

SENATE BILL REPORT

ESB 5882

As Passed Senate, May 3, 2001

Title: An act relating to occupational safety and health.

Brief Description: Postponing the implementation of safety and health rules related to musculoskeletal disorders.

Sponsors: Senators T. Sheldon, Hale, Hewitt, Hargrove, Rasmussen, Honeyford, Carlson, Haugen, Shin, Hochstatter, Horn, Stevens, Zarelli, Oke, Deccio, McCaslin, West, Long, Swecker, Sheahan, McDonald, Johnson, Rossi, Morton and Parlette.

Brief History:

Committee Activity: Labor, Commerce & Financial Institutions: 3/5/01 [DP, DNP].

Passed Senate: 3/12/01, 28-21.

First Special Session: Passed Senate: 5/3/01, 28-20.

SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

Majority Report: Do pass.

Signed by Senators Benton, Deccio, Hochstatter, Honeyford, Rasmussen, West and Winsley.

Minority Report: Do not pass.

Signed by Senators Prentice, Chair; Gardner, Vice Chair; Fairley, Franklin, Patterson and Regala.

Staff: Joanne Conrad (786-7472)

Background: Washington State recently enacted rules affecting worker safety in regard to "musculoskeletal disorders," also known as ergonomics rules. The rules and the implementation schedule for them are the responsibility of the Department of Labor and Industries (L&I). The rules are scheduled to be phased in gradually over a seven-year period.

Washington State's ergonomics rules differed from the recently-repealed federal rules under OSHA (Occupational Safety and Health Act). Some businesses were concerned that implementation issues would arise, due to the differences between federal and state law, and due to differing professional opinions regarding ergonomic injuries.

Summary of Bill: The implementation schedule for Washington State's ergonomics rules is delayed for two years. L&I performs extensive pilot demonstration projects with employees and employers of various sizes of businesses, to increase ergonomic awareness. The Joint Legislative Audit and Review Committee studies and evaluates the rules, the science behind the rules, the cost-benefit ratio, and other issues around compliance and implementation. L&I also establishes a program of \$5 million in annual safety and health impact grants, especially

including small businesses that lack injury and illness prevention resources. Reports are made to the Legislature by December 2004, and the grants program sunsets in 2005.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The Washington State ergonomics rules are so controversial and complex that they need further consideration and discussion. Implementation should be delayed until many of the issues are resolved and appeals have been exhausted.

Testimony Against: The rules were already the subject of long and intensive input. They are needed to prevent worker injuries and provide standards for Washington regardless of what the federal OSHA does.

Testified: Senator Tim Sheldon, prime sponsor; Gary Smith, IBA; Carolyn Logue, NFIB (pro); Gary Moore, Michael Silverstein, Dept. of Labor and Industries; Randy Lomans, WA State Labor Council; Roget Yockey, Injured Workers Coalition of WA (con).