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**Labor & Workplace Standards  
Committee**

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**HB 2585**

**Brief Description:** Providing discretion to the director of the department of labor and industries to waive or modify penalties and violations when action is taken to avoid imminent danger of loss of life or serious injury.

**Sponsors:** Representatives Schmick, Barkis and Shea.

**Brief Summary of Bill**

- Authorizes the Director of the Department of Labor and Industries to waive or modify findings of any violation or civil penalty under the Washington Industrial Safety and Health Act if immediate action was required to be taken due to imminent danger of loss of life or serious injury and no other practical option was immediately available.

**Hearing Date:** 1/27/20

**Staff:** Trudes Tango (786-7384).

**Background:**

Washington is a "state-plan state" for purposes of the federal Occupational Safety and Health Administration (OSHA). Washington assumes responsibility for occupational safety and health in the state under the Washington Industrial Safety and Health Act (WISHA). To maintain its state-plan status, Washington's safety and health standards must be at least as effective as those standards adopted or recognized by the OSHA. The Department of Labor and Industries (Department), through the Division of Occupational Safety and Health (DOSH), administers the WISHA.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

If the Director of the Department believes that an employer has violated a safety or health standard, the Director must issue a citation, which identifies the violation, a time for abatement, and the penalty.

In general, maximum penalties are set by statute for various types of violations, and minimum penalties are set by rule. The Department is required to assess a penalty when a violation is considered serious or willful. The minimum penalty for a serious violation is \$100, and \$5,000 for a willful violation. Maximum penalties range from \$7,000 to \$70,000, or adjusted annually in accordance with the federal OSHA penalty levels.

In determining penalties, the DOSH calculates a base penalty based on the gravity of the violation and then makes adjustments based on the employer's inspection history, the size of the workforce, and other factors.

**Summary of Bill:**

The Director may waive or modify the finding of any violation under the WISHA and may waive all or part of any civil penalty, under the following circumstances:

- immediate action was required to be taken due to imminent danger of loss of life or serious injury; and
- no other practical option was immediately available.

**Appropriation:** None.

**Fiscal Note:** Requested on January 21, 2020.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.