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ENGROSSED HOUSE BILL 1837

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State of Washington

67th Legislature

2022 Regular Session

By Representatives Bronoske, Ortiz-Self, Berry, and Pollet

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1 AN ACT Relating to restoring the state's ability to address work-  
2 related musculoskeletal injuries; amending RCW 49.17.370; and  
3 creating a new section.

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

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

14 (2) The legislature finds that work-related musculoskeletal  
15 injuries account for at least one-third of all nonfatal work  
16 injuries, are more severe than the average nonfatal injury or  
17 illness, and are the most frequently reported cause of lost or  
18 restricted work time. Work-related musculoskeletal injuries occur  
19 from ergonomically incorrect and unregulated working practices.

20 (3) The legislature finds that many of Washington state's  
21 critical industries, including agriculture and health care, are

1 described by the federal bureau of labor statistics as high-risk  
2 industries for musculoskeletal injuries. These are also industries  
3 that are currently experiencing significant staffing shortages.  
4 Further, these injuries lead to high employer costs including  
5 absenteeism, decreased productivity, and increased costs for health  
6 care, disability, and workers' compensation, among other costs.

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8 repealed existing ergonomic regulations and barred the department of  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

13 (5) The legislature therefore intends to repeal the prohibition  
14 on regulating working practices related to musculoskeletal injuries,  
15 thereby allowing targeted safety efforts to more effectively and  
16 efficiently prevent these needless workplace injuries. By removing  
17 this outdated barrier, the legislature will restore the state's  
18 ability to more comprehensively address important workplace safety  
19 issues.

20 (6) Washington has one of the most robust, no-cost, professional  
21 safety and health consultation services available anywhere in the  
22 nation to assist employers to fulfill their responsibilities to  
23 provide a safe and healthful workplace. The legislature recognizes  
24 small businesses may be in greatest need of this expertise.  
25 Therefore, the legislature further intends that the department of  
26 labor and industries provides educational and technical support to  
27 small businesses related to ergonomic hazards and includes compliance  
28 assistance as part of the adoption of any ergonomic regulations.  
29 These efforts should be coordinated with business associations,  
30 including those representing small businesses.

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

33 For the purposes of this section, "state ergonomics regulations"  
34 are defined as the rules addressing musculoskeletal disorders,  
35 adopted on May 26, 2000, by the director of the department of labor  
36 and industries, and codified as WAC 296-62-05101 through  
37 296-62-05176. The state ergonomics regulations, filed on May 26,  
38 2000, by the director and codified as WAC 296-62-05101 through  
39 296-62-05176 are repealed. ((The)) For employee home offices, the

1 director shall not have the authority to adopt any new or amended  
2 rules dealing with musculoskeletal disorders, or that deal with the  
3 same or similar activities as these rules being repealed, until and  
4 to the extent comparable rules applying to employee home offices are  
5 required by congress or the federal occupational safety and health  
6 administration.

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