

SENATE BILL REPORT

HB 1355

AS REPORTED BY COMMITTEE ON COMMERCE & LABOR, APRIL 5, 1991

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

**SPONSORS:** Representatives R. King, Jones, Cole and Wang; by request of Department of Labor & Industries.

**HOUSE COMMITTEE ON COMMERCE & LABOR**

**SENATE COMMITTEE ON COMMERCE & LABOR**

**Majority Report:** Do pass.

Signed by Senators Matson, Chairman; Anderson, Vice Chairman; McCaslin, McMullen, Moore, Murray, and Skratek.

**Staff:** Jonathan Seib (786-7427)

**Hearing Dates:** April 4, 1991; April 5, 1991

**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:**

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.

**Appropriation:** none

**Revenue:** yes

**Fiscal Note:** available

**TESTIMONY FOR:**

The bill is needed to meet federal requirements. It is necessary in order to receive \$5 million in matching funds.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Nick Kirchoff, Dept. of Labor and Industries; Clif Finch, AWB