
HOUSE BILL 2768

State of Washington

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By Representatives Horn, Rust, Bowman, D. Sommers, Van Luven, Neher, Bray, Edmondson, Brough, Wynne, Brekke and Tate

Read first time 01/27/92. Referred to Committee on Environmental Affairs.

1 AN ACT Relating to department of ecology technical assistance
2 officers; and adding new sections to chapter 43.21A RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The department, to the greatest extent
5 possible, within available resources and without jeopardizing the
6 department's ability to carry out its legal responsibilities, may
7 designate one or more of its employees as a technical assistance
8 officer, and may organize the officers into one or more technical
9 assistance units within the department. The duties of a technical
10 assistance officer are to coordinate voluntary compliance with the
11 regulatory laws administered by the department and to provide technical
12 assistance concerning compliance with the laws.

1 NEW SECTION. **Sec. 2.** An employee designated by the department
2 as a technical assistance officer or as a member of a technical
3 assistance unit may not, during the period of the designation, have
4 authority to issue orders or assess penalties on behalf of the
5 department. Such an employee who provides on-site consultation at an
6 industrial or commercial facility and who observes violations of the
7 law shall inform the owner or operator of the facility of the
8 violations. On-site consultation visits by such an employee may not be
9 regarded as inspections or investigations and no notices or citations
10 may be issued or civil penalties assessed during such a visit.
11 However, violations of the law must be reported to the appropriate
12 officers within the department. If the owner or operator of the
13 facility does not correct the observed violations within a reasonable
14 time the department may reinspect the facility and take appropriate
15 enforcement action. If a technical assistance officer or member of a
16 technical assistance unit observes a violation of the law that places
17 a person in danger of death or substantial bodily harm, or has caused
18 or is likely to cause physical damage to the property of others in an
19 amount exceeding one thousand dollars, the department may initiate
20 enforcement action immediately upon observing the violation.

21 NEW SECTION. **Sec. 3.** Notwithstanding any other provision of
22 sections 1 and 2 of this act, neither the state, the department, nor an
23 officer or employee of the state is liable in damages to a person to
24 the extent that the liability is asserted to arise from the performance
25 by technical assistance officers of their duties, or where the
26 liability is asserted to arise from the failure of the department to
27 supply technical assistance.

1 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act are
2 each added to chapter 43.21A RCW.