

# HOUSE BILL ANALYSIS

## HB 1992

**Brief Description:** Implementing workplace safety rules.

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**Sponsors:** Representatives McMorris, Honeyford and Clements

Hearing: February 26, 1997

### BACKGROUND:

*The Washington Industrial Safety and Health Act (WISHA) is administered and enforced by the Department of Labor and Industries, and applies to most private and public workplaces in Washington. Under the federal Occupational Safety and Health Act (OSHA), the state is authorized to assume responsibility for occupational safety and health standards (the state plan state- concept), which must be at least as effective as those adopted under OSHA. The department adopts rules governing safety and health standards for workplaces covered under the act.*

*When adopting a rule, the department must provide for:*

- . *Employment safety and health standards of general and specific application in all workplaces.*
- . *Occupational health and safety standards which are as effective as those adopted under OSHA.*
- . *Methods to encourage employers and employees to institute accident prevention programs.*
- . *Employer reporting procedures relating to safe conditions of employment.*
- . *Inspections of workplaces.*
- . *Publication and distribution of information to help employers and employees achieve a safe work place.*

*Under the Administrative Procedure Act, the department must make specific determinations when adopting a rule. The department must determine that:*

- . *The rule is needed to achieve statutory goals.*
- . *Probable benefits are greater than probable costs.*
- . *The rule is the least burdensome alternative for those required to*

- . *comply that will achieve the statutory objectives.*
- . *The rule does not conflict with federal or state law*
- . *The rule does not treat public and private entities differently, unless required by law to do so.*
- . *Any differences from federal law are justified by explicit statutory authorization, or by substantial evidence that the difference is necessary to meet statutory objectives.*

*The department has a duty to place documentation in the rule-making file of sufficient quantity and quality to persuade a reasonable person that the department's determinations are justified. A rule implementation plan must be developed prior to adoption, and the rule must be coordinated with applicable federal, state, and local laws.*

**SUMMARY OF BILL:**

Revises the rule making responsibility of the department. Ten days after the department adopts a significant legislative rule, a meeting of persons impacted by the rule is convened to:

- . Identify problem areas and ambiguities in the rule.
- . Coordinate education and public relations.
- . Provide comments on the department's training and enforcement plans.
- . Provide comments on appropriate mechanisms for evaluating the rule's effectiveness.

**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.