
HOUSE BILL 2564

State of Washington

66th Legislature

2020 Regular Session

By Representatives Orwall, Kilduff, Valdez, Pollet, Appleton, and Leavitt

Read first time 01/15/20. Referred to Committee on Labor & Workplace Standards.

1 AN ACT Relating to safety and health in construction; adding a
2 new section to chapter 49.17 RCW; creating a new section; and
3 prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes that
6 construction plays a significant role in the vitality of Washington's
7 economy. Construction work comprises a wide range of activities, and
8 construction sites are known to be more hazardous compared to other
9 work environments. Employers are required to provide certain training
10 to employees prior to their job assignments regarding certain
11 hazards. Employees must also play an active role in creating safe and
12 healthy workplaces by complying with applicable safety and health
13 rules.

14 A study published in the American college of occupational and
15 environmental medicine found that workers who received safety and
16 health training during a specified study period were twelve percent
17 less likely than untrained workers to file a workers' compensation
18 claim, and among younger workers, training was associated with a
19 forty-two percent reduction in claims filed. As stated in the study,
20 linking safety and health training to a reduction in workers'
21 compensation rates provides important evidence of the effectiveness

1 of training in reducing the incidents of work-related injury among
2 construction laborers, in general, and among younger laborers, in
3 particular.

4 In addition, according to the United States Centers for Disease
5 Control and Prevention, construction workers have the highest suicide
6 rate among all major occupational groups. According to the Washington
7 department of health, there were one hundred twenty-five Washington
8 residents who were classified as construction workers who died by
9 suicide in 2018. Utilizing the workplace as a means to focus suicide
10 prevention may decrease rates of suicide in construction workers.

11 Therefore, the legislature intends to: (1) Maintain high safety
12 and health standards in construction by establishing a program to
13 bring consistency and surety for workers and employers; and (2) raise
14 awareness of suicide prevention among construction workers.

15 NEW SECTION. **Sec. 2.** A new section is added to chapter 49.17
16 RCW to read as follows:

17 (1)(a) To be eligible to work in construction, employers shall
18 ensure that workers performing construction activity, as determined
19 by the department, have completed the training program called WISHA
20 10 or WISHA 30, in compliance with this section. The WISHA 10
21 training program applies to workers performing construction activity
22 and the WISHA 30 training program applies to supervisors of
23 construction workers.

24 (b) Employers shall ensure that workers who were performing
25 construction activity prior to the effective date of this section,
26 and persons who were supervisors of construction workers prior to the
27 effective date of this section, complete WISHA 10 or WISHA 30
28 training no later than two years from the date the department makes
29 the Washington-specific training module accessible to employers.

30 (c) Employers shall ensure that new workers who will be
31 performing construction activity and new supervisors of construction
32 workers must complete WISHA 10 or WISHA 30 training within fifteen
33 days of beginning any work in construction.

34 (d) The employer is responsible for ensuring workers are trained
35 as required under this section at no cost to the worker.

36 (2) A person satisfies the requirement to complete WISHA 10 or
37 WISHA 30 training when the person:

1 (a) Completes a federal occupational safety and health standards
2 training course for construction, known as OSHA 10 and OSHA 30, and
3 the Washington-specific training module; and

4 (b) Is issued a WISHA 10 or WISHA 30 course completion card by
5 the department.

6 (3)(a) For purposes of the WISHA 10 and WISHA 30 training, the
7 department shall develop the Washington-specific training module
8 comprised of state safety and health rules that are in addition to or
9 exceed standards covered by the federal occupational safety and
10 health act. In addition, the Washington-specific training module must
11 include:

12 (i) Respiratory standards; and

13 (ii) Suicide prevention awareness.

14 (b) The Washington-specific training module must be developed and
15 accessible to employers and workers by December 1, 2021, and must be
16 periodically updated by the department.

17 (4)(a) Only trainers authorized by the department may provide the
18 Washington-specific training modules.

19 (b) A person must complete the Washington-specific training
20 module in person with an authorized trainer.

21 (c) The Washington-specific training module must be offered in
22 the language preferred by the trainee.

23 (5)(a) The department shall issue WISHA 10 and WISHA 30 course
24 completion cards to persons who have completed WISHA 10 and WISHA 30
25 training.

26 (b) WISHA 10 and WISHA 30 course completion cards must conform to
27 the following minimum standards:

28 (i) State the full legal name of the trainee;

29 (ii) Contain a unique identifying number associated with the
30 trainee;

31 (iii) List the department's telephone number to call where a
32 person may report workplace health and safety concerns or violations;
33 and

34 (iv) List a telephone number for a suicide prevention hotline.

35 (6) It is a violation of this section for any employer or any
36 person providing training or fraudulent WISHA 10 and WISHA 30 course
37 completion cards to falsely assert that a person has completed
38 training for the purposes of receiving or being issued a WISHA 10 or
39 WISHA 30 course completion card.

1 (7) It is a violation of this section for an employer to employ a
2 person who is required to complete WISHA 10 or WISHA 30 training, if
3 the person has not completed training in compliance with this
4 section.

5 (8) Any employer or person providing training or fraudulent WISHA
6 10 or WISHA 30 course completion cards who violates this section
7 shall be subject to a mandatory fine of one thousand dollars per
8 instance or fraudulent card.

9 (9) Civil penalties imposed under this chapter shall be paid to
10 the director for deposit in the supplemental pension fund established
11 in RCW 51.44.033. Civil penalties may be recovered in a civil action
12 in the name of the department brought in the superior court of the
13 county where the violation is alleged to have occurred, or the
14 department may utilize the procedures for collection of civil
15 penalties as set forth in RCW 51.48.120 through 51.48.150.

16 (10) This section does not affect an employer's responsibility to
17 provide a place of employment free from recognized hazards or to
18 otherwise comply with this chapter and other employment laws.

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