

RCW 49.17.485 Personal protective devices and equipment—Public health emergency. (1) The requirements of this section apply only during a public health emergency. For the purposes of this section, "public health emergency" means a declaration or order relating to controlling and preventing the spread of any infectious or contagious disease that covers the jurisdiction where the individual or business performs work, and is issued as follows:

(a) The president of the United States has declared a national or regional emergency;

(b) The governor has declared a state of emergency under RCW 43.06.010(12); or

(c) An order has been issued by a local health officer under RCW 70.05.070.

(2) Every employer who does not require employees or contractors to wear a specific type of personal protective equipment must accommodate its employee's or contractor's voluntary use of that specific type of protective device or equipment, including gloves, goggles, face shields, and face masks, as the employee or contractor deems necessary.

(3) The provisions of subsection (2) of this section applies only when:

(a) The voluntary use of these protective devices and equipment does not introduce hazards to the work environment and is consistent with the provisions of this chapter and corresponding rules established by the department as of April 26, 2021;

(b) The use of facial coverings does not interfere with an employer's security requirements; and

(c) The voluntary use of these protective devices and equipment does not conflict with standards for that specific type of equipment established by the department of health or the department.

(4) An employer may verify that voluntary use of personal protective equipment meets all regulatory requirements for workplace health and safety.

(5) An employer may not apply to the director of the department, under RCW 49.17.080, for a temporary order granting a variance from this subsection. [2021 c 146 § 1.]

Effective date—2021 c 146: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately [April 26, 2021]." [2021 c 146 § 2.]