

HOUSE BILL REPORT

HB 1908

As Passed Legislature

Title: An act relating to the enforcement of workplace safety standards by the department of labor and industries.

Brief Description: Establishing a fire fighting technical review committee.

Sponsors: By House Committee on Commerce & Labor (originally sponsored by Representatives Thompson and McMorris).

Brief History:

Committee Activity:

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

Floor Activity:

Passed House: 3/13/97, 95-0.

Passed Legislature.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: 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 private and public work places, and is administered and enforced by the Department of Labor and Industries. Washington is a state plan state— under the federal Occupational Safety and Health Act (OSHA) and as such, is authorized to assume responsibility for occupational safety and health standards in the state. The safety and health standards must be at least as effective as the standards adopted under the OSHA.

The WISHA standards include general safety and health standards that apply to firefighting. The specific standards for firefighting govern all activities related to fire protection services, and require the use of appropriate safety devices and safeguards in all aspects of firefighting, including fire combat scenes and emergency medical or rescue situations.

A covered fire department or fire district employer may be cited, and penalties assessed if the employer violates the WISHA, the rules adopted under the WISHA, an order granting a variance, or a standard published by the National Fire Protection Association.

Summary of Bill: An eight-member firefighting technical review committee is established. The director of the Department of Labor and Industries appoints the committee members for three-year staggered terms. The composition of the committee is (1) four members representing firefighters, two of whom are members of the law enforcement officers' and firefighters' retirement system; (2) two members representing fire chiefs; and (3) two members representing fire commissioners. The director or designee is an ex officio member and chair of the committee.

The committee provides advisory technical assistance to the department if an inspection or investigation of an emergency response situation reveals a violation of the WISHA or possible noncompliance with an industry consensus standard. After the department issues a citation based on events in an emergency situation, the department has a duty to consult with the committee before issuing a citation that includes a penalty. The committee's recommendations are advisory only and do not limit the department's authority to cite and assess a penalty for violations of the WISHA.

Emergency response situation– includes situations in which employees of a fire department or fire district are involved in a fire combat scene, a hazardous materials response situation, a rescue, or a response involving emergency medical services.

An expiration date of July 1, 2001, is provided.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The committee will provide the Department of Labor and Industries, fire departments, and fire districts an opportunity to work cooperatively to solve safe work place issues. Affords the department an opportunity to consider and discuss technical issues relating to firefighting and emergency response situations within the context of providing fire fighters a safe workplace environment.

Testimony Against: None.

Testified: Representative Bill Thompson, prime sponsor; Jim Rudd, Washington Council of Firefighters; and Duane Malo, Washington Association of Fire Chiefs.