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SECOND SUBSTITUTE HOUSE BILL 2427

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State of Washington

57th Legislature

2002 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Conway, O'Brien, Cody, Dickerson, Ogden, Cooper, Berkey, Reardon, Veloria, Hurst, Hunt, Kirby, Upthegrove, Romero, Kagi, McIntire, Haigh, Wood, Kenney, Simpson and Sullivan; by request of Department of Labor & Industries)

Read first time 02/11/2002. Referred to Committee on .

1 AN ACT Relating to occupational safety and health impacts grants;  
2 and adding new sections to chapter 49.17 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The director, in consultation with the  
5 WISHA advisory committee established by RCW 49.17.055, shall establish  
6 a program to provide safety and health impact grants to prevent  
7 injuries and illnesses, save lives, and educate Washington employees  
8 and employers about workplace hazards and safe workplace practices.  
9 The intent of this act is to benefit, in the broadest sense possible,  
10 Washington workers and employers, especially those who are in small  
11 business and may lack the injury and illness prevention resources that  
12 larger companies may possess. The department may use industrial  
13 insurance funds provided in a proviso in an omnibus appropriations act,  
14 or in an appropriation clause in a bill, that specifically references  
15 funding to accomplish the purposes of this act. Funding for this  
16 program will be taken from the medical aid fund reserves which are in  
17 excess of actuarial needs.

18 (2) Using a competitive application process, the department shall  
19 award safety and health impact grants to trade associations, business

1 associations, employers, employee organizations, labor unions, and  
2 groups of employees. Educational institutions and self-insured  
3 employers shall not directly receive grants but may participate in  
4 partnership with other eligible grantees if the product of the grant  
5 will significantly benefit employees and employers who belong to the  
6 state industrial insurance fund. Grants may include:

7 (a) Education and training grants to implement safety and health  
8 and to provide practical information, curricula, materials, and methods  
9 intended for use by employers and employees in reducing workplace  
10 hazards;

11 (b) Technical innovation grants to develop engineering and other  
12 technical solutions to injury and illness problems; or

13 (c) Grants for the application of hazard control.

14 (3) The department shall make significant efforts to ensure that  
15 not less than twenty percent of available grant funds are used for  
16 grants whose activities or products are intended to assist and benefit  
17 employers and employees in small businesses that employ fewer than  
18 fifty employees.

19 (4) Any materials, designs, or equipment developed under these  
20 grants will be in the public domain and may not be copyrighted or  
21 patented. Any materials or designs developed under these grants must  
22 be provided to the department at no charge as a condition of grant  
23 receipt.

24 (5) Grant funds may not be used to support or develop specific  
25 legislative or regulatory initiatives.

26 (6) The department shall not use information in a grant application  
27 or developed as a result of grant activities:

28 (a) To initiate developing a new rule or revising an existing rule.  
29 This grant program does not change any of the rule-making requirements  
30 of the administrative procedure act;

31 (b) To initiate department activity at a grantee's worksite other  
32 than monitoring or evaluation visits intended to review the grant  
33 itself. To the extent a worksite is directly affected by a grant, the  
34 worksite must be treated the same as a worksite having a consultation  
35 visit under this chapter; or

36 (c) To establish the existence of a recognized hazard.

37 (7) Information contained in a grant application or developed as a  
38 result of grant activities is inadmissible in any civil action

1 proceedings in a court of general or limited jurisdiction, or in any  
2 administrative proceedings, in this state, except in proceedings:

3 (a) Under section 3(3) of this act; or

4 (b) Related to fraud perpetrated in the grant process.

5 (8) To ensure accountability, each grant must include methods by  
6 which to measure progress toward completion of the grant and at least  
7 one appropriate measurable outcome related to injury and illness  
8 reduction, hazard reduction, or safety and health awareness that will  
9 be the result of the grant award. The evaluation shall address both  
10 positive and negative impacts and costs. The department may assist  
11 grant recipients by providing available data needed to measure  
12 accountability.

13 (9) No grant application may be approved that proposes work that  
14 cannot be completed during the current application year or biennium.  
15 Grant recipients may apply for funding for continuation of grant work  
16 in subsequent years only if they have successfully completed the work  
17 for which they were previously funded as determined by the department.

18 (10) During the biennium ending June 30, 2003, no grant may be  
19 awarded that exceeds two hundred fifty thousand dollars per fiscal  
20 year. The WISHA advisory committee and the safety and health impact  
21 grant review committee may recommend future increases or decreases to  
22 the funding level.

23 (11) No grant may be used to fund a grantee's on-going business  
24 operations including routine expenses of a grantee.

25 (12) No grant recipient may charge more than ten percent of the  
26 total grant award for administrative expenses or indirect costs.

27 NEW SECTION. **Sec. 2.** (1) The director shall appoint a safety and  
28 health impact grant review committee that will be a subcommittee of the  
29 WISHA advisory committee. The review committee is composed of nine  
30 members: Four members representing employees, each appointed from a  
31 list of at least three names per position, submitted by recognized  
32 statewide organizations of employees; four members representing  
33 employers, including at least one representing small employers that  
34 employ fewer than fifty employees, each appointed from a list of at  
35 least three names per position, submitted by recognized statewide  
36 organizations of employers; and one ex officio member, without a vote,  
37 who shall represent the department. The committee chair shall be  
38 chosen by the review committee and shall alternate between employer and

1 employee representatives. The committee members shall serve three-year  
2 renewable terms.

3 (2) Employer and employee members of the safety and health impact  
4 grant review committee are entitled to expenses as provided under RCW  
5 43.03.050 and 43.03.060.

6 (3)(a) The safety and health impact grant review committee with  
7 assistance from department staff shall:

8 (i) Prepare requests for proposals;

9 (ii) Receive, review, and process grant applications;

10 (iii) Identify, by two-thirds majority vote, grant applications  
11 that merit funding and forward those applications to the director; and

12 (iv) Identify, by two-thirds majority vote, funded grants that meet  
13 criteria for suspension or revocation and forward those recommendations  
14 to the director.

15 (b) The director shall ensure that the safety and health impact  
16 grant review committee receives appropriate administrative support.  
17 Department staff shall provide support in an objective, impartial  
18 manner.

19 NEW SECTION. **Sec. 3.** (1) The safety and health impact grant  
20 review committee, in cooperation with the director, shall develop grant  
21 application procedures and approval criteria. The director shall  
22 ensure the proper administrative support to successfully monitor grant  
23 recipients for compliance with grant criteria and all other procedures  
24 and requirements of the grant program. The director in cooperation  
25 with the safety and health impact grant review committee shall  
26 implement procedures and criteria for grant approval, including  
27 procedures for suspension or revocation of grants to recipients failing  
28 to comply with grant criteria established under the authority of this  
29 section or other legal requirements.

30 (2) The director shall approve only those grant applications and  
31 their recommended acceptance conditions as forwarded by the safety and  
32 health impact grant review committee, unless the director has a  
33 compelling and substantive reason to reject an application, whereupon  
34 the director shall provide written explanation for the denial to the  
35 review committee. The safety and health impact grant review committee  
36 shall review any grant applications rejected by the director and may  
37 advise the director to reconsider. The director shall consider the  
38 advice, if given, and shall approve the grant application with any

1 conditions presented by the safety and health impact grant review  
2 committee. The director may reject that advice only for a compelling  
3 and substantive reason. If the director rejects that advice, the  
4 safety and health impact grant review committee may refer the  
5 application to the WISHA advisory committee. The WISHA advisory  
6 committee shall review the application and may advise the director to  
7 reconsider.

8 (3) The director may revoke or suspend an issued grant if advised  
9 by the safety and health impact grant review committee that the  
10 recipient is not in compliance with grant criteria or procedures. The  
11 director may suspend an issued grant without the advice of the safety  
12 and health impact grant review committee only for a compelling and  
13 substantive reason and the suspension recommendation shall be presented  
14 to the safety and health impact grant review committee for its  
15 consideration.

16 NEW SECTION. **Sec. 4.** The department and the safety and health  
17 impact grant review committee will present an annual review regarding  
18 the activities of the safety and health impact grant program to the  
19 WISHA advisory committee and the workers' compensation advisory  
20 committee, and make it available to the appropriate standing committees  
21 of the legislature. Based on a recommendation of the WISHA advisory  
22 committee, the workers' compensation advisory committee shall make a  
23 biennial recommendation to the director concerning an appropriate  
24 budget for the program.

25 NEW SECTION. **Sec. 5.** The director and representatives from the  
26 WISHA advisory committee shall perform a comprehensive review of the  
27 grant program that shall include, but not be limited to, measurable  
28 outcomes related to injury and illness reduction, hazard reduction, and  
29 safety and health awareness and shall issue a report to the appropriate  
30 legislative committees by December 31, 2007.

31 NEW SECTION. **Sec. 6.** The following acts or parts of acts, as now  
32 existing or hereafter amended, are each repealed, effective July 1,  
33 2008:

- 34 (1) Section 1 of this act;  
35 (2) Section 2 of this act;  
36 (3) Section 3 of this act;

1 (4) Section 4 of this act; and

2 (5) Section 5 of this act.

3 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act are each  
4 added to chapter 49.17 RCW.

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