

2 **SHB 2628** - H AMD
3 By Representative

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5 On page 1, after line 9, insert the following:

6 "NEW SECTION. **Sec. 2.** A new section is added to chapter 49.17 RCW
7 to read as follows:

8 Rules dealing with musculoskeletal disorders, adopted on May 26,
9 2000, by the director, and codified as WAC 296-62-05101 through 296-62-
10 05176, shall have no force or effect. The director shall not adopt any
11 new or amended rules dealing with musculoskeletal disorders that are
12 substantially the same as these rules.

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

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

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

1 Except as provided in RCW 49.17.040, in the adoption of rules ((and
2 regulations)) under the authority of this chapter, the director shall:

3 (1) Provide for the preparation, adoption, amendment, or repeal of
4 rules ((and regulations)) of safety and health standards governing the
5 conditions of employment of general and special application in all work
6 places;

7 (2) Provide for the adoption of occupational health and safety
8 standards which are at least as effective as those adopted or
9 recognized by the United States secretary of labor under the authority
10 of the Occupational Safety and Health Act of 1970 (Public Law 91-596;
11 84 Stat. 1590);

12 (3) Provide a method of encouraging employers and employees in
13 their efforts to reduce the number of safety and health hazards at
14 their work places and to stimulate employers and employees to institute
15 new and to perfect existing programs for providing safe and healthful
16 working conditions;

17 (4) Provide for the promulgation of health and safety standards and
18 the control of conditions in all work places concerning gases, vapors,
19 dust, or other airborne particles, toxic materials, or harmful physical
20 agents which shall set a standard which most adequately assures, to the
21 extent feasible, on the basis of the best available evidence, that no
22 employee will suffer material impairment of health or functional
23 capacity even if such employee has regular exposure to the hazard dealt
24 with by such standard for the period of his working life; any such
25 standards shall require where appropriate the use of protective devices
26 or equipment and for monitoring or measuring any such gases, vapors,
27 dust, or other airborne particles, toxic materials, or harmful physical
28 agents;

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

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

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

38 (8) Provide for the establishment of new and the perfection and
39 expansion of existing programs for occupational safety and health

1 education for employers and employees, and, in addition institute
2 methods and procedures for the establishment of a program for voluntary
3 compliance solely through the use of advice and consultation with
4 employers and employees with recommendations including recommendations
5 of methods to abate violations relating to the requirements of this
6 chapter and all applicable safety and health standards and rules (~~and~~
7 ~~regulations promulgated~~) adopted pursuant to the authority of this
8 chapter;

9 (9) Provide for the adoption of safety and health standards
10 requiring the use of safeguards in trenches and excavations and around
11 openings of hoistways, hatchways, elevators, stairways, and similar
12 openings;

13 (10) Provide for the promulgation of health and safety standards
14 requiring the use of safeguards for all vats, pans, trimmers, cut off,
15 gang edger, and other saws, planers, presses, formers, cogs, gearing,
16 belting, shafting, coupling, set screws, live rollers, conveyors,
17 mangles in laundries, and machinery of similar description, which can
18 be effectively guarded with due regard to the ordinary use of such
19 machinery and appliances and the danger to employees therefrom, and
20 with which the employees of any such work place may come in contact
21 while in the performance of their duties and prescribe methods,
22 practices, or processes to be followed by employers which will enhance
23 the health and safety of employees in the performance of their duties
24 when in proximity to machinery or appliances mentioned in this
25 subsection;

26 (11) Certify that no later than twenty business days prior to the
27 effective date of any significant legislative rule, as defined by RCW
28 34.05.328, a meeting of impacted parties is convened to: (a) Identify
29 ambiguities and problem areas in the rule; (b) coordinate education and
30 public relations efforts by all parties; (c) provide comments regarding
31 internal department training and enforcement plans; and (d) provide
32 comments regarding appropriate evaluation mechanisms to determine the
33 effectiveness of the new rule. The meeting shall include a balanced
34 representation of both business and labor from impacted industries,
35 department personnel responsible for the above subject areas, and other
36 agencies or key stakeholder groups as determined by the department. An
37 existing advisory committee may be utilized if appropriate.

1 NEW SECTION. **Sec. 5.** Sections 2 through 4 of this act are
2 necessary for the immediate preservation of the public peace, health,
3 or safety, or support of the state government and its existing public
4 institutions, and take effect immediately."

5 Renumber the remaining section consecutively, correct any internal
6 references accordingly, and correct the title.

7 On page 1, line 10, after "**Sec. 2.**" strike "This" and insert
8 "Section 1 of this"

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