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**Labor & Workplace Standards  
Committee**

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**HB 1745**

**Brief Description:** Providing discretion to the director of the department of labor and industries to waive or modify penalties and violations when action is taken to avoid imminent danger of loss of life or serious injury.

**Sponsors:** Representatives Schmick, Dufault and Graham.

**Brief Summary of Bill**

- Authorizes the Department of Labor and Industries (Department) to waive or modify findings of any violation or civil penalty under the Washington Industrial Safety and Health Act, in limited circumstances related to first responders taking action to avoid imminent danger of loss of life or serious injury.

**Hearing Date:** 1/12/22

**Staff:** Trudes Tango (786-7384).

**Background:**

Washington is a "state-plan state" for purposes of the federal Occupational Safety and Health Administration (OSHA), which means Washington administers its own workplace health and safety program. The state's program, the Washington Industrial Safety and Health Act (WISHA), must be at least as effective as the OSHA standards. The WISHA covers nearly all employers and employees in the state, including state, county, and city employees.

The Department of Labor and Industries (Department), through the Division of Occupational Safety and Health, administers and enforces the WISHA. If the Director of the Department

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believes that an employer has violated a WISHA standard, the Director must issue a citation and notice of the violation, which includes a time for abatement, and, if applicable, a monetary penalty.

Generally, the Department has discretion when assessing monetary penalties, but is required to assess a penalty when a violation is considered serious or willful. The minimum penalty for a serious violation is \$100, and \$5,000 for a willful violation. Maximum penalties range from \$7,000 to \$70,000, or adjusted annually in accordance with the federal OSHA penalty levels.

**Summary of Bill:**

Consistent with terms required for "state-plan" status, the Director of the Department, or his or her authorized representative, may waive or modify a finding of any WISHA violation, and may waive all or part of the civil penalty for a WISHA violation, under the following limited circumstances:

- a. When immediate action was required due to imminent danger of loss of life or serious injury;
- b. The action was taken after assessing the situation, and in reliance on training and determining the best possible course of action, or where no other practical option was immediately available;
- c. Appropriate safety equipment immediately available was used;
- d. The employees responding were acting within their scope of official duties as trained first responders; and
- e. Timely abatement is still required.

**Appropriation:** None.

**Fiscal Note:** Requested on January 7, 2022

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.