

FINAL BILL REPORT

SSB 5254

C 146 L 21
Synopsis as Enacted

Brief Description: Concerning the use of protective devices and equipment during a public health emergency.

Sponsors: Senate Committee on Labor, Commerce & Tribal Affairs (originally sponsored by Senators Salomon, Darneille, Frockt, Hasegawa, Keiser, Saldaña, Stanford and Wilson, C.).

Senate Committee on Labor, Commerce & Tribal Affairs
House Committee on Labor & Workplace Standards
House Committee on Appropriations

Background: Under the Washington Industrial Safety and Health Act (WISHA), an employer must provide a workplace free from recognized hazards. The Department of Labor and Industries (L&I) administers WISHA. L&I has adopted general safety standards that apply to most industries, and has safety standards that apply only to specific industries.

Employers must develop a formal accident prevention program tailored to the particular workplace and hazards involved and must provide their employees with appropriate protective measures for each hazard involved. For certain hazards, personal protective equipment (PPE) must be provided. By L&I rule, PPE must be provided at no cost to the employee if:

- the type of PPE would not reasonably or normally be worn away from the workplace, such as single use or disposable PPE; and
- it is required to comply with safety and health standards to protect employees wherever hazards exist from processes; environmental hazards; physical, chemical, or radiological hazards; or mechanical irritants that could cause injury to the function of any body part through absorption, inhalation, or physical contact.

Summary: During a public health emergency, every employer who does not require employees or contractors to wear a specific type of PPE must accommodate an employee's or contractor's voluntary use of that specific type of PPE, if:

- the voluntary use of these protective devices and equipment does not introduce

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- hazards to the work environment and is consistent with WISHA and L&I rules;
- the use of facial coverings does not interfere with an employer's security requirements; and
- the voluntary use of these protective devices and equipment does not conflict with standards for that specific type of equipment established by the Department of Health or L&I.

An employer may verify that the voluntary use of PPE meets all regulatory requirements for workplace health and safety.

An employer may not apply to L&I for a temporary order granting a variance from the requirements under the bill.

A public health emergency is a declaration or order relating to controlling and preventing the spread of any infectious or contagious disease that covers the jurisdiction where the individual or business performs work, and is issued as follows:

- the President of the United States has declared a national or regional emergency;
- the Governor has declared a state of emergency; or
- an order has been issued by a local health officer.

Votes on Final Passage:

Senate	40	7
House	97	1

Effective: April 26, 2021