
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: H-2259.1/01

ATTY/TYPIST: KB:mos

BRIEF DESCRIPTION:

2 **HB 1598** - H AMD
3 By Representative

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5 On page 1, after line 3, insert the following:

6 "NEW SECTION. **Sec. 1.** The legislature finds that making work hour
7 standards for operators of power equipment in waterfront operations
8 consistent with federal standards is necessary to preserve the
9 competitiveness of Washington's ports. The legislature further finds
10 that ports will likely be required to reduce work hours below federal
11 standards regardless of changes to state work hour standards if state
12 ergonomic regulations are more or differently burdensome than federal
13 ergonomic regulations.

14 NEW SECTION. **Sec. 2.** (1) The implementation schedule for rules
15 dealing with musculoskeletal disorders as applied to operators of power
16 equipment in waterfront operations will be as follows: Rules dealing
17 with musculoskeletal disorders, adopted on May 26, 2000, by the
18 director of the department of labor and industries, and codified as WAC
19 296-62-05101 through 296-62-05176, shall be adjusted to take effect two
20 years later than stated in the rule. Before implementation of the
21 rules, the director shall make revisions to the rules necessary to
22 impose only the same requirements as rules adopted by the United States
23 secretary of labor under the authority of the occupational safety and
24 health act of 1970 (Public Law 91-596; 84 Stat. 1590) including
25 revisions to implement the final judgments for appeals filed before
26 July 1, 2001, challenging the validity or content of the federal rules,
27 and not adopting provisions which impose requirements which are still
28 the subject of appeals where no final judgment has been entered.

29 (2) For the purposes of this section:

30 (a) "Final judgment" means a judgment from which the plaintiffs
31 have no additional appeal rights; and

32 (b) "Operators of power equipment in waterfront operations" means
33 employees who operate on docks, in warehouses and/or in or on other
34 waterfront properties any power-driven mechanical equipment for the
35 purpose of loading cargo on, or unloading cargo from, ships, barges, or

1 other watercraft, or of assisting in such loading or unloading
2 operations.

3 **Sec. 3.** RCW 49.17.040 and 1973 c 80 s 4 are each amended to read
4 as follows:

5 Except as provided in section 2 of this act, the director shall
6 make, adopt, modify, and repeal rules and regulations governing safety
7 and health standards for conditions of employment as authorized by this
8 chapter after a public hearing in conformance with the administrative
9 procedure act and the provisions of this chapter. At least thirty days
10 prior to such public hearing, the director shall cause public notice of
11 such hearing to be made in newspapers of general circulation in this
12 state, of the date, time, and place of such public hearing, along with
13 a general description of the subject matter of the proposed rules and
14 information as to where copies of any rules and regulations proposed
15 for adoption may be obtained and with a solicitation for
16 recommendations in writing or suggestions for inclusion or changes in
17 such rules to be submitted not later than five days prior to such
18 public hearing. Any preexisting rules adopted by the department of
19 labor and industries relating to health and safety standards in work
20 places subject to the jurisdiction of the department shall remain
21 effective insofar as such rules are not inconsistent with the
22 provisions of this chapter.

23 **Sec. 4.** RCW 49.17.050 and 1998 c 224 s 1 are each amended to read
24 as follows:

25 Except as provided in RCW 49.17.040, in the adoption of rules and
26 regulations under the authority of this chapter, the director shall:

27 (1) Provide for the preparation, adoption, amendment, or repeal of
28 rules and regulations of safety and health standards governing the
29 conditions of employment of general and special application in all work
30 places;

31 (2) Provide for the adoption of occupational health and safety
32 standards which are at least as effective as those adopted or
33 recognized by the United States secretary of labor under the authority
34 of the Occupational Safety and Health Act of 1970 (Public Law 91-596;
35 84 Stat. 1590);

36 (3) Provide a method of encouraging employers and employees in
37 their efforts to reduce the number of safety and health hazards at

1 their work places and to stimulate employers and employees to institute
2 new and to perfect existing programs for providing safe and healthful
3 working conditions;

4 (4) Provide for the promulgation of health and safety standards and
5 the control of conditions in all work places concerning gases, vapors,
6 dust, or other airborne particles, toxic materials, or harmful physical
7 agents which shall set a standard which most adequately assures, to the
8 extent feasible, on the basis of the best available evidence, that no
9 employee will suffer material impairment of health or functional
10 capacity even if such employee has regular exposure to the hazard dealt
11 with by such standard for the period of his working life; any such
12 standards shall require where appropriate the use of protective devices
13 or equipment and for monitoring or measuring any such gases, vapors,
14 dust, or other airborne particles, toxic materials, or harmful physical
15 agents;

16 (5) Provide for appropriate reporting procedures by employers with
17 respect to such information relating to conditions of employment which
18 will assist in achieving the objectives of this chapter;

19 (6) Provide for the frequency, method, and manner of the making of
20 inspections of work places without advance notice; and,

21 (7) Provide for the publication and dissemination to employers,
22 employees, and labor organizations and the posting where appropriate by
23 employers of informational, education, or training materials calculated
24 to aid and assist in achieving the objectives of this chapter;

25 (8) Provide for the establishment of new and the perfection and
26 expansion of existing programs for occupational safety and health
27 education for employers and employees, and, in addition institute
28 methods and procedures for the establishment of a program for voluntary
29 compliance solely through the use of advice and consultation with
30 employers and employees with recommendations including recommendations
31 of methods to abate violations relating to the requirements of this
32 chapter and all applicable safety and health standards and rules and
33 regulations promulgated pursuant to the authority of this chapter;

34 (9) Provide for the adoption of safety and health standards
35 requiring the use of safeguards in trenches and excavations and around
36 openings of hoistways, hatchways, elevators, stairways, and similar
37 openings;

38 (10) Provide for the promulgation of health and safety standards
39 requiring the use of safeguards for all vats, pans, trimmers, cut off,

1 gang edger, and other saws, planers, presses, formers, cogs, gearing,
2 belting, shafting, coupling, set screws, live rollers, conveyors,
3 mangles in laundries, and machinery of similar description, which can
4 be effectively guarded with due regard to the ordinary use of such
5 machinery and appliances and the danger to employees therefrom, and
6 with which the employees of any such work place may come in contact
7 while in the performance of their duties and prescribe methods,
8 practices, or processes to be followed by employers which will enhance
9 the health and safety of employees in the performance of their duties
10 when in proximity to machinery or appliances mentioned in this
11 subsection;

12 (11) Certify that no later than twenty business days prior to the
13 effective date of any significant legislative rule, as defined by RCW
14 34.05.328, a meeting of impacted parties is convened to: (a) Identify
15 ambiguities and problem areas in the rule; (b) coordinate education and
16 public relations efforts by all parties; (c) provide comments regarding
17 internal department training and enforcement plans; and (d) provide
18 comments regarding appropriate evaluation mechanisms to determine the
19 effectiveness of the new rule. The meeting shall include a balanced
20 representation of both business and labor from impacted industries,
21 department personnel responsible for the above subject areas, and other
22 agencies or key stakeholder groups as determined by the department. An
23 existing advisory committee may be utilized if appropriate."

24 Renumber the remaining section consecutively, correct any internal
25 references accordingly, and correct the title.

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