

# FINAL BILL REPORT

## SSB 5980

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Synopsis as Enacted

**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, Liias, Van De Wege, Hasegawa, Nobles, Salomon and Valdez).

**Senate Committee on Labor & Commerce**  
**House Committee on Labor & Workplace Standards**

**Background:** General Safety Requirements for Workplaces. Each employer must furnish a workplace free from recognized hazards that are causing or likely to cause serious injury or death to the employees. The Department of Labor and Industries (L&I) may not issue a citation or order assessing a penalty to any employer solely on this requirement except where there is no applicable L&I rule covering the unsafe or unhealthful condition of employment at the workplace.

The Department of Labor and Industries Citations. If upon inspection or investigation L&I believes an employer has violated the requirement for a workplace generally free from hazards, or any safety or health standard promulgated by L&I rule or the conditions of any order granting a variance, L&I must, with reasonable promptness, issue a citation to the employer. Each citation must be in writing and describe with particularity the nature of the violation, including a reference to the provisions of the statute, standard, rule, regulation, or order alleged to have been violated. The citation must fix a reasonable time for the abatement of the violation. No citation may be after the expiration of six months from a compliance inspection, investigation, or survey revealing any such violation. No citation may be issued if there is unpreventable employee misconduct that led to the violation under certain circumstances. Each citation or a copy must be prominently posted, at or near each place a violation occurred or as otherwise prescribed in rule.

No Citations at Consultative Visits. L&I has a consultation program, which offers advice and assistance to businesses. The L&I representative will make recommendations regarding

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the elimination of any hazards disclosed within the scope of the on-site consultation. No visit to an employer's workplace may be considered an inspection or investigation. No notices or citations may be issued and no civil penalties may be assessed. The representative does not have any enforcement authority. However, in the event an on-site visit discloses a serious violation of a health and safety standard and the hazard is either not abated by the employer or is not subject to being satisfactorily abated, L&I must either invoke the administrative restraining authority or seek an injunction.

Penalties. Penalties may be assessed for certain violations depending on the nature of the violation and other factors.

**Summary:** Until June 30, 2026, when conducting inspections of employer worksites where workers are engaged in activities defined by North American Industry Classification System 2361, residential building construction, L&I must make a good faith effort to notify the employer or owner within ten working days where a hazard that could cause injury to a worker was immediately identified during an inspection. The notice does not eliminate or modify any other right, responsibility, or authority provided in the Washington Safety and Health Act.

By December 1, 2026, L&I must report to the appropriate committees of 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.

**Votes on Final Passage:**

Senate	49	0
House	95	0

**Effective:** June 6, 2024