

HOUSE BILL REPORT

HB 1837

As Reported by House Committee On:
Labor & Workplace Standards

Title: An act relating to restoring the state's ability to address work-related musculoskeletal injuries.

Brief Description: Restoring the state's ability to address work-related musculoskeletal injuries.

Sponsors: Representatives Bronoske, Ortiz-Self, Berry and Pollet.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/18/22, 1/25/22 [DP].

Brief Summary of Bill

- Repeals the restriction on the regulation of work-related musculoskeletal disorders and ergonomics.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 4 members: Representatives Sells, Chair; Berry, Vice Chair; Bronoske and Ortiz-Self.

Minority Report: Do not pass. Signed by 2 members: Representatives Hoff, Ranking Minority Member; Harris.

Minority Report: Without recommendation. Signed by 1 member: Representative Mosbrucker, Assistant Ranking Minority Member.

Staff: Lily Smith (786-7175).

Background:

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

In 2000 the Department of Labor and Industries (L&I) adopted specific workplace ergonomics regulations requiring employers to reduce worker exposure to hazards that cause or contribute to work-related musculoskeletal disorders.

Initiative 841, passed by the voters in 2003, repealed the existing ergonomics regulations, and prohibited L&I from adopting similar regulations or otherwise regulating working practices to prevent musculoskeletal disorders.

The L&I retains general authority to enforce against ergonomic-related workplace hazards under the general duty clause of the Washington Industrial Safety and Health Act (WISHA).

Summary of Bill:

The restrictions on the specific regulation of work-related musculoskeletal disorders and ergonomics under WISHA are repealed.

Appropriation: None.

Fiscal Note: Not requested.

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

Staff Summary of Public Testimony:

(In support) The initiative creating the current restriction was passed after an advertising campaign warning voters about impacts on their work and losing health insurance. In the 20 years since, scientific understanding of this area has improved, and there is data on the costs of nonregulation. These injuries and diseases dominate in some industries, and there are many medical services and time-loss benefits that could be avoided under workers' compensation. There are effective methods to reduce and prevent these injuries and diseases. Workers should not be subject to choosing injury or unemployment. Workers' compensation does not fully compensate the impact of these injuries, and it would be better to prevent them in the first place. Removing the restriction would allow the L&I to go through the process of evaluating whether action is needed to protect workers. This bill would support essential workers, who deserve to work with dignity.

(Opposed) The initiative involved robust debate, overturned very controversial rules, and remains relevant. The earlier ergonomics rules were costly, overly burdensome, long, and specific, essentially forcing each business to act as an occupational therapist. There is a lack of medical consensus on how ergonomics should be defined and deployed. Major

concerns in this area have already been addressed, and businesses continue to make efforts to prevent these issues. More ergonomics regulations would drive unwanted changes in the job market, reducing opportunities and customer service at a time when businesses are already dealing with impacts from the pandemic. These hazards are already subject to enforcement under the WISHA, and rules would add complication without justification or benefit. To the extent that claims for these disorders have increased, it is partly due to the broader coverage for injuries created by a series of court cases.

(Other) The majority of workers' compensation claims are related to the disorders that ergonomics is designed to prevent. This is an expansive field that evaluates and fits the work environment to a worker, with the effect of improving it for all workers. There are new ways to apply the current data and science to significantly reduce these claims. This bill would allow the L&I to do this work, but there is also plenty of other work to do at the moment in other areas.

Persons Testifying: (In support) Representative Dan Bronoske, prime sponsor; Joe Kendo and Nickeia Hunter, Washington State Labor Council, American Federation of Labor and Congress of Industrial Organizations; Angel Scherburne and Aime Ajmeh, Service Employees International Union Healthcare 1199NW; Brian Holmes, Service Employees International Union Healthcare 925; Ma Cruz Del Villar, Service Employees International Union Healthcare 6; Trudi Hobbs, Public School Employees and Service Employees International Union Healthcare 1948; Chris Harris, Washington Education Association; and Sandra Toussaint, Washington Federation of State Employees.

(Opposed) Vicki Baker, Yakima Grocery Outlet; John Meier; Brent Ludeman, Building Industry Association of Washington; Jim King, Independent Business Association; Carolyn Logue, Washington Food Industry Association; Tim O'Connell; Robert Battles, Association of Washington Business; Lauren Gubbe, Associated General Contractors; and Amber Carter, Identity Clark County.

(Other) Dave Bonauto and Tammy Fellin, Department of Labor and Industries.

Persons Signed In To Testify But Not Testifying: None.