

SENATE BILL REPORT

ESB 5362

AS PASSED SENATE, MARCH 10, 1993

Brief Description: Requiring full disclosure of civil court proceedings relating to public hazards.

SPONSORS: Senators A. Smith, Niemi, Pelz, Spanel and Quigley

SENATE COMMITTEE ON LAW & JUSTICE

Majority Report: Do pass.

Signed by Senators A. Smith, Chairman; Quigley, Vice Chairman; Niemi, Rinehart, and Spanel.

Staff: Tom Fender (786-7414)

Hearing Dates: February 3, 1993; February 10, 1993

BACKGROUND:

Recent media attention to dangerous products and services has focused on the technical standards involved and procedures utilized. These standards of design or performance often determine public safety.

When injuries occur, standards and product or procedure compliance come into question. Adverse test data may be known to private organizations, but not to government agencies or the public.

Often these inquiries result in litigation that ultimately is terminated in a confidential court sealed compromise agreement. The issue then raised is the one of the broader public interest in preventing the recurrence of harm.

SUMMARY:

Public hazards are defined as matters other than services by licensed professionals having a probable future adverse effect on public health and safety. All relevant judicial discovery materials are available to the public after the court determines the appropriateness of release. The court is mandated to provide for effective disclosure of these matters and hold violators in contempt. Contracting to conceal public hazards is a violation of the Consumer Protection Act and such contracts are void.

Appropriation: none

Revenue: none

Fiscal Note: none requested

TESTIMONY FOR:

Matters affecting public safety must be disclosed to prevent further injuries.

TESTIMONY AGAINST:

Regulated industries already report known hazards and the Consumer Safety Protection Agency has a process for unregulated industries. Trade secrets are vulnerable to over disclosure and this process is a burden to business.

TESTIFIED: William Phillips, WDTL (con); James J. Rogers, WSTLA (pro); Bill Henselman, WSDOT (con); Elaine Houghton, WSTLA (pro); Clif Finch, AWB (con); Sonja Alexander, AWC, LRC, RIMS (con); Craig McGee, Pemco (con); Tom McLaughlin, Perkins Coie for Boeing (con); Nancy Bratton, Seattle Chamber of Commerce (con); Cliff Webster, Pharmaceutical Manufacturers Assn. (con); David West, Washington Citizen Action (pro)