

HOUSE BILL REPORT

HB 1887

As Reported By House Committee On:

Commerce & Labor

Title: An act relating to establishing the department of labor and industries WISHA advisory committee.

Brief Description: Establishing department of labor and industries WISHA advisory committee.

Sponsors: Representatives McMorris, Conway, Clements, Honeyford, Cole and O'Brien.

Brief History:

Committee Activity:

Commerce & Labor: 2/27/97, 3/3/97 [DPS].

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 9 members: Representatives McMorris, Chairman; Honeyford, Vice Chairman; Conway, Ranking Minority Member; Wood, Assistant Ranking Minority Member; Boldt; Clements; Cole; Hatfield and Lisk.

Staff: Selwyn Walters (786-7117).

Background: The Washington Industrial Safety and Health Act (WISHA) applies to most workplaces in Washington, including private and public workplaces. The WISHA is administered and enforced by the Department of Labor and Industries, which adopts rules governing safety and health standards for workplaces covered under the act. Under the federal Occupational Safety and Health Act (OSHA), Washington is authorized to assume responsibility for occupational safety and health (the state plan state– concept). The state's industrial safety and health standards must be at least as effective as those adopted under the OSHA for the state to maintain its status as a state plan state.

Under the act, an employer must comply with the safety and health rules adopted by the department, and is obligated to furnish all employees a workplace that is free from recognized hazards that cause, or are likely to cause, serious injury or death to employees. This general duty to keep workplaces free from serious recognized

hazards is referred to as the safe work place– requirement. The safe work place requirement applies even if the department has not adopted a specific rule to cover the particular facts of the violation.

The WISHA directs the Department of Labor and Industries to issue a citation, and assess a penalty against a covered employer for violations of the act, the rules adopted under the act, or the conditions of an order granting a variance.

Summary of Substitute Bill: A 10-member WISHA advisory board is appointed for three-year staggered terms by the director of Department of Labor and Industries. The committee comprises (1) four members representing employees; (2) four members representing employers; and (3) two ex officio members, one of whom is required to be the chair of the Board of Industrial Insurance Appeals, and the other a representative of the department. The chair of the committee is the department's representative.

The committee's duties are to provide comment on rule making, policies, and initiatives to the department, and conduct a continuing study of any aspect of the state's industrial safety and health program. The committee has a duty to report its findings to the department or the Board of Industrial Insurance Appeals.

Substitute Bill Compared to Original Bill: The substitute bill increases membership of the WISHA advisory committee to 10 members.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill contains an emergency clause and takes effect on July 1, 1997.

Testimony For: The bill is a great step in the direction of eliminating controversy between the Department of Labor and Industries and business. The bill allows businesses and the department to address issues concerning workplace safety before they become violations of the WISHA. The department will be able to consider viewpoints, share information, and work with business to create a safe workplace.

Testimony Against: None.

Testified: (All in support) Robby Stern, Washington State Labor Council; Steve Cant, Department of Labor and Industries; Amber Balch, Association of Washington Business; Dedi Hitchens, National Federation of Independent Business; Rick Slunaker, Associated General Contractors of Washington; and Chris Cheney, Washington Growers League and HOP Growers of Washington.