

1 5746.E AMH ENA H4936.1

2 ESB 5746 - H COMM AMD

3 By Committee on Environmental Affairs

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

7 "NEW SECTION. **Sec. 1.** A new section is added to chapter 43.21A
8 RCW to read as follows:

9 The department, to the greatest extent possible, within available
10 resources and without jeopardizing the department's ability to carry
11 out its legal responsibilities, may designate one or more of its
12 employees as a technical assistance officer, and may organize the
13 officers into one or more technical assistance units within the
14 department. The duties of a technical assistance officer are to
15 coordinate voluntary compliance with the regulatory laws administered
16 by the department and to provide technical assistance concerning
17 compliance with the laws."

18 "NEW SECTION. **Sec. 2.** A new section is added to chapter 43.21A
19 RCW to read as follows:

20 (1) An employee designated by the department as a technical
21 assistance officer or as a member of a technical assistance unit may
22 not, during the period of the designation, have authority to issue
23 orders or assess penalties on behalf of the department. Such an
24 employee who provides on-site consultation at an industrial or
25 commercial facility and who observes violations of the law shall inform
26 the owner or operator of the facility of the violations. On-site
27 consultation visits by such an employee may not be regarded as

1 inspections or investigations and no notices or citations may be issued
2 or civil penalties assessed during such a visit. However, violations
3 of the law must be reported to the appropriate officers within the
4 department. If the owner or operator of the facility does not correct
5 the observed violations within a reasonable time, the department may
6 reinspect the facility and take appropriate enforcement action. If a
7 technical assistance officer or member of a technical assistance unit
8 observes a violation of the law that places a person in danger of death
9 or substantial bodily harm, or has caused or is likely to cause
10 physical damage to the property of others in an amount exceeding one
11 thousand dollars, the department may initiate enforcement action
12 immediately upon observing the violation.

13 (2) The state, the department, and officers or employees of the
14 state shall not be liable for damages to a person to the extent that
15 liability is asserted to arise from the performance by technical
16 assistance officers of their duties, or if liability is asserted to
17 arise from the failure of the department to supply technical
18 assistance."

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22 On page 1, line 2 of the title, after "measures;" strike the
23 remainder of the title and insert "and adding new sections to chapter
24 43.21A RCW."