

1837.E AMS LCTA S4929.1

EHB 1837 - S COMM AMD

By Committee on Labor, Commerce & Tribal Affairs

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The legislature finds that
4 musculoskeletal injuries are a leading cause of disability,
5 accounting for more than 130,000,000 patient visits to health care
6 providers annually. These injuries cover a range of conditions
7 related to overexertion and repetitive motion, such as pinched
8 nerves, sprains, hernias, and connective tissue diseases.
9 Musculoskeletal conditions are the number one reason for visits to a
10 physician, affecting nearly half of all Americans above 18 years of
11 age.

12 (2) The legislature finds that work-related musculoskeletal
13 injuries account for at least one-third of all nonfatal work
14 injuries, however, an analysis of Washington state's workers'
15 compensation claims data from 1999 to 2013 found that work-related
16 musculoskeletal disorders declined an estimated 5.4 percent each year
17 over the study period, a greater decline than for claims from other
18 types of injury.

19 (3) The legislature finds that many of Washington state's
20 critical industries, including agriculture and health care, are
21 described by the federal bureau of labor statistics as high-risk
22 industries for musculoskeletal injuries. These are also industries
23 that are currently experiencing significant staffing shortages.
24 Further, these injuries lead to high employer costs including
25 absenteeism, decreased productivity, and increased costs for health
26 care, disability, and workers' compensation, among other costs.

27 (4) Initiative Measure No. 841, approved by the voters in 2003,
28 repealed existing ergonomic regulations and barred the department of
29 labor and industries from regulating working practices to address
30 musculoskeletal injuries. The legislature finds that the absence of
31 regulatorily authority in this important area has contributed to
32 increases in workplace injuries and costs.

1 (5) The legislature therefore intends to repeal the prohibition
2 on regulating working practices related to musculoskeletal injuries,
3 thereby allowing targeted safety efforts to more effectively and
4 efficiently prevent these needless workplace injuries. By removing
5 this outdated barrier, the legislature will restore the state's
6 ability to more comprehensively address important workplace safety
7 issues.

8 (6) Washington has one of the most robust, no-cost, professional
9 safety and health consultation services available anywhere in the
10 nation to assist employers to fulfill their responsibilities to
11 provide a safe and healthful workplace. The legislature recognizes
12 small businesses may be in greatest need of this expertise.
13 Therefore, the legislature further intends that the department of
14 labor and industries provides educational and technical support to
15 small businesses related to ergonomic hazards and includes compliance
16 assistance as part of the adoption of any ergonomic regulations.
17 These efforts should be coordinated with business associations,
18 including those representing small businesses.

19 **Sec. 2.** RCW 49.17.370 and 2004 c 1 s 2 are each amended to read
20 as follows:

21 For the purposes of this section, "state ergonomics regulations"
22 are defined as the rules addressing musculoskeletal disorders,
23 adopted on May 26, 2000, by the director of the department of labor
24 and industries, and codified as WAC 296-62-05101 through
25 296-62-05176. The state ergonomics regulations, filed on May 26,
26 2000, by the director and codified as WAC 296-62-05101 through
27 296-62-05176 are repealed. ((The)) For employee home offices, the
28 director shall not have the authority to adopt any new or amended
29 rules dealing with musculoskeletal disorders, or that deal with the
30 same or similar activities as these rules being repealed, until and
31 to the extent comparable rules applying to employee home offices are
32 required by congress or the federal occupational safety and health
33 administration.

34 Prior to January 1, 2027, the department is limited to adopting
35 standards focusing on a particular industry or occupation and may not
36 adopt more than one standard in any 12-month period. The first rule
37 is limited to employers with employees performing janitorial and
38 building cleaning services. When adopting an industry or occupation-
39 specific rule, the department shall report the criteria for selecting

1 the specific industry or occupation that is subject to the rule. The
2 limit on rule making in this section does not apply to rules adopted
3 or amended where required by the federal occupational safety and
4 health administration."

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5 On page 1, line 2 of the title, after "injuries;" strike the
6 remainder of the title and insert "amending RCW 49.17.370; and
7 creating a new section."

EFFECT: (1) Replaces intent section language regarding the severity of work-related musculoskeletal injuries with findings regarding a decline in such injuries over a specified period.

(2) Prohibits L&I from adopting more than one industry standard per year until January 1, 2027. Limits the first rule to employers with employees performing janitorial and building cleaning services. Requires L&I when adopting an industry-specific rule to report the criteria for selecting the specific industry that is subject to the rule.

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