

**SENATE BILL REPORT**

**SB 6132**

**AS OF JANUARY 18, 1994**

**Brief Description:** Attempting to lessen the impact of state regulations on small businesses.

**SPONSORS:** Senators Anderson, Amondson, McDonald, Oke, Nelson, Morton, Bluechel, L. Smith, Hochstatter, Moyer, Erwin, Sellar, Schow, Prince, Winsley, Roach, Ludwig, Quigley, Cantu, A. Smith and Haugen

**SENATE COMMITTEE ON LABOR & COMMERCE**

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

**Hearing Dates:** January 19, 1994

**BACKGROUND:**

There is concern that traditional means of gaining regulatory compliance through command and control has resulted in significant ill will by the public towards government. It is sometime difficult for those needing to comply with regulations to understand what is required. Sometimes their violations are insignificant. People fear that if they ask the regulatory agency for assistance and advice, they may be subject to an immediate enforcement action.

Yet regulatory agencies may have rigid guidelines for enforcement. Once an inspector finds a violation, if he or she fails to issue a citation or order, liability may accrue to the government, and personal risk back to the inspector. This rigid system discourages communication and helpfulness.

A system encouraging voluntary compliance through the cooperation of the agency and regulated parties is offered as an alternative to the traditional approach. Both the Department of Ecology and the Department of Labor and Industries have types of voluntary compliance programs in place.

**SUMMARY:**

The Departments of Revenue, Ecology, Labor and Industries, Health, Licensing, and Fish and Wildlife are each to implement a cooperative compliance partnership program by January 1, 1995.

For each program the agency shall develop a set of criteria, based on guidelines set forth in the bill, to be used to determine whether a business is making a good faith effort to comply with the agencies' rules. Upon inspection by the agency, any business that meets the good faith criteria for

compliance shall be given appropriate guidance and a reasonable time by the agency to correct any deficiencies without the agency taking enforcement action. However, deficiencies that pose an immediate and serious threat to people or the environment must be discontinued immediately.

A business will not be eligible for the abatement period if: (1) it failed to meet the good faith criteria for compliance; (2) its deficiencies include the failure to comply with an infraction notice issued prior to the start of the cooperative compliance program; or (3) its deficiencies include the failure to comply with a specific permit issued by the agency.

Agencies to whom enforcement authority has been delegated by a federal agency shall submit a petition to implement the cooperative compliance program to the federal agency by June 1, 1994. If authorization is not received, the agency shall apply the program to all inspections except those necessary to meet federal requirements.

Participating agencies are to report annually to the Office of Financial Management regarding the compliance program and methods to improve it. The Director of OFM is in turn to report to the Legislature.

The bill expires July 1, 1997.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested January 18, 1994