision required the department to release consultation reports related to the WISHA Ergonomics Rule under the state's public disclosure laws. In light of this decision, we cannot guarantee the confidentiality of the final report and the information included within it.

We do not share consultant reports with WISHA compliance inspectors unless the employer refuses to correct serious hazards or imminent danger situations.

If, in the future, your workplace is inspected by WISHA compliance, you will not be required to tell the inspector about this consultation or share the report. However, if, during the consultation, we perform any tests for workplace exposures (such as noise levels or air quality) WISHA standards require you to show these monitoring results to the inspector, if requested.

If I give you specific guidance that you follow, you would not be cited if a WISHA inspector later finds my guidance did not address (or adequately address) a hazard. You would still have to fix the hazard by the correction date assigned by the inspector. However, it is possible for an inspector to cite you for a hazard not identified during my consultation. This could be because work conditions changed, we had a misunderstanding, or I may have overlooked the hazard. In such cases the inspector would consider any good faith effort by you in determining the penalty.

7. Applicable Washington Administrative Codes

Visit Number: 503785115

1. WAC 296-155-200(5)(a)

WAC 296-155-200 General requirements for personal protective equipment (PPE).

(5) High visibility garments.

(a) During daylight hours, when employees' duties are performed in close proximity to moving vehicles, employers must make sure that employees wear a high-visibility safety vest, shirt, or jacket that is fluorescent yellow-green, fluorescent orange-red, or fluorescent red in color. This garment must always be worn as an outer garment.

Note: A high-visibility garment meets Class 2 specifications if the garment:

- Has an ANSI 'Class 2' label;

OR

- Has at least seven hundred seventy-five square inches of background material and two hundred one square inches of retroreflective material that encircles the torso and is placed to provide three hundred sixty degrees of visibility around the employee.

Note: • Fading and soiling may degrade the high-visibility characteristics of the garments.

- ANSI/ISEA 107-1999 is available by:

- Purchasing copies of ANSI/ISEA 107-1999 by writing:

- American National Standards Institute

11 West 42nd Street

New York, NY 10036

OR

- Contacting the ANSI website at <http://web.ansi.org/>.

OR

- Reading a copy of ANSI/ISEA 107-1999 at any Washington state library.

2. WAC 296-155-205(3)

WAC 296-155-205 Head protection.

(3) All employees shall wear a hard hat on any construction site whenever there is a potential exposure to danger of flying or falling objects to persons working or occupying the area.

Note: The hard hat may be removed whenever there is no potential exposure to a hazard.

**Whatcom County Public Works Department, Swift Creek Dredging Project
Natural Asbestos Fiber Air Sampling
August 22-23, 2005**

Summary:

Personal and representative (area) air sampling for airborne concentrations of asbestos fibers was conducted on August 22-23, 2005. Six (6) employees and three (3) areas were equipped with air pumps and filters for collecting airborne fibers over the two day period. Two track hoes, two dump trucks, a bulldozer, and a water truck were present on the site during soil removal. The soil was worked in a moist state, and the creek roadway dust was controlled with the water truck.

The sample results for both days show that the airborne concentrations of asbestos fibers are well below the Permissible Exposure Limit (PEL) of 0.1 fibers/cc. As long as you maintain your work practices and wet methods that were monitored during the two sample days, you should be able to maintain a safe work environment for employees at the Swift Creek Dredging Project. The sample results are outlined in the following table.

Table 1: Airborne asbestos fiber air sampling results, Whatcom County Public Works, Swift Creek Dredging Project, August 22-23, 2005.

The sample results are reported in fibers per cubic centimeter. The results are Time Weighted Averages (TWA) over an 8-hour day.

Sample ID	Description	Sample Date	Sample Time (minutes)	Fibers/cc	TWA
A723	Bernie Hicks, Bulldozer	8/22/05	313	0.004	0.006
A194	Paul Bernard, Dump truck	8/22/05	313	0.004	0.006
A714	Alfred Colyer, Dump truck	8/22/05	316	0.014	0.021
A542	Lyle Sorenson, Track hoe	8/22/05	315	0.004	0.006
A495	Area Sample- west end/Oat Coles Rd.	8/22/05	288	0.005	0.008
A557	Area Sample-Northeast end creek	8/22/05	306	0.004	0.006
A716	Area Sample-Southeast end creek	8/22/05	313	0.004	0.006
A509	Bernie Hicks, Bulldozer	8/22/05	292	0.007	0.012
A713	Paul Bernard, Dump truck	8/23/05	297	0.005	0.008
A485	Alfred Colyer, Dump truck	8/23/05	291	0.018	0.030
A507	Lyle Sorenson, Track hoe	8/23/05	290	0.005	0.008
A546	Glen Kok, Dump truck	8/23/05	272	0.005	0.009
A560	Kristi Myers, Track hoe	8/23/05	273	0.005	0.009
A544	Area Sample-South middle creek	8/23/05	169	0.008	0.023
A556	Area Sample-Southwest end creek	8/23/05	318	0.004	0.006
A552	Area Sample-Southeast end creek	8/23/05	279	0.005	0.009

Notification Information:

- Sampling results that are representative of employee exposure must be communicated to the affected employees.
- Employees that participated in personal sampling, by wearing sample pumps, must be notified individually, in writing, of their results.