

HOUSE BILL ANALYSIS

HB 1908

Brief Description: Establishing a fire fighting technical review committee.

Sponsors: Representatives Thompson and McMorris

Hearing: February 26, 1997

BACKGROUND:

The Washington Industrial Safety and Health Act (WISHA) applies to most private and public work places, and is administered and enforced by the Department of Labor and Industries. Washington is a state plan state— under the federal Occupational Safety and Health Act (OSHA), and as such, is authorized to assume responsibility for occupational safety and health standards in the state. The safety and health standards must be at least as effective as the standards adopted under OSHA.

WISHA standards include general safety and health standards that apply to fire fighting. The specific standards for firefighting govern all activities related to fire protection services, and require the use of appropriate safety devices and safeguards in all aspects of fire fighting, including fire combat scenes, and emergency medical or rescue situations.

A covered fire department or fire district employer may be cited, and penalties assessed if the employer violates WISHA, the rules adopted under WISHA, an order granting a variance, or a standard published by the National Fire Protection Association.

SUMMARY OF BILL:

An eight-member fire fighting technical review committee is established. The Director of Labor and Industries appoints the committee's members for three-year staggered terms. The composition of the committee is: (1) four members representing firefighters, two of whom are members of the law enforcement officers' and fire fighters' retirement system; (2) two members representing fire chiefs; and (3) two members representing fire commissioners. The director or designee is an ex officio member and chair of the committee.

The committee provides advisory technical assistance to the department if an inspection or investigation of an emergency response situation reveals a violation of WISHA, the rules adopted under WISHA, an order granting a variance, or an industry consensus standard.

After the department issues a citation based on events in an emergency situation, the department has a duty to consult with the committee before issuing a citation that includes a penalty.

The committee's recommendations are advisory only and do not limit the department's authority to cite and assess a penalty for violations of *WISHA, its collateral rules, an order granting a variance, or an industry consensus standard such as those published by the National Fire Protection Association.*

Emergency response situation— means, without limitation, situations in which employees of a fire department or fire district are involved in a fire combat scene, a hazardous materials response situation, a rescue, or a response involving emergency medical services.

An expiration date of July 1, 2001 is provided.

RULES AUTHORITY: The bill does not contain provisions addressing the rule-making powers of an agency.

FISCAL NOTE: Not requested.

EFFECTIVE DATE: Ninety days after adjournment of session in which bill is passed.