

HOUSE BILL REPORT

HB 1355

*As Passed House
March 12, 1991*

Title: An act relating to civil penalties for industrial safety and health violations.

Brief Description: Increasing civil penalties for industrial safety and health violations.

Sponsor(s): Representatives R. King, Jones, Cole and Wang; by request of Department of Labor & Industries.

Brief History:

Reported by House Committee on:
Commerce & Labor, February 19, 1991, DP;
Passed House, March 12, 1991, 98-0.

**HOUSE COMMITTEE ON
COMMERCE & LABOR**

Majority Report: *Do pass.* Signed by 11 members: Representatives Heavey, Chair; Cole, Vice Chair; Fuhrman, Ranking Minority Member; Lisk, Assistant Ranking Minority Member; Franklin; Jones; R. King; O'Brien; Prentice; Vance; and Wilson.

Staff: Chris Cordes (786-7117).

Background: Under the Washington Industrial Safety and Health Act, the Department of Labor and Industries may issue citations for violations of the act, with the following penalties: (1) willful violations up to \$50,000; (2) serious violations up to \$5,000; (3) nonserious violations up to \$3,000; (4) failure to correct a violation up to \$5,000; (5) posting violations related to employee rights up to \$3,000; and (6) posting violations related to educational materials up to \$1,500.

Federal law requires WISHA to be at least as effective as the federal Occupational Safety and Health Act to maintain federal funding and approval. Congress has recently raised the maximum penalties under the OSH Act to \$70,000 for willful violations and \$7,000 for other violations. In addition, a minimum penalty of \$5,000 is required for willful violations of the OSH Act.

Summary of Bill: The maximum penalty for an employer who willfully or repeatedly violates the Washington Industrial Safety and Health Act is increased from \$50,000 to \$70,000 for each violation. The employer must be assessed a minimum penalty of \$5,000 for a willful violation.

The maximum penalties for other violations are increased as follows:

Serious violations are increased from \$5,000 to \$7,000.

Nonserious violations are increased from \$3,000 to \$7,000.

Failure to correct a violation is increased from \$5,000 to \$7,000 (for each day).

Posting violations are increased from \$3,000 to \$7,000 related to notice of employee rights and from \$1,500 to \$7,000 related to educational materials.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The Washington Industrial Safety and Health Act must be at least as effective as the federal Occupational Safety and Health Act to retain federal approval. This bill raises WISHA penalties in conformity with penalties under the OSH Act.

Testimony Against: There is some concern that the penalties for minor violations are very high.

Witnesses: (in favor) Jeff Johnson, Washington State Labor Council; Dennis Martin, Washington State Trial Lawyers; Nick Kirchoff, Department of Labor and Industries; and Clif Finch, Association of Washington Business. (with concerns) Gary Smith, Independent Business Association.