

HOUSE BILL REPORT

HB 1991

As Reported By House Committee On:

Commerce & Labor

Title: An act relating to civil penalties for accident prevention program violations.

Brief Description: Modifying civil penalties for accident prevention program violations.

Sponsors: Representatives Honeyford, McMorris and Clements.

Brief History:

Committee Activity:

Commerce & Labor: 2/26/97, 3/5/97 [DP].

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass. Signed by 5 members: Representatives McMorris, Chairman; Honeyford, Vice Chairman; Boldt; Clements and Lisk.

Minority Report: Do not pass. Signed by 3 members: Representatives Conway, Ranking Minority Member; Cole and Hatfield.

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. 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.

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 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 workplace- requirement. The safe workplace 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.

Employers are required to have written accident prevention programs tailored to the workplace and the types of hazards involved.

Summary of Bill: Under the WISHA, a civil penalty may not be assessed against an employer for failure to address a hazard in an employer's accident prevention program, unless the assessment is based on a specific rule or variance which addresses the hazard, or the employer has violated the requirement to furnish a safe workplace.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill will not eliminate the department's ability to issue citations under the safe workplace standard of the WISHA. The bill will be particularly beneficial to small businesses that do not have the resources to hire a safety consultant. The bill allows small business to look ahead and to work with the department in achieving the goals of a safe workplace under the WISHA.

Testimony Against: The bill amends the WISHA and reduces the safe workplace standard. The department's ability to enforce safety and health standards is restricted. The bill impermissibly shifts the obligation for ensuring workplace safety from the employer to the department. The bill could be amended to keep a citation from being a serious citation.

Testified: (In support) Amber Balch, Association of Washington Business; and Matthew Bernard, Primex Aerospace Company. (Opposed) Frank Leuck and Michael Wood, Department of Labor and Industries; and Robby Stern, Washington State Labor Council.