

CERTIFICATION OF ENROLLMENT

ENGROSSED HOUSE BILL 2232

Chapter 115, Laws of 1999

56th Legislature
1999 Regular Session

OCCUPATIONAL SAFETY AND HEALTH IMPACT GRANTS

EFFECTIVE DATE: 7/25/99

Passed by the House March 15, 1999
Yeas 97 Nays 0

CLYDE BALLARD
**Speaker of the House of
Representatives**

FRANK CHOPP
**Speaker of the House of
Representatives**

Passed by the Senate April 8, 1999
Yeas 47 Nays 0

BRAD OWEN
President of the Senate

Approved April 23, 1999

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

We, Dean R. Foster and Timothy A. Martin, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED HOUSE BILL 2232** as passed by the House of Representatives and the Senate on the dates hereon set forth.

DEAN R. FOSTER
Chief Clerk

TIMOTHY A. MARTIN
Chief Clerk

FILED

April 23, 1999 - 3:33 p.m.

**Secretary of State
State of Washington**

ENGROSSED HOUSE BILL 2232

State of Washington 56th Legislature 1999 Regular Session

By Representatives Conway and Clements

Read first time 02/23/1999. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to occupational safety and health impact grants;
2 adding new sections to chapter 49.17 RCW; and creating a new section.

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, shall establish a program to provide safety
6 and health impact grants to prevent injuries and illnesses, save lives,
7 and educate Washington employees and employers about workplace hazards
8 and safe workplace practices. The intent of this act is to benefit, in
9 the broadest sense possible, Washington workers and employers,
10 especially those who are in small business and may lack the injury and
11 illness prevention resources that larger companies may possess. The
12 department may use appropriated industrial insurance funds to
13 accomplish the purpose of this act. Funding for this program will be
14 taken from the reserves of the medical aid fund which are in excess of
15 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. The grants may include:

1 (a) Education and training grants to implement safety and health
2 and to provide practical information, curricula, materials, and methods
3 intended for use by employers and employees in reducing workplace
4 hazards;

5 (b) Technical innovation grants to develop engineering and other
6 technical solutions to injury and illness problems;

7 (c) Best practice grants for the application of hazard control; or

8 (d) State-wide priority grants to undertake innovative programs
9 that address state-wide safety and health priorities established by the
10 WISHA advisory committee.

11 (3) Applicants for grants may form partnerships with educational
12 institutions and other organizations. Applicants for grants may form
13 partnerships with self-insured employers if the product of the grant
14 will significantly benefit employees and employers who belong to the
15 state industrial insurance fund.

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 shall
19 be provided to the department at no charge as a condition of grant
20 receipt.

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

23 (6) WISHA services may not use information contained in a grant
24 application for inspection activity or to establish a recognized hazard
25 for citation purposes.

26 NEW SECTION. **Sec. 2.** (1) The director shall appoint a safety and
27 health impact grant review committee that will be a subcommittee of the
28 WISHA advisory committee. The review committee is composed of nine
29 members: Four members representing employees, each appointed from a
30 list of at least three names per position, submitted by recognized
31 state-wide organizations of employees; four members representing
32 employers, each appointed from a list of at least three names per
33 position, submitted by recognized state-wide organizations of
34 employers; and one ex officio member, without a vote, who shall
35 represent the department. The committee chair shall be chosen by the
36 review committee and shall alternate between business and labor. The
37 committee members shall serve three-year renewable terms.

1 (2) Business and labor members of the safety and health impact
2 grant review committee are entitled to expenses as provided under RCW
3 43.03.050 and 43.03.060.

4 (3) The safety and health impact grant review committee shall:

5 (a) Prepare requests for proposals;

6 (b) Receive, review, and process grant applications;

7 (c) Identify, by two-thirds majority vote, grant applications that
8 merit funding and forward those applications to the director; and

9 (d) Identify, by two-thirds majority vote, funded grants that meet
10 criteria for suspension or revocation and forward those grants to the
11 director.

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

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

1 (3) The director may revoke or suspend an issued grant if advised
2 by the safety and health impact grant review committee that the
3 recipient is not in compliance with grant criteria or procedures. The
4 director may suspend an issued grant without the advice of the safety
5 and health impact grant review committee only for a compelling and
6 substantive reason and the suspension recommendation shall be presented
7 to the safety and health impact grant review committee for its
8 consideration.

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

18 NEW SECTION. **Sec. 5.** The director and representatives from the
19 WISHA advisory committee shall perform a comprehensive review of the
20 grant program which shall include, but not be limited to, reported
21 outcomes, injury reduction, and safety awareness and shall issue a
22 report for the legislature by December 31, 2004.

23 NEW SECTION. **Sec. 6.** The following acts or parts of acts, as now
24 existing or hereafter amended, are each repealed, effective July 1,
25 2005:

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

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

33 NEW SECTION. **Sec. 8.** If specific funding for the purposes of this
34 act, referencing this act by bill or chapter number, is not provided by

1 June 30, 1999, in the omnibus appropriations act, this act is null and
2 void.

Passed the House March 15, 1999.

Passed the Senate April 8, 1999.

Approved by the Governor April 23, 1999.

Filed in Office of Secretary of State April 23, 1999.