

HOUSE BILL ANALYSIS

HB 1991

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

Sponsors: Representatives Honeyford, McMorris and Clements

Hearing: February 26, 1997

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 OSHA for the state to maintain its status as a state plan state.

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 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.

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 BILL:

Under 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.

RULES AUTHORITY: The bill does not contain provisions addressing the rule-making powers of an agency.

FISCAL NOTE: Not requested.

EFFECTIVE DATE: Ninety days after adjournment of session in which bill is passed.