

The text of this document is an accurate copy of what was filed by the initiative proponent with the Secretary of State for assignment of a serial number. The accuracy of code in amendatory sections has not been verified.

### INITIATIVE 271

I, Sam Reed, Secretary of State of the State of Washington and custodian of its seal, hereby certify that, according to the records on file in my office, the attached copy of Initiative Measure No. 271 to the Legislature is a true and correct copy as it was received by this office.

1 AN ACT Relating to repealing state ergonomics regulations unless a  
2 uniform federal standard is required; amending RCW 49.17.040 and  
3 49.17.050; and creating new sections.

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

5 **POLICIES AND PURPOSES**

6 NEW SECTION. **Sec. 1.** Washington must compete with other states  
7 for jobs and businesses, especially during these tough economics times.  
8 Because 49 other states are following the federal government's position  
9 on ergonomics regulation, Washington should follow their lead before  
10 more jobs and businesses abandon our state. This measure would repeal  
11 state ergonomics regulations and prohibit any new ergonomics  
12 regulations from being imposed unless a uniform federal standard is  
13 required. Washington must begin creating a business climate that  
14 attracts and retains jobs and businesses, rather than giving jobs and  
15 businesses another incentive to leave. The Governor's Competitiveness  
16 Council made it one of their top priorities to prohibit state  
17 ergonomics regulatioins from being imposed unless a uniform federal  
18 standard was required. A broad coalition of Democrats and Republicans

1 introduced a bill in the last session to bring legislative input and  
2 oversight to this issue - this measure is modeled after their  
3 legislation (Senate Bill 5882).

4 **REPEALING STATE ERGONOMICS REGULATIONS AND**  
5 **PROHIBITING ANY NEW ERGONOMICS REGULATIONS FROM BEING IMPOSED**  
6 **UNLESS A UNIFORM FEDERAL STANDARD IS REQUIRED**

7 Sec. 2. A new section is added to chapter 49.17 RCW to read as  
8 follows:

9 State ergonomics regulations are null and void and are not to be  
10 imposed after the effective date of this act and shall be repealed by  
11 the department of labor and industries. The department shall not adopt  
12 new ergonomics regulations covering the same or similar activities  
13 unless a uniform federal standard is required. For the purposes of  
14 this section, "current ergonomics regulations" are defined as the rules  
15 addressing musculoskeletal disorders, adopted on May 26, 2000, by the  
16 director of the department of labor and industries, and codified as WAC  
17 296-62-05101 through 296-62-05176.

18 Sec. 3. RCW 49.17.040 and 1973 c 80 s 4 are each amended to read as  
19 follows:

20 {+ Except as provided in section 2 of this act, t +}he director shall  
21 make, adopt, modify, and repeal rules and regulations governing safety  
22 and health standards for conditions of employment as authorized by this  
23 chapter after a public hearing in conformance with the administrative  
24 procedure act and the provisions of this chapter. At least thirty days  
25 prior to such public hearing, the director shall cause public notice of  
26 such hearing to be made in newspapers of general circulation in this  
27 state, of the date, time, and place of such public hearing, along with  
28 a general description of the subject matter of the proposed rules and  
29 information as to where copies of any rules and regulations proposed  
30 for adoption may be obtained and with a solicitation for  
31 recommendations in writing or suggestions for inclusion or changes in  
32 such rules to be submitted not later than five days prior to such  
33 public hearing. Any preexisting rules adopted by the department of  
34 labor and industries relating to health and safety standards in work  
35 places subject to the jurisdiction of the department shall remain

1 effective insofar as such rules are not inconsistent with the  
2 provisions of this chapter.

3 Sec. 4. RCW 49.17.050 and 1998 c 224 s 1 are each amended to read as  
4 follows:

5 {+ Except as provided in RCW 49.17.040, i +}n the adoption of rules and  
6 regulations under the authority of this chapter, the director shall:

7 (1) Provide for the preparation, adoption, amendment, or repeal of  
8 rules and regulations of safety and health standards governing the  
9 conditions of employment of general and special application in all work  
10 places;

11 (2) Provide for the adoption of occupational health and safety  
12 standards which are at least as effective as those adopted or  
13 recognized by the United States secretary of labor under the authority  
14 of the Occupational Safety and Health Act of 1970 (Public Law 91-596;  
15 84 Stat. 1590);

16 (3) Provide a method of encouraging employers and employees in their  
17 efforts to reduce the number of safety and health hazards at their work  
18 places and to stimulate employers and employees to institute new and to  
19 perfect existing programs for providing safe and healthful working  
20 conditions;

21 (4) Provide for the promulgation of health and safety standards and the  
22 control of conditions in all work places concerning gases, vapors,  
23 dust, or other airborne particles, toxic materials, or harmful physical  
24 agents which shall set a standard which most adequately assures, to the  
25 extent feasible, on the basis of the best available evidence, that no  
26 employee will suffer material impairment of health or functional  
27 capacity even if such employee has regular exposure to the hazard dealt  
28 with by such standard for the period of his working life; any such  
29 standards shall require where appropriate the use of protective devices  
30 or equipment and for monitoring or measuring any such gases, vapors,  
31 dust, or other airborne particles, toxic materials, or harmful physical  
32 agents;

33 (5) Provide for appropriate reporting procedures by employers with  
34 respect to such information relating to conditions of employment which  
35 will assist in achieving the objectives of this chapter;

36 (6) Provide for the frequency, method, and manner of the making of  
37 inspections of work places without advance notice; and,

1 (7) Provide for the publication and dissemination to employers,  
2 employees, and labor organizations and the posting where appropriate by  
3 employers of informational, education, or training materials calculated  
4 to aid and assist in achieving the objectives of this chapter;

5 (8) Provide for the establishment of new and the perfection and  
6 expansion of existing programs for occupational safety and health  
7 education for employers and employees, and, in addition institute  
8 methods and procedures for the establishment of a program for voluntary  
9 compliance solely through the use of advice and consultation with  
10 employers and employees with recommendations including recommendations  
11 of methods to abate violations relating to the requirements of this  
12 chapter and all applicable safety and health standards and rules and  
13 regulations promulgated pursuant to the authority of this chapter;

14 (9) Provide for the adoption of safety and health standards requiring  
15 the use of safeguards in trenches and excavations and around openings  
16 of hoistways, hatchways, elevators, stairways, and similar openings;

17 (10) Provide for the promulgation of health and safety standards  
18 requiring the use of safeguards for all vats, pans, trimmers, cut off,  
19 gang edger, and other saws, planers, presses, formers, cogs, gearing,  
20 belting, shafting, coupling, set screws, live rollers, conveyors,  
21 mangles in laundries, and machinery of similar description, which can  
22 be effectively guarded with due regard to the ordinary use of such  
23 machinery and appliances and the danger to employees therefrom, and  
24 with which the employees of any such work place may come in contact  
25 while in the performance of their duties and prescribe methods,  
26 practices, or processes to be followed by employers which will enhance  
27 the health and safety of employees in the performance of their duties  
28 when in proximity to machinery or appliances mentioned in this  
29 subsection;

30 (11) Certify that no later than twenty business days prior to the  
31 effective date of any significant legislative rule, as defined by RCW  
32 34.05.328, a meeting of impacted parties is convened to:

33 (a) Identify ambiguities and problem areas in the rule; (b) coordinate  
34 education and public relations efforts by all parties; (c) provide  
35 comments regarding internal department training and enforcement plans;  
36 and (d) provide comments regarding appropriate evaluation mechanisms to  
37 determine the effectiveness of the new rule. The meeting shall include  
38 a balanced representation of both business and labor from impacted  
39 industries, department personnel responsible for the above subject

1 areas, and other agencies or key stakeholder groups as determined by  
2 the department. An existing advisory committee may be utilized if  
3 appropriate.

4 **CONSTRUCTION CLAUSE**

5 NEW SECTION. **Sec. 5.** The provisions of this act are to be  
6 liberally construed to effectuate the intent, policies, and purposes of  
7 this act.

8 **SEVERABILITY CLAUSE**

9 NEW SECTION. **Sec. 6.** If any provision of this act or its  
10 application to any person or circumstance is held invalid, the  
11 remainder of the act or the application of the provision to other  
12 persons or circumstances is not affected.

13 **EMERGENCY CLAUSE**

14 NEW SECTION. **Sec. 7.** When Washington adopts regulations rejected  
15 by 49 other states, we provide an additional incentive for jobs and  
16 businesses to leave our state. Without an adequate number of jobs and  
17 businesses, Washington cannot generate the taxes necessary to fund  
18 essential government services. Therefore, the provisions of this act  
19 are necessary for the immediate preservation of the public peace,  
20 health, or safety, or support of the state government and its existing  
21 public institutions, and take effect immediately.

--- END ---