

# FINAL BILL REPORT

## SHB 1887

---

---

### PARTIAL VETO

C 107 L 97

Synopsis as Enacted

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

**Sponsors:** By House Committee on Commerce & Labor (originally sponsored by Representatives McMorris, Conway, Clements, Honeyford, Cole and O'Brien).

**House Committee on Commerce & Labor**  
**Senate Committee on Commerce & Labor**

**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 WISHA, 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:** A 10-member WISHA advisory committee is established. The committee is composed of (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 of Labor and Industries. The chair of the committee

is the department's representative. The members are appointed by the director of the department and serve three-year staggered terms.

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

**Votes on Final Passage:**

House 94 0

Senate 46 0

**Effective:** July 27, 1997

**Partial Veto Summary:** The Governor vetoed section 2, the emergency clause, which provides that the bill takes effect July 1, 1997.