

SENATE BILL REPORT

HB 1908

As Reported By Senate Committee On:
Commerce & Labor, April 3, 1997

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: Representatives Thompson and McMorris.

Brief History:

Committee Activity: Commerce & Labor: 4/1/97, 4/3/97 [DP].

SENATE COMMITTEE ON COMMERCE & LABOR

Majority Report: Do pass.

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

Staff: Jonathan Seib (786-7427)

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 OSHA.

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 WISHA, the rules adopted under 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 Fire Fighters' 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 WISHA or possible noncompliance with an industry consensus standard. If 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 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: Available.

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

Testimony For: This is a bill that has been well discussed and is agreed to by affected parties. This bill will bring the best technical minds available to the evaluation of an accident in an emergency response situation. Having a technical assistance committee will fill a void in the existing expertise of the Department of Labor and Industries. The bill will have a very positive effect on firefighter safety and the ability of management and labor to get along in this arena.

Testimony Against: None.

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