

1 1725-S AMH VANC H2548.1

2 SHB 1725 - H AMD 298 Withdrawn 3-20-91

3 By Representative Vance

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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. Sec. 1. The legislature acknowledges that the
8 workplace environment may expose individuals to substances that may
9 cause birth defects or constitute a hazard to an employee's
10 reproductive system or to a fetus. Therefore, employers should
11 disclose information to employees about workplace exposure to chemical
12 or physical substances or workplace conditions that may cause birth
13 defects or harm an individual's reproductive capacity. The legislature
14 further finds that discrimination in the workplace because of
15 reproductive status is an increasing concern. Information about
16 workplace reproductive hazards is needed to assist in individual,
17 corporate, and government decision making."

18 "Sec. 2. RCW 49.17.050 and 1973 c 80 s 5 are each amended to read
19 as follows:

20 In the adoption of rules (~~(and regulations)~~) under the authority of
21 this chapter, the director shall:

22 (1) Provide for the preparation, adoption, amendment, or repeal of
23 rules (~~(and regulations)~~) of safety and health standards governing the
24 conditions of employment of general and special application in all work
25 places;

26 (2) Provide for the adoption of occupational health and safety
27 standards which are at least as effective as those adopted or

1 recognized by the United States secretary of labor under the authority
2 of the Occupational Safety and Health Act of 1970 (Public Law 91-596;
3 84 Stat. 1590);

4 (3) Provide a method of encouraging employers and employees in
5 their efforts to reduce the number of safety and health hazards at
6 their work places and to stimulate employers and employees to institute
7 new and to perfect existing programs for providing safe and healthful
8 working conditions;

9 (4) Provide for the promulgation of health and safety standards and
10 the control of conditions in all work places concerning gases, vapors,
11 dust, or other airborne particles, toxic materials, or harmful physical
12 agents which shall set a standard which most adequately assures, to the
13 extent feasible, on the basis of the best available evidence, that no
14 employee will suffer material impairment of health or functional
15 capacity even if such employee has regular exposure to the hazard dealt
16 with by such standard for the period of his or her working life; any
17 such standards shall require where appropriate the use of protective
18 devices or equipment and for monitoring or measuring any such gases,
19 vapors, dust, or other airborne particles, toxic materials, or harmful
20 physical agents;

21 (5) Provide for appropriate reporting procedures by employers with
22 respect to such information relating to conditions of employment which
23 will assist in achieving the objectives of this chapter;

24 (6) Provide for the frequency, method, and manner of the making of
25 inspections of work places without advance notice; ((and,))

26 (7) Provide for the publication and dissemination to employers,
27 employees, and labor organizations and the posting where appropriate by
28 employers of informational, education, or training materials calculated
29 to aid and assist in achieving the objectives of this chapter;

1 (8) Provide for the establishment of new and the perfection and
2 expansion of existing programs for occupational safety and health
3 education for employers and employees, and, in addition institute
4 methods and procedures for the establishment of a program for voluntary
5 compliance solely through the use of advice and consultation with
6 employers and employees with recommendations including recommendations
7 of methods to abate violations relating to the requirements of this
8 chapter and all applicable safety and health standards and rules (~~and~~
9 ~~regulations~~) promulgated pursuant to the authority of this chapter;

10 (9) Provide for the adoption of safety and health standards
11 requiring the use of safeguards in trenches and excavations and around
12 openings of hoistways, hatchways, elevators, stairways, and similar
13 openings;

14 (10) Provide for the promulgation of health and safety standards
15 requiring the use of safeguards for all vats, pans, trimmers, cut off,
16 gang edger, and other saws, planers, presses, formers, cogs, gearing,
17 belting, shafting, coupling, set screws, live rollers, conveyors,
18 mangles in laundries, and machinery of similar description, which can
19 be effectively guarded with due regard to the ordinary use of such
20 machinery and appliances and the danger to employees therefrom, and
21 with which the employees of any such work place may come in contact
22 while in the performance of their duties and prescribe methods,
23 practices, or processes to be followed by employers which will enhance
24 the health and safety of employees in the performance of their duties
25 when in proximity to machinery or appliances mentioned in this
26 subsection;

27 (11) Provide for the adoption of health and safety standards
28 addressing employee exposure to chemical, biological, or physical
29 reproductive hazards or hazards to a fetus, which shall set a standard
30 that most adequately assures, to the extent feasible, on the basis of

1 the best available evidence, that no employee or fetus will suffer
2 material impairment of health or functional capacity even if the
3 employee has regular exposure to the hazard dealt with by the standard
4 for the period of his or her working life. The standards shall
5 include, but not be limited to, requirements for informing employees
6 and prospective employees of these hazards. In adopting rules under
7 this subsection, the department shall consult with a scientific
8 advisory committee appointed by the department. An employer may
9 request the department to identify all hazards in the employer's
10 workplace that pose a hazard under this subsection, and the employer
11 may rely on the information provided by the department in complying
12 with the rules adopted under this subsection."

13 "NEW SECTION. Sec. 3. A new section is added to chapter 49.44 RCW
14 to read as follows:

15 (1) No employer, including the state or any political subdivision
16 thereof, may condition the employment, transfer, or promotion of any
17 individual on the sterilization of that individual, nor shall
18 reproductive status be a criterion of employment. An employer may not
19 terminate the employment of an employee because the employee refuses,
20 on request of the employer, to submit to compulsory sterilization after
21 exposure to a reproductive hazard.

22 (2) No employer, employment agency, or agent of either may request
23 or require information from an employee or prospective employee
24 relating to the individual's child-bearing age or plans, pregnancy, or
25 function of the individual's reproductive system."

26 "NEW SECTION. Sec. 4. A new section is added to chapter 18.76 RCW
27 to read as follows:

1 The state poison control network centers shall include information
2 about the reproductive hazards of the substances for which the center
3 provides information."

4 "NEW SECTION. **Sec. 5.** A new section is added to chapter 4.24 RCW
5 to read as follows:

6 An employer is not liable for civil damages to any employee,
7 employee's child, or employee's spouse for injury to the employee, the
8 employee's fetus, or the employee's child because of exposure in the
9 workplace to substances or conditions that cause birth defects or
10 constitute a hazard to the employee's reproductive system or capacity
11 if, in full compliance with rules adopted by the department of labor
12 and industries under RCW 49.17.050(11), the employer has informed the
13 employee of the hazard or potential hazard of the substances or
14 conditions. This section shall apply without regard to any
15 determination of coverage under Title 51 RCW."

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19 On page 1, line 2 of the title, after "workplace;" strike the
20 remainder of the title and insert "amending RCW 49.17.050; adding a new
21 section to chapter 49.44 RCW; adding a new section to chapter 18.76
22 RCW; adding a new section to chapter 4.24 RCW; and creating a new
23 section."