

RCW 49.17.120 Violations—Citations—Notice of identified hazard.

(1) If upon inspection or investigation the director or the director's authorized representative believes that an employer has violated a requirement of RCW 49.17.060, or any safety or health standard promulgated by rule adopted by the director, or the conditions of any order granting a variance pursuant to this chapter, the director shall with reasonable promptness issue a citation to the employer. Each citation shall be in writing and shall 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. In addition, the citation shall fix a reasonable time for the abatement of the violation.

(2) The director may prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimis violations which have no direct or immediate relationship to safety or health.

(3) Each citation, or a copy or copies thereof, issued under the authority of this section and RCW 49.17.130 shall be prominently posted, at or near each place a violation referred to in the citation occurred or as may otherwise be prescribed in regulations issued by the director. The director shall provide by rule for procedures to be followed by an employee representative upon written application to receive copies of citations and notices issued to any employer having employees who are represented by such employee representative. Such rule may prescribe the form of such application, the time for renewal of applications, and the eligibility of the applicant to receive copies of citations and notices.

(4) No citation may be issued under this section or RCW 49.17.130 after the expiration of six months following a compliance inspection, investigation, or survey revealing any such violation.

(5) (a) No citation may be issued under this section if there is unpreventable employee misconduct that led to the violation, but the employer must show the existence of:

(i) A thorough safety program, including work rules, training, and equipment designed to prevent the violation;

(ii) Adequate communication of these rules to employees;

(iii) Steps to discover and correct violations of its safety rules; and

(iv) Effective enforcement of its safety program as written in practice and not just in theory.

(b) This subsection (5) does not eliminate or modify any other defenses that may exist to a citation.

(6) (a) When conducting inspections of employer worksites where workers are engaged in activities as defined by North American industry classification system 2361, residential building construction, the department shall make a good faith effort to notify the employer or owner within 10 working days where a hazard that could cause injury to a worker was immediately identified during an inspection. Such notice does not eliminate or modify any other right, responsibility, or authority provided in this chapter.

(b) The notice requirement in (a) of this subsection applies only until June 30, 2026.

(c) By December 1, 2026, the department shall report to the appropriate committees of the legislature the number and percent of inspections in (a) of this subsection when timely notice was not given to the owner or employer and the reasons why the department did not or could not comply. [2024 c 40 s 1; 1999 c 93 s 1; 1973 c 80 s 12.]