

SB 5161 - S AMD 016

By Senators Keiser and Doumit

2/18/03 ADOPTED

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. Sec. 1. A new section is added to chapter 49.17 RCW
4 to read as follows:

5 The department of labor and industries shall:

6 (1) establish an ergonomics resource center, to provide expertise
7 and assistance to employers within the state of Washington who seek
8 training, consultation, and technical assistance to comply with the
9 ergonomics rule adopted by the department. To make ergonomics
10 information widely available, the center shall partner with economic
11 development councils, local chambers of commerce, and the Washington
12 manufacturing service. The center shall develop industry-by-industry
13 best-practices guides to assist businesses and workers in applying
14 ergonomics in the workplace. The department shall consult with the
15 Washington Industrial Safety and Health Act advisory committee and
16 determine whether the resource center should rely upon a public-private
17 partnership as its permanent organizational home;

18 (2) create an ergonomics clearinghouse, to encourage businesses and
19 workers to share proven methods of reducing hazards and preventing
20 injuries. The clearinghouse shall expand the internet-based ergonomics
21 ideas bank, and include compliance guides, checklists, tip sheets, and
22 demonstration projects. The department shall encourage businesses,
23 workers, and health and safety professionals to: (a) provide
24 information regarding hazard reduction and injury prevention for
25 inclusion by the Clearinghouse, and (b) to apply such information in
26 the workplace;

27 (3) establish a small business ergonomics task force, in
28 consultation with the governor's small business improvement council.
29 The department and the task force shall produce a small business

1 ergonomics assistance guide, make it readily available to businesses,
2 and evaluate the effectiveness of the guide;

3 (4) appoint an ergonomics ombudsman. Working with safety and
4 health professionals, the ombudsman shall assist employers and
5 employees with problems implementing the ergonomics rule in the
6 workplace;

7 (5) establish by administrative rule a two-year demonstration
8 project, providing ergonomic assistance awards as approved by the
9 director, up to five thousand dollars per award, to small businesses
10 seeking to reduce hazards and prevent injuries through application of
11 the ergonomic rule, to wholly or partially offset the cost of ergonomic
12 workplace improvement. The department shall provide up to one million
13 dollars out of existing resources to fund the awards. The department
14 shall require an outside evaluation of the demonstration;

15 (6) establish an ergonomics enforcement review board. The board
16 shall consist of nine members appointed for two years by the director,
17 three of whom shall be representatives of business, three of whom shall
18 be representatives of labor, and three of whom shall be safety and
19 health professionals. The director or his designee will serve as an ex
20 officio member and chair of the board. The board shall report its
21 activities and experience to the department and the Washington
22 Industrial Safety and Health Act advisory committee upon the completion
23 of its two-year term.

24 Prior to any direct or indirect enforcement of the ergonomics rule,
25 the board shall: (a) develop clear inspection procedures that can be
26 applied fairly and consistently, (b) test these procedures with
27 volunteer employers, (c) develop final inspection procedures based on
28 available feedback from employers and employees, and (d) ensure that
29 department inspectors are fully trained in the final inspection
30 procedures before conducting required non-volunteer inspections. The
31 board shall review all ergonomic inspections involving issues of
32 feasibility prior to the department issuing citations, and make
33 recommendations to the department upon completing its review. The
34 department shall reject the recommendations of the board only for good
35 cause;

36 (7) Conduct periodic internal audits to ensure that workplace
37 inspections are performed consistently and in accordance with the

1 department's enforcement procedures. All proposed ergonomics citations
2 that could result in the imposition of fines or penalties shall be
3 reviewed by the office of the assistant director for the Washington
4 Industrial Safety and Health Act; and
5 (8) Adopt any rules necessary to implement this section."

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EFFECT: Establishes programs within the department of labor and industries to promote ergonomic education, provide assistance to businesses, and establishes an ergonomics review board.