

FINAL BILL REPORT

SHB 2538

C 31 L 06

Synopsis as Enacted

Brief Description: Authorizing the department to request and superior court to grant warrants pursuant to chapter 49.17 RCW.

Sponsors: By House Committee on Commerce & Labor (originally sponsored by Representatives Conway, Hudgins and McCoy; by request of Department of Labor & Industries).

House Committee on Commerce & Labor

Senate Committee on Labor, Commerce, Research & Development

Background:

Under the federal Occupational Safety and Health Act (OSHA), Washington is authorized to assume responsibility for occupational safety and health (the "state plan state" concept). The Washington Industrial Safety and Health Act (WISHA) applies to most workplaces in Washington. The WISHA is administered and enforced by the Department of Labor and Industries (Department), which adopts rules governing safety and health standards for covered workplaces. The state's industrial safety and health standards must be at least as effective as those adopted under the OSHA for the state to maintain its status as a state plan state.

To ensure compliance with WISHA, Department representatives inspect workplaces and cite employers for violations. Upon presenting appropriate credentials to the owner, manager, operator or agent in charge of a worksite, Department representatives have the authority to enter a worksite at all reasonable times and conduct an inspection.

Summary:

The Legislature intends that inspections ensure safe and healthful working conditions for every person working in Washington and that inspections follow the mandates of the federal and state constitutions and the OSHA.

A Department representative must obtain consent from the owner, manager, operator, or on-site person in charge of a worksite when entering a worksite located on private property. Entry must be at an entry point designated by the employer or, if there is no designated entry point, at a reasonably recognizable entry point. In both cases the entry must be done in a safe manner and must be solely for the purpose of requesting consent. Advance notice of the inspection is not required.

A Department representative is not prevented from taking action consistent with a recognized exception to the warrant requirements of federal and state law.

The Director of the Department may apply to a court of competent jurisdiction for a search warrant authorizing access. The court is authorized to issue a search warrant.

Votes on Final Passage:

House	98	0
Senate	49	0

Effective: June 7, 2006