

SENATE BILL REPORT

SHB 1887

As Reported By Senate Committee On:
Commerce & Labor, March 27, 1997

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

Brief History:

Committee Activity: Commerce & Labor: 3/24/97, 3/27/97 [DP].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass.

Signed by Senators Schow, Chair; Horn, Vice Chair; Anderson, Franklin, Fraser, Heavey and Newhouse.

Staff: Jonathan Seib (786-7427)

Background: The Washington Industrial Safety and Health Act (WISHA) applies to most workplaces in Washington, including private and public workplaces. 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 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.

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: A ten-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.

Committee members serve without compensation, but are entitled to travel expenses. All committee expenses are to be paid by the Department of Labor and Industries.

Appropriation: None.

Fiscal Note: Requested March 24, 1997.

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

Testimony For: No formal mechanism currently exists for stakeholders to communicate their interests and concerns regarding WISHA. This bill would establish such a mechanism. It will allow a deliberative consideration of both short and long-term recommendation to improve the WISHA system.

Testimony Against: None.

Testified: PRO: Amber Balch, Association of Washington Business; Claude Golden, Boeing; Robby Stern, Washington State Labor Council; Michael Silverstein, Department of Labor and Industries; Bob Dilger, Washington State Construction Trades Council.