

SENATE BILL REPORT

SB 6312

AS REPORTED BY COMMITTEE ON LABOR & COMMERCE, FEBRUARY 4, 1994

**Brief Description:** Eliminating knowledge requirement for violations of the Washington industrial safety and health act.

**SPONSORS:** Senators Fraser and Moore; by request of Department of Labor & Industries

**SENATE COMMITTEE ON LABOR & COMMERCE**

**Majority Report:** Do pass.

Signed by Senators Moore, Chairman; Prentice, Vice Chairman; Amondson, Fraser, McAuliffe, Sutherland and Vognild.

**Staff:** Dave Cheal (786-7576)

**Hearing Dates:** February 2, 1994; February 4, 1994

**BACKGROUND:**

Criminal penalties are provided for certain violations of the Washington Industrial Safety and Health Act.

Under the federal Occupational Safety and Health Act (OSHA), states have the option of coming under the provisions of the federal act, with federal administration, or setting up a state statute and state administration and enforcement. To exercise the local option, states must have laws in place at least as strict as the federal act.

The criminal penalty section of the Washington Industrial Safety and Health Act requires the prosecution to prove that the employer wilfully and knowingly violated the law. The federal act only requires a showing of wilful violation.

**SUMMARY:**

The word "knowingly" is deleted from the intent section of the criminal penalty provisions of the Washington Industrial Safety and Health Act.

**Appropriation:** none

**Revenue:** none

**Fiscal Note:** requested

**TESTIMONY FOR:**

The federal Occupational Safety and Health Act requires counterpart state laws to be at least as strict as the federal act. If not, the federal government can take over enforcement

and administration of the act. We've been advised that this change is necessary to be in compliance.

**TESTIMONY AGAINST:** None

**TESTIFIED:** Suzanne Mager, Department of Labor and Industries (pro)