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**SUBSTITUTE HOUSE BILL 2768**

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**State of Washington**

**52nd Legislature**

**1992 Regular Session**

**By** House Committee on Environmental Affairs (originally sponsored by Representatives Horn, Rust, Bowman, D. Sommers, Van Luven, Neher, Bray, Edmondson, Brough, Wynne, Brekke and Tate)

Read first time 02/07/92.

1 AN ACT Relating to department of ecology technical assistance  
2 officers; and adding new sections to chapter 43.21A RCW.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 43.21A RCW  
5 to read as follows:

6 The department, to the greatest extent possible, within available  
7 resources and without jeopardizing the department's ability to carry  
8 out its legal responsibilities, may designate one or more of its  
9 employees as a technical assistance officer, and may organize the  
10 officers into one or more technical assistance units within the  
11 department. The duties of a technical assistance officer are to  
12 coordinate voluntary compliance with the regulatory laws administered  
13 by the department and to provide technical assistance concerning  
14 compliance with the laws.

1        NEW SECTION.    **Sec. 2.**    A new section is added to chapter 43.21A RCW  
2 to read as follows:

3        (1)    An employee designated by the department as a technical  
4 assistance officer or as a member of a technical assistance unit may  
5 not, during the period of the designation, have authority to issue  
6 orders or assess penalties on behalf of the department.    Such an  
7 employee who provides on-site consultation at an industrial or  
8 commercial facility and who observes violations of the law shall inform  
9 the owner or operator of the facility of the violations.    On-site  
10 consultation visits by such an employee may not be regarded as  
11 inspections or investigations and no notices or citations may be issued  
12 or civil penalties assessed during such a visit.    However, violations  
13 of the law must be reported to the appropriate officers within the  
14 department.    If the owner or operator of the facility does not correct  
15 the observed violations within a reasonable time, the department may  
16 reinspect the facility and take appropriate enforcement action.    If a  
17 technical assistance officer or member of a technical assistance unit  
18 observes a violation of the law that places a person in danger of death  
19 or substantial bodily harm, or has caused or is likely to cause  
20 physical damage to the property of others in an amount exceeding one  
21 thousand dollars, the department may initiate enforcement action  
22 immediately upon observing the violation.

23        (2)    The state, the department, and officers or employees of the  
24 state shall not be liable for damages to a person to the extent that  
25 liability is asserted to arise from the performance by technical  
26 assistance officers of their duties, or if liability is asserted to  
27 arise from the failure of the department to supply technical  
28 assistance.