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SENATE BILL 6658

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State of Washington                      58th Legislature                      2004 Regular Session

By Senators Keiser, Oke and Kohl-Welles

Read first time 01/28/2004. Referred to Committee on Commerce & Trade.

1            AN ACT Relating to protecting workers from harmful airborne  
2 particles; and amending RCW 49.17.050 and 49.17.060.

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

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

6            In the adoption of rules and regulations under the authority of  
7 this chapter, the director shall:

8            (1) Provide for the preparation, adoption, amendment, or repeal of  
9 rules and regulations of safety and health standards governing the  
10 conditions of employment of general and special application in all work  
11 places;

12            (2) Provide for the adoption of occupational health and safety  
13 standards which are at least as effective as those adopted or  
14 recognized by the United States secretary of labor under the authority  
15 of the Occupational Safety and Health Act of 1970 (Public Law 91-596;  
16 84 Stat. 1590);

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

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

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

26 **Sec. 2.** RCW 49.17.060 and 1973 c 80 s 6 are each amended to read  
27 as follows:

28 Each employer:

29 (1) Shall furnish to each of his or her employees a place of  
30 employment free from recognized hazards, including tobacco smoke, that  
31 are causing or likely to cause serious injury or death to his or her  
32 employees: PROVIDED, That no citation or order assessing a penalty  
33 shall be issued to any employer solely under the authority of this  
34 subsection except where no applicable rule or regulation has been  
35 adopted by the department covering the unsafe or unhealthful condition  
36 of employment at the workplace; and

1           (2) Shall comply with the rules, regulations, and orders  
2 promulgated under this chapter.

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