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Introduction

This Workplace Safety Regulation manual will serve as a guide to some general federal OSHA standards as well as some Arizona workplace safety laws that fall outside of the scope of the federal OSHA program. This guide is not meant to be exhaustive or construed as legal advice, but will be a helpful tool in complying with your general employer workplace safety and health responsibilities.

Use this guide as reference, but contact Assured Partners or legal counsel to discuss additional or specific compliance requirements. Keep in mind that depending on your industry and specific workplace processes, your business may be required to follow additional or stricter federal, state and local laws.

OSHA

The Occupational Safety and Health Act of 1970 (OSH Act) was enacted to prevent workers from dying or being seriously harmed at work. Under the OSH Act, employers have the responsibility to provide a safe workplace for their workers. The OSH Act created the Occupational Safety and Health Administration (OSHA), to set and enforce protective workplace safety and health standards. OSHA also provides information, training and assistance to employers and their workers.

The OSH Act covers private sector employers and employees in all 50 states, the District of Columbia and other U.S. jurisdictions, either directly through federal OSHA or through an OSHA-approved state program. Employees who work for state and local governments are not covered by federal OSHA, but may have OSH Act protections through an OSHA-approved state program.

Government agencies must have a safety and health program that meets the same standards as those applicable to private employers. Although OSHA does not fine federal agencies, it does monitor federal agencies and responds to workers' complaints. The United States Postal Service (USPS) is covered by OSHA.

The following individuals are not covered by the OSH Act:

- Self-employed individuals; and
- Immediate family members of farm employers that do not employ outside employees.

OSHA does not regulate workplace hazards that are regulated by another federal agency, such as the Mine Safety and Health Administration or the Federal Aviation Administration.

Please contact Assured Partners for additional information regarding OSHA or the OSH Act.

Arizona Workplace Safety

Arizona has an OSHA-approved state plan administered by the Arizona Division of Occupational Safety and Health (ADOSH). This division is part of the Industrial Commission of Arizona (ICA).

Jurisdiction

The Arizona State Plan applies to all public and private sector places of employment, with the exception of the federal government, the U. S. Postal Service (USPS), private sector maritime, employment on Indian Lands, areas of exclusive federal jurisdiction, copper smelters, and concrete and asphalt batch plants that are physically located within mine property, which are subject to federal jurisdiction.
Area Offices

Phoenix Office
800 W. Washington Street
Phoenix, AZ 85007
Phone: (602) 542-5795
Fax: (602) 542-1614

Tucson Office
2675 E. Broadway Blvd. #239
Tucson, AZ 85716
Phone: (520) 628-5478
Fax: (520) 322-8008

For more information visit the Arizona State Plan [website](#).
Chapter 1

ADOSH Regulations and Standards

ADOSH has adopted all OSHA standards that would relate to state and local government workplaces. ADOSH incorporates federal standards by reference. ADOSH has identically adopted all OSHA standards and regulations applicable to state and local government workplaces. However, ADOSH developed a unique standard for agriculture.

In addition, ADOSH has seven major areas of responsibility:

- **Boilers**
- **Elevators**
- **Safety and health Compliance**
- **Consultation and Training**
- **Policies**
- **Voluntary Protection Program**
- **Research and Statistics**

**Duty Clause**

Employers in Arizona must comply with ADOSH, which requires employers to keep workplaces free of serious recognized hazards.

Specifically, the Arizona State Plan states that each employer must:

- Furnish to each of its employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to its employees; and
- Comply with occupational safety and health standards and all regulations and orders issued by the ADOSH.

**Employer Responsibilities**

Employers have the responsibility to provide a safe workplace. This means that each employer MUST provide its workers with a workplace that does not have serious hazards and follow all relevant ADOSH safety and health standards. Employers have a duty to find and correct safety and health problems.

ADOSH further requires employers to try to eliminate or reduce hazards, first by making changes in working conditions rather than just relying on masks, gloves, ear plugs or other types of personal protective equipment (PPE). Switching to safer chemicals, enclosing processes to trap harmful fumes or using ventilation systems to clean the air are examples of effective ways to eliminate or minimize risks.

**Employees Responsibilities**

Each employee must comply with occupational safety and health standards and all rules, regulations and orders applicable to his or her own actions and conduct.

**ADOSH Responsibilities**

ADOSH is responsible for implementing an occupational safety and health program, which includes the following duties and responsibilities:

- Development of a statewide occupational safety and health education and training program to acquaint employers, supervisors, employees and employee representatives with the most modern and effective techniques of accident prevention and occupational health control;
• Development of training programs for employees of the division, and where necessary develop certification programs for recognition of competent, trained personnel;
• Planning, organizing, conducting or attending occupational safety and health seminars, conferences and meetings designed for management, supervisory personnel, employees and employer representatives and establishing liaisons with other safety and health groups as may be necessary;
• Definition and establishment of necessary research projects;
• Arrangement and procurement of necessary contractual services and training aids; and
• Development of specific occupational safety and health programs for employer and employee representative groups.

ADOSH Standards

ADOSH standards are rules that describe the methods employers in Arizona are legally required to follow to protect their workers form hazards.

Arizona employers must follow the federal guidelines for required safety policies and procedures. At the federal level, OSHA does not specifically address which industries are required to maintain written safety policies and procedures. Instead, it is the conditions and hazards within a given company that establish these requirements.

Arizona adopts federal OSHA standards by reference and enforces OSHA standards for Construction work and General Industry, which are the standards that apply to most work sites. These standards limit the amounts of hazardous chemicals workers can be exposed to, require the use of certain safe practices and equipment and require employers to monitor hazards and keep records of workplace injuries and illnesses.

As a general rule, OSHA requires employers to address all hazards that exist in their workplaces by training all employees on how to avoid them. If OSHA conducts an assessment of the workplace, the OSHA inspector will ask the employer for all company training programs. The employer’s written policies and procedures serve as proof to an OSHA inspector that the employees have been trained on all hazards present. If the employer is unable to produce these programs, the business will be at increased risk of receiving OSHA citations.

Many standards promulgated by OSHA explicitly require employers to train workers in the safety and health aspects of their jobs. Other OSHA standards make it the employer’s responsibility to limit certain job assignments to workers who are “certified,” “competent” or “qualified”—meaning that they have had special previous training, in or out of the workplace. The term "designated" personnel means selected or assigned by the employer or the employer’s representative as being qualified to perform specific duties.

Arizona Industry-Specific Issues

In addition, there are requirements that are unique to Arizona. This section outlines several detailed standards that apply to specific industries in Arizona. Industries or hazardous workplace environments not specifically listed here will fall under the general industry standards for Arizona.

Agriculture

In Arizona, the use of a hoe with a handle less than 4 feet in length for weeding or thinning crops is prohibited. This prohibition is based upon the existence of other practical and adequate alternatives to the use of these short-handle hoes. This rule does not apply to greenhouse or nursery operations.

Additional information on Arizona’s standards and regulations is available at the Arizona Secretary of State website.
Chapter 2

Training Guidelines

Federal

Many standards promulgated by OSHA explicitly require employers in Arizona to train workers in the safety and health aspects of their jobs. Other OSHA standards make it the employer’s responsibility to limit certain job assignments to workers who are "certified," “competent” or “qualified” - meaning that they have had special training, in or out of the workplace. The term "designated personnel" means personnel that is selected or assigned by the employer or the employer's representative as being qualified to perform specific duties.

Required OSHA Programs and Training - General Industry

The DOL provides an informational booklet titled Training Requirements in OSHA Standards and Training Guidelines that is intended to provide a generic, non-exhaustive overview of a particular standards-related topic. The booklet does not alter or determine compliance responsibilities, as set forth in OSHA standards and the OSH Act. Interpretations and enforcement policies may change over time.

Employers should consult their Assured Partners representative or legal counsel for current administrative interpretations and decisions by the Occupational Safety and Health Review Commission and the courts. The informational booklet is a complete list of OSHA’s training-related requirements and can be found on the DOL website.

Voluntary Training Guidelines - OSHA

The OSH Act states that each employer “must comply with occupational safety and health standards promulgated under this Act.” Some OSHA standards require training, others do not. When no training requirement exists, employers may still volunteer to provide safety training for their workers.

OSHA has developed training guidelines to assist employers in providing voluntary training. These guidelines provide the safety and health information and instruction workers need to reduce the risk of exposing themselves, their co-workers and the public to workplace hazards.

The development of the guidelines is part of an agency-wide objective to encourage cooperative, voluntary safety and health activities among OSHA, the business community and workers. These voluntary programs include training and education, consultation, voluntary protection programs and abatement assistance. The voluntary training guidelines are designed to help employers:

- Determine whether a worksite problem can be solved by training;
- Determine what training, if any, is needed;
- Identify goals and objectives for the training;
- Design learning activities;
- Conduct training and determine the effectiveness of the training; and
- Revise the training program based on feedback from workers, supervisors and others.

“Training in the proper performance of a job is time and money well spent.”
ADOSH Training Programs and Resources

ADOSH provides general consultation and training resources to assist employers through on-site safety and health consultative surveys, telephone support, publications and educational outreach. The consultative surveys include the identification of hazardous working conditions, program evaluations, industrial hygiene monitoring and informal training.

ADOSH offers a wide variety of compliance assistance materials such as the ADOSH poster, ADOSH newsletter, a video lending library, publications and brochures. In addition, it offers extensive training throughout the state to employers and employees on a variety of safety and health topics. The most current training schedule is available on the ADOSH consultation and training page.

Training/Education Services

ADOSH offers a variety of results-oriented safety and health training programs throughout Arizona. It work with employers on developing knowledge and understanding of occupational safety and health standards and requirements. Safety and health training programs are designed to improve hazard recognition skills of management and employees. These programs also identify activities employers can use to protect their workers from having accidents and make for a more efficient and cost-effective operation.

Voluntary Protection Program

The Voluntary Protection Program (VPP) promotes effective work site-based safety and health. In the VPP, management, labor and ADOSH establish cooperative relationships at workplaces that have implemented a comprehensive safety and health management system. Approval into VPP is ADOSH's official recognition of the outstanding efforts of employers and employees who have achieved exemplary occupational safety and health.

VPP sets performance-based criteria for a managed safety and health system, invites sites to apply and then assesses applicants against these criteria. ADOSH's verification includes an application review and a rigorous on-site evaluation by a team of ADOSH safety and health experts.

Benefits the VPP provides to employers are fewer injuries and illnesses which means greater profits as workers' compensation premiums and other costs decrease. Entire industries benefit as VPP sites evolve into models of excellence and influence practices industry-wide.
Chapter 3

Postings, Recordkeeping and Reporting

Arizona Posting Requirements

In addition to required federal and state posters, ADOSH requires employers in Arizona to display the following workplace safety posters:

- Work Exposure to Bodily Fluids Poster
- Work Exposure to MRSA, Spinal Meningitis or TB Poster
- Workplace Safety Poster

Federal Required Postings

OSHA Poster

All employers in Arizona, including those exempt from most recordkeeping requirements, must display OSHA’s “Job Safety and Health: It's the Law” poster explaining employee rights under OSHA law in a prominent location in the workplace. Employers may download or order the OSHA poster from the OSHA website.

OSHA Form 300A

Employers required to keep records must display the OSHA Form 300A, a summary of workplace injuries and illnesses, from Feb. 1 until April 30 annually.

Citations

Employers must post their citations for violations of OSHA laws immediately for three full working days or until the violation has been corrected, whichever is longer.

When an employer has multiple locations, it must satisfy all posting requirements pertaining to employee rights at each location where work is being done. Citations must be posted in the facility where the incident occurred and at the site of the violation, if possible.

Please contact Assured Partners for more information on additional federal workplace posting requirements.

Recordkeeping

Arizona has adopted the federal recordkeeping requirements. The state's reporting requirements also provide for employers operating on a seasonal basis. For this reason, all Arizona employers covered by OSHA or ADOSH must follow federal recordkeeping requirements beginning on Jan. 1, 2016.

Exemption from OSHA Recordkeeping Regulations

Employers with 10 or fewer employees and whose establishments are classified as a partially exempt industry are exempt from the recordkeeping requirements. Partially exempt industries include establishments in specific low-hazard retail, service, finance, insurance or real estate industries. The list for partially exempt industries was updated on Jan. 1, 2015 and may be found here.

Required OSHA Incident Recording Forms

Employers subject to OSHA’s recordkeeping regulations must prepare and maintain records of serious work-related injuries and illnesses using OSHA Forms 300, 300A and 301.
Which Work-Related Injuries And Illnesses Should Be Recorded?

Employers must record work-related injuries and illnesses that result in:

- Death;
- Loss of consciousness;
- Days away from work;
- Restricted work activity or job transfer; or
- Medical treatment beyond first aid.

Employers must also record work-related injuries and illnesses that are significant or any:

- Needlestick injury or cut from a sharp object that is contaminated with another person’s blood or other potentially infectious material;
- Medically removal case required by an OSHA health standard (such as exposure to hazardous chemicals);
- Tuberculosis infection case as evidenced by a positive skin test or diagnosis by a physician or other licensed health care professional after exposure to a known case of active tuberculosis; and
- Hearing loss case where the employee’s hearing test (audiogram) that reveals that:
  - The employee has experienced a standard threshold shift (STS) in hearing in one or both ears (averaged at 2,000, 3,000 and 4,000 Hz); and
  - The employee’s total hearing level is 25 decibels (dB) or more above audiometric zero (also averaged at 2,000, 3,000 and 4,000 Hz) in the same ear(s) as the STS.

Storage

Employers must keep all records of their establishment on file for five years. In addition, all records must be readily available in case of inspection. During the five-year storage period, employers must update stored OSHA 300 Logs to include newly discovered recordable injuries or illnesses and to show any changes that have occurred in the classification of previously recorded injuries and illnesses. If the description or outcome of a case changes, employers must remove or cross out the original entry and enter the new information.

For more information download the OSHA recordkeeping forms (or order them from the OSHA Publications Office) or visit the OSHA website.

Reporting

Employers must report:

Any work-related fatality within eight hours AND Any inpatient hospitalization, amputation or loss of an eye within 24 hours.
Employers are required to submit these reports to OSHA by telephone at 1-800-321-OSHA (6742), by calling or visiting the nearest area office during normal business hours or through the online reporting website.

**Electronic Reporting**

On May 12, 2016, OSHA issued a final rule that requires certain establishments to electronically submit information about work-related injuries, illnesses and incidents through the agency’s ITA website every year. The electronic reporting requirements apply to:

- Establishments that have 250 or more employees and are not in a partially exempt industry; and
- Establishments that have between 20 and 249 employees and belong to a high-risk industry.

The electronic reporting rule also applies to establishments that receive a specific request from OSHA to create, maintain and submit electronic records, even if they would otherwise be exempt from OSHA recordkeeping requirements.

Under the 2016 rule, all covered establishments must electronically submit information from their OSHA Forms 300A every year. The rule also required covered establishments with 250 or more employees to electronically submit information from their OSHA Forms 300 and 301. Due to concerns about employee privacy, however, OSHA delayed its enforcement of the electronic reporting requirements for these two forms. In July 2018, the agency proposed removing them from the final rule altogether and announced that it would not enforce the final rule’s deadlines for Forms 300 and 301 without further notice.

**New Final Rule**

OSHA’s new final rule, issued on Jan. 25, 2019, makes it official – OSHA will not require electronic submission of information from Forms 300 and 301. The change affects establishments with 250 or more employees only, since these were the only employers that would have been required to provide information from those forms under the 2016 final rule. However, these establishments, along with all other establishments subject to the electronic reporting rule, must still electronically submit 2018 information from Form 300A using OSHA’s ITA website.

In addition, all establishments subject to OSHA’s routine recordkeeping requirements must still record and keep information on Forms 300 and 301. The routine recordkeeping requirements apply to employers that are not in a partially exempt industry and have more than 10 employees.

Finally, OSHA’s new final rule also amended the 2016 electronic reporting rule to require covered employers to submit their Employer Identification Number (EIN) electronically along with their injury and illness data submission. According to OSHA, this new requirement will facilitate the agency’s use of the electronically submitted data, and may help reduce duplicative employer reporting.

**Submitting the Report**

The ITA is a secure website that OSHA created specifically for the data required by the electronic reporting rule. The ITA allows employers three options to submit their reports:

1. Manual entry;
2. Comma-separated value (CSV) file upload; and
3. Application programming interface (API) transmission.

The ITA offers affected establishment instructions and sample files and templates to help them complete the submission process.
Anti-Retaliation Provisions

The final rule contains three new provisions aimed at strengthening employee anti-retaliation protections, which took effect on Dec. 1, 2016. These provisions:

- Require employers to inform employees of their right to report work-related injuries and illnesses free from retaliation;
- Clarify that work-related injury and illness reporting methods must be reasonable and should not deter or discourage employees from reporting health and safety incidents; and
- Prohibit employers from retaliating against employees for reporting work-related injuries or illnesses.
Chapter 4

Injury/Illness Prevention Program

An Injury/Illness Prevention Program (IIPP) is a proactive process that helps employers identify hazards in their workplaces and develop a system to fix those hazards so that workers don't get hurt. These programs can be effective at reducing injuries, illnesses and fatalities, as well as reducing the financial hardship workers and employers face when injuries occur.

State Implementation

Many jurisdictions in the United States and abroad require or encourage employers to implement IIPPs. However, Arizona does not require employers to implement an IIPP. This section describes the elements of a successful program for employers that wish to voluntarily establish an IIPP.

IIPP Elements

Most successful IIPPs include a similar set of commonsense elements that focus on finding all hazards in the workplace and developing a plan for preventing and controlling those hazards. Management leadership and active worker participation are essential to ensuring that all hazards are identified and addressed. In addition, workers need to be trained about how the program works, and the program needs to be periodically evaluated to determine whether improvements need to be made.

The six basic elements common to most existing health and safety management programs are:

- Management leadership;
- Worker participation;
- Hazard identification and assessment;
- Hazard prevention and control;
- Education and training; and
- Program evaluation and improvement.

Employers that implement IIPPs generally scale and adapt these elements to meet the needs of their organizations, depending on size, industry sector or complexity of operations.

IIPP Benefits

OSHA believes that IIPPs provide the foundation for changes in the way employers identify and control hazards, leading to an improved workplace health and safety environment. Adoption of an IIPP results in fewer injuries, illnesses and fatalities. In addition, employers tend to improve compliance with existing regulations, and may experience many of the financial benefits of a safer and healthier workplace, including significant reductions in workers’ compensation premiums.
Enforcement and Penalties

Chapter 5

Inspection Policies and Procedures

ADOSH follows policy guidance for its enforcement program similar to that of OSHA. For this reason, this section discusses OSHA inspection and enforcement standards.

OSHA compliance activities consist of conducting unannounced inspections of workplaces throughout to determine whether employers are complying with the OSH Act. Inspections may be the result of a work-related accident, a complaint, a referral, a planned inspection or a follow-up to ensure that previously cited serious, repeat or willful violations have been corrected.

OSHA is authorized to enter a workplace to inspect and investigate the workplace and its conditions and to question workers during regular working hours and at other reasonable times.

OSHA ranks inspections in order of importance, and assigns the highest priority to the most hazardous situations to worker safety and health. Imminent dangers are the top priority and are usually addressed within 24 hours. After imminent dangers, OSHA prioritizes workplace inspections in the following order:

- **Fatalities and catastrophes**—incidents where a worker dies or where the incident leads to an inpatient hospitalization. Incidents that lead to amputations or the loss of an eye also fall within this category. Employers are required to report fatalities within eight hours and the other incidents within 24 hours.

- **Complaints**—worker allegations of hazards or violations at their workplace.

- **Referrals**—reports of hazard information from federal, state or local agencies, individuals, organizations or the media.

- **Follow-ups**—verification by compliance officers of whether previously cited violations have been corrected.

- **Planned or programmed investigations**—inspections of high-hazard industries or workplaces with high rates of injuries or illnesses.

Generally, employers do not know about inspections before they occur. OSHA prohibits advanced notice of an inspection unless there is an immediate danger present. OSHA may give advanced notice if the inspection requires the presence of certain personnel or any other special case where OSHA decides an inspection would be more thorough and effective with advanced notice.

Though inspections are generally unannounced, OSHA has, in the past, released a list of industries it plans to target in the coming year. When available, this list offers some guidance to employers on when they may expect an inspection.

“Imminent dangers are the top priority and are usually addressed within 24 hours.”
Additional OSHA Inspection Information

Department of Labor Fact Sheet

Link to OSHA Inspection website: www.osha.gov/dep/index.html

Resources for Most Frequently Cited Standards

Penalties

An employer receives a written citation when it violates OSHA standards or regulations. The citation will describe the particular nature of the violation and will include a reference to the provision of the chapter, standard, rule, regulation or order the employer violated.

In addition, the citation will provide a reasonable amount of time for the employer to correct the problem. When the violation does not pose a direct or immediate threat to safety or health (De Minimis Violation), OSHA may issue a notice or warning instead of a citation.

An employer that receives a citation must post a copy of it at or near the place where the violation occurred for three days or until the violation is corrected, whichever is longer. Penalties may be adjusted depending on the gravity of the violation and the employer’s size, history of previous violations and ability to show a good faith effort to comply with OSHA requirements.

Below is a list of potential citations employers may receive and a range of corresponding penalties for these citations.

<table>
<thead>
<tr>
<th>VIOLATION</th>
<th>PENALTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>De Minimis Violation</td>
<td>Warning</td>
</tr>
<tr>
<td>Non-Serious Violation</td>
<td>Up to $7,000 per violation.</td>
</tr>
<tr>
<td>Serious Violation</td>
<td>Up to $7,000 per violation.</td>
</tr>
<tr>
<td>Willful or Repeated Violation</td>
<td>Between $5,000 and $70,000 per violation.</td>
</tr>
<tr>
<td>Willful Violation Resulting in Death of Employee</td>
<td>Up to $10,000 and/or imprisonment for up to six months. Penalties may double for a second or higher conviction.</td>
</tr>
<tr>
<td>Uncorrected Violation</td>
<td>Up to $7,000 per day until the violation is corrected.</td>
</tr>
<tr>
<td>Making false statements, representations or certification</td>
<td>Up to $10,000 and/or imprisonment for up to six months.</td>
</tr>
<tr>
<td>Violation of posting requirements</td>
<td>Up to $7,000 per violation.</td>
</tr>
<tr>
<td>Providing unauthorized advance notice of inspection</td>
<td>Up to $1,000, imprisonment for up to six months or both.</td>
</tr>
</tbody>
</table>

Serious Violation: a violation where there is a substantial probability that death or serious physical harm could result from an employer’s practice, method, operation or process. An employer is excused if it could not reasonably know of the presence of the violation.

Willful Violation: a violation that the employer commits intentionally and knowingly. The employer is aware that a hazardous condition exists, knows that the condition violates an OSHA standard or other obligation and makes no reasonable effort to eliminate it.

Repeated Violation: a violation substantially similar to a violation already present in a previous citation.
On July 1, 2016, OSHA issued an interim final rule which increased penalty amounts. The interim final rule also clarifies that OSHA-approved state plans must provide penalty amounts that are equal to or higher than those under the federal OSH Act. State plans must make the initial increased amounts effective within six months after publication of the interim final rule (Jan. 1, 2017).

<table>
<thead>
<tr>
<th>Violation</th>
<th>Increased Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non-serious violation</td>
<td>$13,260</td>
</tr>
<tr>
<td>Serious violation</td>
<td>$13,260</td>
</tr>
<tr>
<td>Posting failure</td>
<td>$13,260</td>
</tr>
<tr>
<td>Willful violation</td>
<td>Between $9,472 and $132,598</td>
</tr>
<tr>
<td>Repeated violation</td>
<td>$132,598</td>
</tr>
<tr>
<td>Failure to correct</td>
<td>$13,260 per day</td>
</tr>
</tbody>
</table>

Current law allows OSHA to adjust the penalty amounts every year to account for the cost of inflation, as shown by the consumer price index (CPI). If OSHA plans to adjust penalty amounts, it must signal its intention by Jan. 15 of each year.