

2 **HB 2232 - H AMD 0076 ADOPTED 03/15/99**

3 By Representative Clements

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5 Strike everything after the enacting clause and insert the
6 following:

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

19 (2) Using a competitive application process, the department shall
20 award safety and health impact grants to trade associations, business
21 associations, employers, employee organizations, labor unions and
22 groups of employees. The grants may include:

23 (a) Education and training grants to implement safety and health
24 and to provide practical information, curricula, materials, and methods
25 intended for use by employers and employees in reducing workplace
26 hazards;

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

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

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

33 (3) Applicants for grants may form partnerships with educational
34 institutions and other organizations. Applicants for grants may form
35 partnerships with self-insured employers if the product of the grant

1 will significantly benefit employees and employers who belong to the
2 state industrial insurance fund.

3 (4) Any materials, designs, or equipment developed under these
4 grants will be in the public domain and may not be copyrighted or
5 patented. Any materials or designs developed under these grants shall
6 be provided to the department at no charge as a condition of grant
7 receipt.

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

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

13 NEW SECTION. **Sec. 2.** (1) The director shall appoint a safety and
14 health impact grant review committee that will be a subcommittee of the
15 WISHA advisory committee. The review committee is composed of nine
16 members: Four members representing employees, each appointed from a
17 list of at least three names per position, submitted by recognized
18 state-wide organizations of employees; four members representing
19 employers, each appointed from a list of at least three names per
20 position, submitted by recognized state-wide organizations of
21 employers; and one ex officio member, without a vote, who shall
22 represent the department. The committee chair shall be chosen by the
23 review committee and shall alternate between business and labor. The
24 committee members shall serve three-year renewable terms.

25 (2) Business and labor members of the safety and health impact
26 grant review committee are entitled to expenses as provided under RCW
27 43.03.050 and 43.03.060.

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

29 (a) Prepare requests for proposals;

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

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

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

36 NEW SECTION. **Sec. 3.** (1) The safety and health impact grant
37 review committee, in cooperation with the director, shall develop grant

1 application procedures and approval criteria. The director shall
2 ensure the proper administrative support to successfully monitor grant
3 recipients for compliance with grant criteria and all other procedures
4 under the grant program. The director in cooperation with the safety
5 and health impact grant review committee shall implement procedures and
6 criteria for grant approval, including procedures for suspension or
7 revocation of grants to recipients failing to comply with grant
8 criteria established under the authority of this section.

9 (2) The director shall approve only those grant applications and
10 their recommended acceptance conditions as forwarded by the safety and
11 health impact grant review committee, unless the director has a
12 compelling and substantive reason to reject an application, whereupon
13 the director shall provide written explanation for the denial to the
14 review committee. The safety and health impact grant review committee
15 shall review any grant applications rejected by the director and may
16 advise the director to reconsider. The director shall consider the
17 advice, if given, and shall approve the grant application with any
18 conditions presented by the safety and health impact grant review
19 committee. The director may reject that advice only for a compelling
20 and substantive reason. If the director rejects that advice, the
21 safety and health impact grant review committee may refer the
22 application to the WISHA advisory committee. The WISHA advisory
23 committee shall review the application and may advise the director to
24 reconsider.

25 (3) The director may revoke or suspend an issued grant if advised
26 by the safety and health impact grant review committee that the
27 recipient is not in compliance with grant criteria or procedures. The
28 director may suspend an issued grant without the advice of the safety
29 and health impact grant review committee only for a compelling and
30 substantive reason and the suspension recommendation shall be presented
31 to the safety and health impact grant review committee for its
32 consideration.

33 NEW SECTION. **Sec. 4.** The department and the safety and health
34 impact grant review committee will present an annual review regarding
35 the activities of the safety and health impact grant program to the
36 WISHA advisory committee, the workers' compensation advisory committee,
37 and make it available to the appropriate standing committees of the
38 legislature. Based on a recommendation of the WISHA advisory

1 committee, the workers' compensation advisory committee shall make a
2 biennial recommendation to the director concerning an appropriate
3 budget for the program.

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

9 NEW SECTION. **Sec. 6.** The following acts or parts of acts, as now
10 existing or hereafter amended, are each repealed, effective July 1,
11 2005:

- 12 (1) Section 1 of this act;
- 13 (2) Section 2 of this act;
- 14 (3) Section 3 of this act;
- 15 (4) Section 4 of this act; and
- 16 (5) Section 5 of this act.

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

19 NEW SECTION. **Sec. 8.** If specific funding for the purposes of this
20 act, referencing this act by bill or chapter number, is not provided by
21 June 30, 1999, in the omnibus appropriations act, this act is null and
22 void."

23 Correct the title.

EFFECT: The grant program has the additional purpose of educating
employees and employers about safe workplace practices.

Groups of employees, that may not be affiliated with a labor union
or employee organization, are added to the people that may receive a
grant under the program.

Grants may not be used to develop specific legislative or
regulatory initiatives.

The department of labor and industries may not use information in
grant applications for inspection purposes or as a basis for citation.

The director of the department of labor and industries does not need to approve grant application procedures and approval criteria developed by the safety and health impact grant review committee. Rather, these procedures and criteria will be developed in cooperation with the director.

The director, rather than the review committee, will ensure proper administrative support for monitoring compliance with grant criteria and program procedures.

The director will cooperate with the grant review committee when implementing procedures and criteria for grant approval.

When the director rejects a grant application recommended by the grant review committee, the committee may advise the director to reconsider prior to referring the matter to the WISHA advisory committee. The director may only reject the grant review committee's request for reconsideration for compelling and substantive reasons.

The director may suspend a grant without the advice of the grant review committee if the director has compelling and substantive reasons. The director must allow the grant review committee to consider the suspension.

The department and grant review committee's annual review of the program will be presented to the legislature, as well as to the WISHA and workers' compensation advisory committees.

The workers' compensation advisory committee's biennial budget recommendation will be made to the director only if the WISHA advisory committee so recommends.

The director and WISHA advisory committee's 2004 review of the program will include examination of outcomes, injury reduction, and safety awareness.

The bill is null and void if not funded in the enacted budget.

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