

# HOUSE BILL REPORT

## SSB 5980

---

---

**As Passed House:**  
February 27, 2024

**Title:** An act relating to the timeline for issuing a citation for a violation of the Washington industrial safety and health act.

**Brief Description:** Concerning the timeline for issuing a citation for a violation of the Washington industrial safety and health act.

**Sponsors:** Senate Committee on Labor & Commerce (originally sponsored by Senators Keiser, Conway, Lias, Van De Wege, Hasegawa, Nobles, Salomon and Valdez).

**Brief History:**

**Committee Activity:**

Labor & Workplace Standards: 2/20/24, 2/21/24 [DP].

**Floor Activity:**

Passed House: 2/27/24, 95-0.

**Brief Summary of Substitute Bill**

- Requires the Department of Labor and Industries, until June 30, 2026, to make a good faith effort to notify an employer or owner within 10 working days if an inspection identifies a hazard at a residential construction worksite.

---

### HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

**Majority Report:** Do pass. Signed by 9 members: Representatives Berry, Chair; Fosse, Vice Chair; Schmidt, Ranking Minority Member; Bronoske, Doglio, Ormsby, Ortiz-Self, Rude and Ybarra.

**Staff:** Kelly Leonard (786-7147).

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

**Background:**

The Washington Industrial Safety and Health Act (WISHA) requires employers to provide a workplace free from recognized hazards, and authorizes the Department of Labor and Industries (L&I) to inspect and investigate workplaces for compliance with safety and health standards. L&I has adopted general health and safety standards, pursuant to WISHA, that apply to most industries, and has adopted safety standards that apply only to specific industries.

If the Director of L&I believes that an employer has committed a violation following an inspection or investigation, the Director must, with reasonable promptness, issue a citation to the employer. A citation may not be issued more than six months following the inspection or investigation where the violation was revealed. A citation must be in writing, describe the nature of the violation, and specify a reasonable time for abating the violation.

Depending on the violation, L&I may impose civil penalties. Civil penalties may be adjusted based on the employer's inspection history, the size of the workforce, and other factors. The Director must impose penalties for violations that are serious or willful. The minimum civil penalty for a serious violation is \$100. Maximum penalties are \$7,000, or \$70,000 for willful or repeated violations. The maximum penalties will be adjusted annually in accordance with federal penalty levels.

**Summary of Bill:**

Until June 30, 2026, L&I must make a good faith effort to notify an employer or owner within 10 working days if a hazard that could cause injury to a worker was immediately identified during an inspection at a residential construction worksite.

By December 1, 2026, L&I must report to the Legislature the number and percent of inspections when timely notice was not given to the owner or employer, and the reasons why L&I did not or could not comply.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Employers want their worksites to be safe. However, when an inspector identifies a hazard at a worksite, it can take weeks or even months to receive the notice and citation from L&I. The bill establishes a process for L&I to provide an informal notice to

an employer before a citation is issued. This will allow an employer or owner at a residential construction site to correct the issue right away.

(Opposed) None.

**Persons Testifying:** Senator Karen Keiser, prime sponsor; and Tom Kwieciak, Building Industry Association of Washington.

**Persons Signed In To Testify But Not Testifying:** None.