
HOUSE BILL 2427

State of Washington

57th Legislature

2002 Regular Session

By Representatives Conway, O'Brien, Cody, Dickerson, Ogden, Cooper, Berkey, Reardon, Veloria, Hurst, Hunt, Kirby, Upthegrove, Romero, Kagi, McIntire, Haigh, Wood, Kenney, Simpson and Sullivan; by request of Department of Labor & Industries

Read first time 01/16/2002. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to occupational safety and health impacts grants;
2 adding new sections to chapter 49.17 RCW; and making an appropriation.

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

4 NEW SECTION. **Sec. 1.** (1) The director, in consultation with the
5 WISHA advisory committee established by RCW 49.17.055, shall establish
6 a program to provide safety and health impact grants to prevent
7 injuries and illnesses, save lives, and educate Washington employees
8 and employers about workplace hazards and safe workplace practices.
9 The intent of this act is to benefit, in the broadest sense possible,
10 Washington workers and employers, especially those who are in small
11 business and may lack the injury and illness prevention resources that
12 larger companies may possess. The department may use industrial
13 insurance funds appropriated to accomplish the purpose of this act.
14 Funding for this program will be taken from the medical aid fund
15 reserves which are in excess of actuarial needs.

16 (2) Using a competitive application process, the department shall
17 award safety and health impact grants to trade associations, business
18 associations, employers, employee organizations, labor unions, and
19 groups of employees. Educational institutions and self-insured

1 employers shall not directly receive grants but may participate in
2 partnership with other eligible grantees if the product of the grant
3 will significantly benefit employees and employers who belong to the
4 state industrial insurance fund. Grants may include:

5 (a) Education and training grants to implement safety and health
6 and to provide practical information, curricula, materials, and methods
7 intended for use by employers and employees in reducing workplace
8 hazards;

9 (b) Technical innovation grants to develop engineering and other
10 technical solutions to injury and illness problems; or

11 (c) Grants for the application of hazard control.

12 (3) The department shall make significant efforts to ensure that
13 not less than twenty percent of available grant funds are used for
14 grants whose activities or products are intended to assist and benefit
15 employers and employees in small businesses.

16 (4) Any materials, designs, or equipment developed under these
17 grants will be in the public domain and may not be copyrighted or
18 patented. Any materials or designs developed under these grants must
19 be provided to the department at no charge as a condition of grant
20 receipt.

21 (5) Grant funds may not be used to support or develop specific
22 legislative or regulatory initiatives.

23 (6) The department shall not use information in a grant application
24 or developed as a result of grant activities as the primary basis for
25 developing a new rule or revising an existing rule. This grant program
26 does not change any of the rule-making requirements of the
27 administrative procedure act.

28 (7) The department shall not use information in a grant application
29 or developed as a result of grant activities to initiate department
30 activity at a grantee's worksite other than monitoring or evaluation
31 visits intended to review the grant itself. To the extent a worksite
32 is directly affected by a grant, the worksite must be treated the same
33 as a worksite having a consultation visit under this chapter.

34 (8) The department shall not use information in a grant application
35 or developed as a result of grant activities to establish the existence
36 of a recognized hazard.

37 (9) To ensure accountability, each grant must include methods by
38 which to measure progress toward completion of the grant and at least
39 one appropriate measurable outcome related to injury and illness

1 reduction, hazard reduction, or safety and health awareness that will
2 be the result of the grant award. The evaluation shall address both
3 positive and negative impacts and costs. The department may assist
4 grant recipients by providing available data needed to measure
5 accountability.

6 (10) No grant application may be approved that proposes work that
7 cannot be completed during the current application year or biennium.
8 Grant recipients may apply for funding for continuation of grant work
9 in subsequent years only if they have successfully completed the work
10 for which they were previously funded as determined by the department.

11 (11) During the biennium ending June 30, 2003, no grant may be
12 awarded that exceeds two hundred fifty thousand dollars per fiscal
13 year. The WISHA advisory committee and the safety and health impact
14 grant review committee may recommend future increases or decreases to
15 the funding level.

16 (12) No grant may be used to fund a grantee's on-going business
17 operations including routine expenses of a grantee.

18 (13) No grant recipient may charge more than ten percent of the
19 total grant award for administrative expenses or indirect costs.

20 NEW SECTION. **Sec. 2.** (1) The director shall appoint a safety and
21 health impact grant review committee that will be a subcommittee of the
22 WISHA advisory committee. The review committee is composed of nine
23 members: Four members representing employees, each appointed from a
24 list of at least three names per position, submitted by recognized
25 statewide organizations of employees; four members representing
26 employers, including at least one representing small employers, each
27 appointed from a list of at least three names per position, submitted
28 by recognized statewide organizations of employers; and one ex officio
29 member, without a vote, who shall represent the department. The
30 committee chair shall be chosen by the review committee and shall
31 alternate between employer and employee representatives. The committee
32 members shall serve three-year renewable terms.

33 (2) Employer and employee members of the safety and health impact
34 grant review committee are entitled to expenses as provided under RCW
35 43.03.050 and 43.03.060.

36 (3) The safety and health impact grant review committee with
37 assistance from department staff shall:

38 (a) Prepare requests for proposals;

1 (b) Receive, review, and process grant applications;
2 (c) Identify, by two-thirds majority vote, grant applications that
3 merit funding and forward those applications to the director; and
4 (d) Identify, by two-thirds majority vote, funded grants that meet
5 criteria for suspension or revocation and forward those recommendations
6 to the director. The director shall ensure that the safety and health
7 impact grant review committee receives appropriate administrative
8 support.

9 NEW SECTION. **Sec. 3.** (1) The safety and health impact grant
10 review committee, in cooperation with the director, shall develop grant
11 application procedures and approval criteria. The director shall
12 ensure the proper administrative support to successfully monitor grant
13 recipients for compliance with grant criteria and all other procedures
14 and requirements of the grant program. The director in cooperation
15 with the safety and health impact grant review committee shall
16 implement procedures and criteria for grant approval, including
17 procedures for suspension or revocation of grants to recipients failing
18 to comply with grant criteria established under the authority of this
19 section or other legal requirements.

20 (2) The director shall approve only those grant applications and
21 their recommended acceptance conditions as forwarded by the safety and
22 health impact grant review committee, unless the director has a
23 compelling and substantive reason to reject an application, whereupon
24 the director shall provide written explanation for the denial to the
25 review committee. The safety and health impact grant review committee
26 shall review any grant applications rejected by the director and may
27 advise the director to reconsider. The director shall consider the
28 advice, if given, and shall approve the grant application with any
29 conditions presented by the safety and health impact grant review
30 committee. The director may reject that advice only for a compelling
31 and substantive reason. If the director rejects that advice, the
32 safety and health impact grant review committee may refer the
33 application to the WISHA advisory committee. The WISHA advisory
34 committee shall review the application and may advise the director to
35 reconsider.

36 (3) The director may revoke or suspend an issued grant if advised
37 by the safety and health impact grant review committee that the
38 recipient is not in compliance with grant criteria or procedures. The

1 director may suspend an issued grant without the advice of the safety
2 and health impact grant review committee only for a compelling and
3 substantive reason and the suspension recommendation shall be presented
4 to the safety and health impact grant review committee for its
5 consideration.

6 NEW SECTION. **Sec. 4.** The department and the safety and health
7 impact grant review committee will present an annual review regarding
8 the activities of the safety and health impact grant program to the
9 WISHA advisory committee and the workers' compensation advisory
10 committee, and make it available to the appropriate standing committees
11 of the legislature. Based on a recommendation of the WISHA advisory
12 committee, the workers' compensation advisory committee shall make a
13 biennial recommendation to the director concerning an appropriate
14 budget for the program.

15 NEW SECTION. **Sec. 5.** The director and representatives from the
16 WISHA advisory committee shall perform a comprehensive review of the
17 grant program that shall include, but not be limited to, measurable
18 outcomes related to injury and illness reduction, hazard reduction, and
19 safety and health awareness and shall issue a report to the appropriate
20 legislative committees by December 31, 2007.

21 NEW SECTION. **Sec. 6.** The following acts or parts of acts, as now
22 existing or hereafter amended, are each repealed, effective July 1,
23 2008:

- 24 (1) Section 1 of this act;
- 25 (2) Section 2 of this act;
- 26 (3) Section 3 of this act;
- 27 (4) Section 4 of this act; and
- 28 (5) Section 5 of this act.

29 NEW SECTION. **Sec. 7.** Sections 1 through 6 of this act are each
30 added to chapter 49.17 RCW.

31 NEW SECTION. **Sec. 8.** The sum of five million dollars, or as much
32 thereof as may be necessary, is appropriated for the biennium ending
33 June 30, 2003, from the medical aid account--state appropriation to the
34 department of labor and industries to carry out the purposes of this

1 act. Only medical aid account funds in excess of actuarial needs may
2 be appropriated.

--- END ---