



NOTICE OF NON-COMPLIANCE:
2026 WMSC AUDIT OF METRORAIL'S TRACK AND STRUCTURES
FINDING #1, WELDING RESPIRATORY PROTECTION
ISSUED JULY 24, 2026

Summary

As part of the [2026 WMSC Audit of WMATA's Track and Structures](https://wmsc.gov/audits/) (<https://wmsc.gov/audits/>), the Washington Metrorail Safety Commission (WMSC) issued a finding stating that Metrorail Track and Structures personnel reported performing welding tasks without proper respiratory protection.

As a result, a corrective action plan (CAP) is necessary to address this finding. The WMSC Program Standard states in section 9.C.3.a that "Within 30 days from the date the WMSC issues a finding or recommendation, WMATA must propose a suitable CAP (corrective action plan)." CAP WMSC-25-C0324 should have been developed and a draft submitted to the WMSC by March 30, 2026, however, WMATA has objected to, and has not provided a draft corrective action plan.

Authority

The Washington Metrorail Safety Commission (WMSC) Compact (P.L. 115-54), Article IV, Powers, Sec. 30(a) states "In carrying out its purposes, the Commission, through its Board or designated employees or agents, shall, consistent with federal law: (a) Adopt, revise, and distribute a written State Safety Oversight Program;" and Sec. 30(c) states "(c) Require, review, approve, oversee, and enforce the adoption and implementation of any Corrective Action Plans that the Commission deems appropriate[.]" Further, WMSC Compact Sec. 31(c) provides that the WMSC may "[c]ompel WMATA's compliance with any Corrective Action Plan or order of the Commission by such means as the Commission deems appropriate...."

Pursuant to WMSC Compact Sec. 30(a) and 30(b) and 49 CFR sec. 674.27(a)(1), version 8 of the WMSC Program Standard became effective on October 1, 2025 (may be found at <https://wmsc.gov/program-standard/>). Program Standard sec. 9.C states that "Each finding issued by the WMSC requires WMATA to develop a suitable CAP. The WMSC may also require WMATA to develop a CAP due to other types of findings or conclusions, including from the sources noted in Section 9.A."

This Notice of Non-Compliance is brought in accordance with Program Standard sec. 11.B:

In the event WMATA fails to comply with any provision of this Program Standard, the WMSC may issue a notice of non-compliance, provide notice that the WMSC is invoking a power provided in Section 11.C, or both. The WMSC will identify the non-compliance issue and state

any action required of WMATA in an email to the WMATA Executive Vice President and Chief Safety & Readiness Officer, or the General Manager. WMATA must then respond by the deadline set by the WMSC. If WMATA fails to address the issue, the WMSC may take further action described in this Section 11.

Background

Metrorail's Track and Structures welding personnel serve an important maintenance role in both corrective and preventive maintenance activities. Welding, by its nature, brings certain hazards for the track workers who are conducting the welding, such as respiratory hazards. Metrorail has established a respiratory protection program that, when implemented, can reduce the respiratory hazard for track workers by way of respiratory protection requirements. This requirement is defined in Metrorail's Manual Number: 4487-2-01/00, Respiratory Protection Program Manual (February 20, 2024) which states:

5.7 Managers and Supervisors are responsible for:

5.7.1. Ensuring that the WMATA RPP [Respiratory Protection Program] is properly implemented within their designated areas. In addition to being knowledgeable about the program requirements for their own protection, Managers and Supervisors must also ensure that the program is understood and adhered to by the employees under their charge.

5.7.3. Ensuring that all employees under their supervision receive WMATA RPP training, fit testing, and medical evaluation prior to utilizing a respirator. Training and fit testing (for tight-fitting respirators) are required annually.

5.7.7. Enforcing the proper use of respiratory protection, when necessary.

5.8 Employees are responsible for:

5.8.1. Properly using RPE [Respiratory Protection Equipment] when required to perform work, such as when required by a work instruction or standard operating procedure, or by an assessment of job hazards.

5.8.4. Informing their supervisor if their respirator no longer fits properly and request a replacement and new fit-test.

5.8.5. Informing their supervisor, the Department Safety Risk Coordinator, or the RPPA [Respiratory Protection Program Administrator] of any respiratory hazards that they feel are not adequately addressed in the workplace and of any other concerns that they have regarding this program.

In three separate interviews for this audit, Metrorail welders indicated that they have not been provided with any type of personal respiratory protection. Two of the individual welders stated that they had been fit-tested sometime in the fall of 2024; however, at the time of the interviews for this audit in June 2025, neither had received any sort of respiratory protection. Two of the welders stated that they had been fit-tested in accordance with Metrorail's Manual Number: 4487-2-01/00, Respiratory Protection Program Manual (February 20, 2024) section 5.7.3, which indicates that respiratory hazards were identified for these individuals/job functions. The type of welding WMATA conducts includes manganese steel, which is identified by the U.S. Centers for Disease Control and Prevention (CDC) as a toxic substance that is known to cause health hazards. The CDC states that "Manganese fumes are produced during metallurgical operations and several types of welding operations. The exposure can vary considerably depending on the amount of manganese in the welding wire, rods, flux and base metal. Confined space

welding can significantly increase exposure to manganese fumes,” and that “Numerous studies indicate that welders may be at increased risk of neurological and neurobehavioral health effects when exposed to metals such as lead, iron, and manganese. Carbon monoxide, heat, and stress can also contribute to neurological impairments in welders. Some studies indicate that welders exposed to low levels of manganese (<0.2 mg/m³) perform more poorly on tests of brain function and motor skills. These effects include changes in mood and short-term memory, altered reaction time, and reduced hand-eye coordination. Affected workers frequently show abnormal accumulations of manganese in the region of the brain known as the globus pallidus, which plays an important role in movement regulation.”¹

Worker safety is a fundamental part of the safety of the WMATA Rail System, and it is identified in WMATA’s Public Transportation Agency Safety Plan. The WMSC is obligated to oversee the safety elements in WMATA’s Agency Safety Plan. The WMSC and WMATA have had ongoing discussions attempting to resolve the differences that are preventing Metrorail from producing worker safety-related documents and required corrective actions. However, WMATA stated that it stands by its objections for producing any worker safety information. As the WMSC explained in its written response to Metrorail’s written objections, and in subsequent discussions, Metrorail’s objections to the WMSC’s authority are without merit and do not justify its refusal to fully respond and participate in the CAP development process, and WMATA’s lack of required corrective action continues to put WMATA personnel worker safety at risk.

The WMSC issued its final report for this audit on February 26, 2026. From there, in accordance with the WMSC Program Standard (section 9.C.3.a) a draft corrective action plan should have been submitted to the WMSC on March 30, 2026. To date, the WMSC has not received a draft CAP.

Compliance

The corrective action plan related to Finding #1 of the WMSC’s 2026 Audit of Track and Structures has not been received. For WMATA to return to compliance, WMATA must submit a draft corrective action plan for WMSC review and approval.



Sharmila Samarasinghe
Acting CEO & Chief Operating Officer
Washington Metrorail Safety Commission

¹ July 16, 2026, Welding Fumes and Manganese, <https://www.cdc.gov/niosh/welding/about/index.html>