



Washington State Legislative Update 2022

Policy Trends for Construction



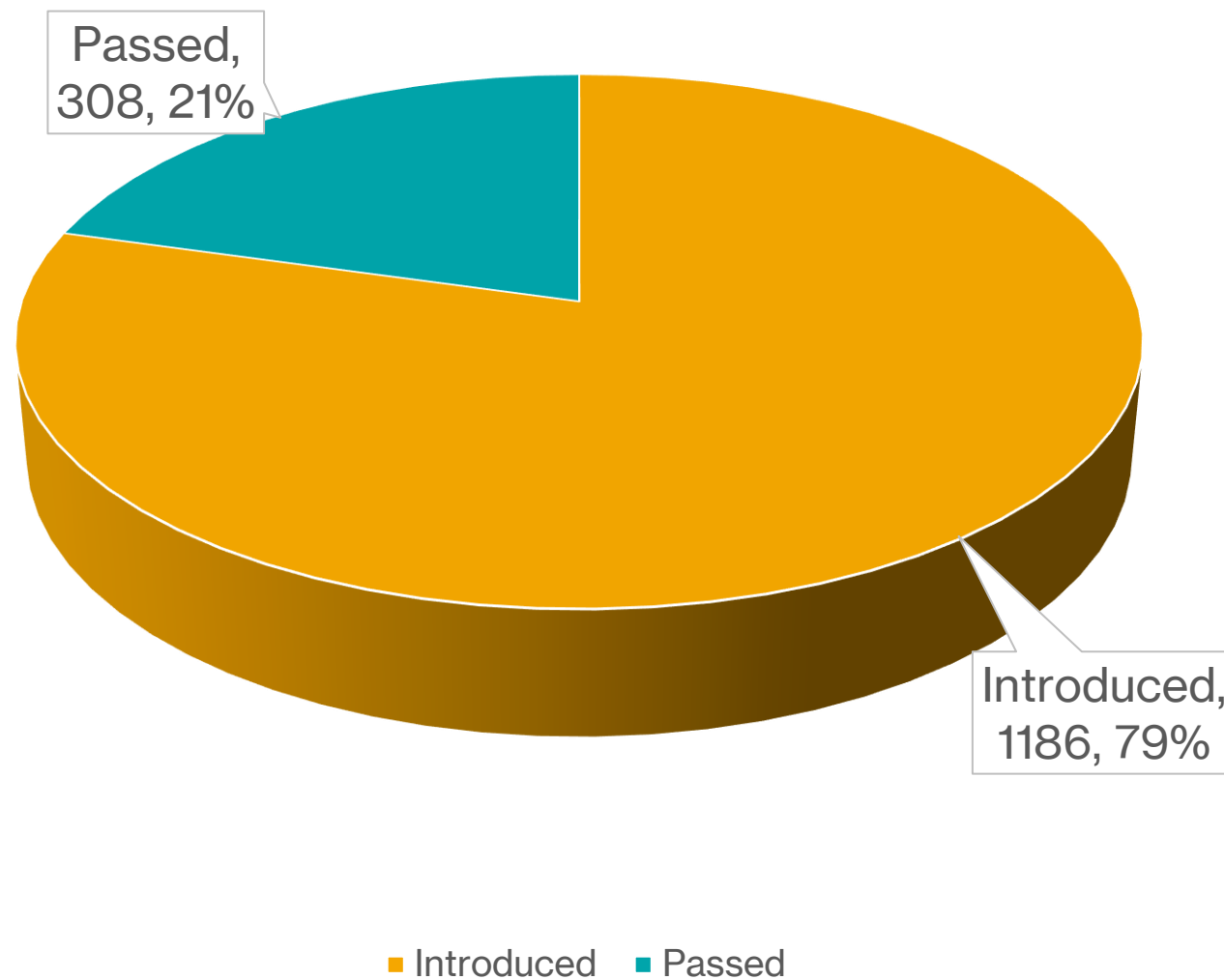


Session Dynamics

- Emergency Powers
- Lawsuits
- Police Reforms
- Long-Term Care
- Federal Funds
- Economy/Surplus



Legislation Introduced v. Passed





Fixing Previous Legislation

Long-Term Care Tax

- 18-Month Delay (HB 1732)
 - Tax Collections Begin July 1, 2023
- Exemptions (HB 1733)

Police Reforms

- Use of Force (HB 1735, HB 2037)
- Types of Weapons (HB 1719)

Transportation

- Move Ahead Package (SB 5974, SB 5975)
 - \$1B Bridge Replacement
 - Continue Connecting Washington
- Supplemental Budget (SB 5689)
 - \$0.5M Chelatchie Prairie Railroad
- Climate Commitment Act Funds
- Electric Vehicle Goal (SB 5974 Sec. 415)
- Voids LCFS Veto Challenge





Budgets

\$64B Operating Budget (SB 5693)

- \$2B Transportation
- \$650M Capital
- \$350K Dam Removal Study
- Minimal Reserves

\$1.5B Capital Budget (SB 5651)

- \$50M State Broadband Office
- \$40M CERB
- \$25M CERB Broadband
- \$25M Public Works Broadband

Local Capital Investments

- \$2.4M Port of Camas Washougal 41st St. (SB 5651)
- \$1.59M Port of Vancouver Terminal 1 Dock Design (SB 5651)



Tax Policy



- R&D and Warehouse Tax Incentive (SB 5901)
- Clean Tech Incentives (HB 1988)
- Workforce Housing Public Facilities (SB 5868)
- Underdeveloped Land Redevelopment (SB 5755)
- Limited Tax Relief (SB 5980)

Environment

- Public Facilities Greenhouse Gas Emissions Design (HB 1280)
- Reducing GHG in Buildings (SB 5722)
- Appliance Efficiency (HB 1619)



Land Use

- GMA Planning Tribes (HB 1717)
- Tiny Homes (HB 2001)
- Urban Growth Areas (HB 5593)
- LAMIRD's (SB 5275)



Employment



Nondisclosure Agreements (HB 1795)



Wage and Salary Information (SB 5761)



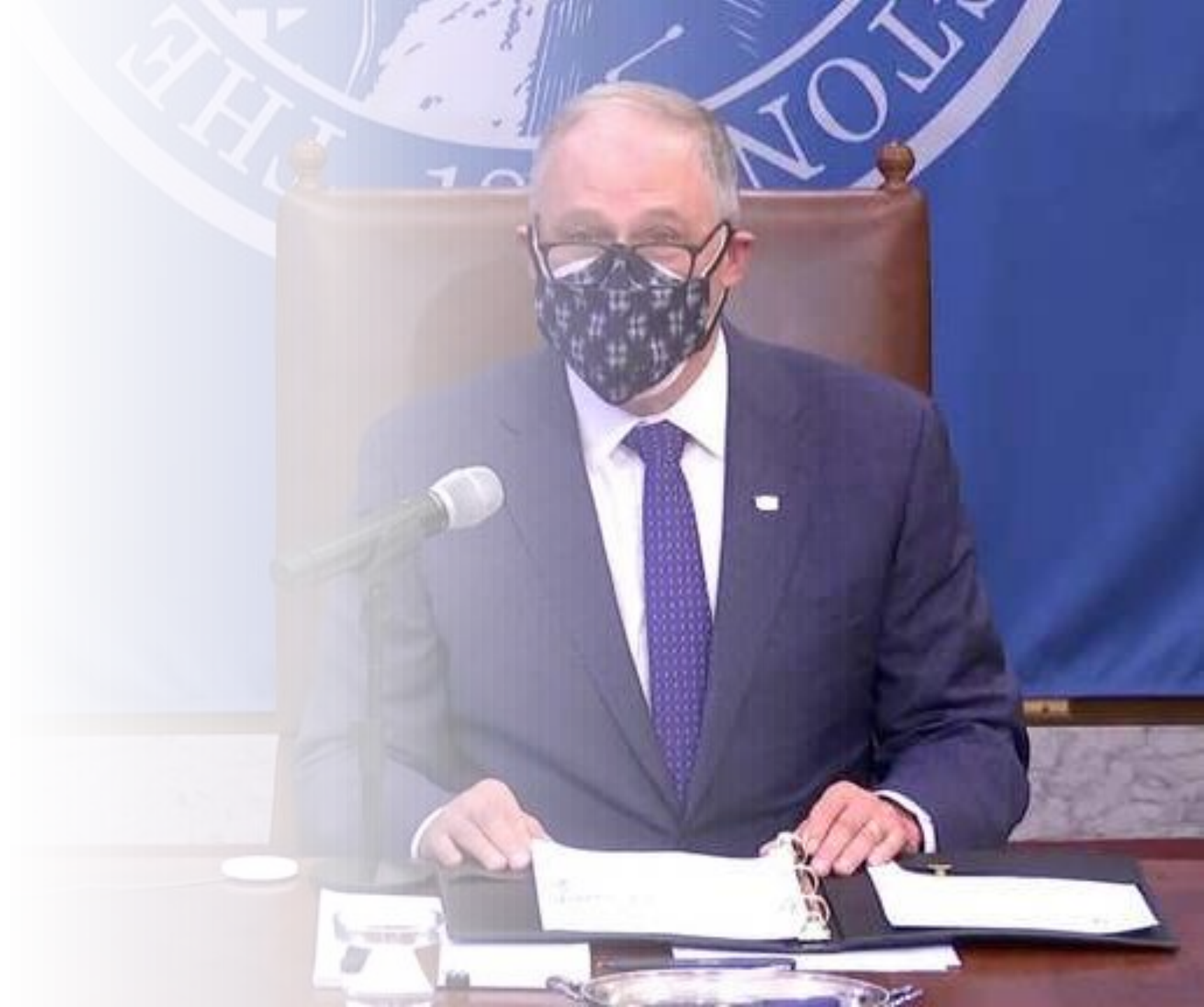
UI Premiums (SB 5873)



Living Wage Apprenticeship Program (SB 5600)

Missed Opportunity

- Governors Emergency Powers (HB 1772, SB 5039, SB 5909)
- Stalled in House
- Began Feb. 29, 2020



Bills That Failed

- Climate Change GMA (HB 1099)
 - Middle Housing (HB 1782, SB 5670)
 - Green Roofs (SB 5732)
 - Privacy (SB 5062, HB 1850)
 - Wealth Tax (HB 1406)
 - Nurse Staffing (HB 1868)
 - Warehouse Staffing (SB 5891)
 - Ergonomics Rulemaking (HB 1837)
-



Ergonomics

- Repeals I-841
- 9+ Hours of House Debate
- Home Office Exemption
- 857 Oppose/564 Support Senate Hearing
- 1 Rule Per Year – Janitors First
- 40+ Amendments Senate Floor

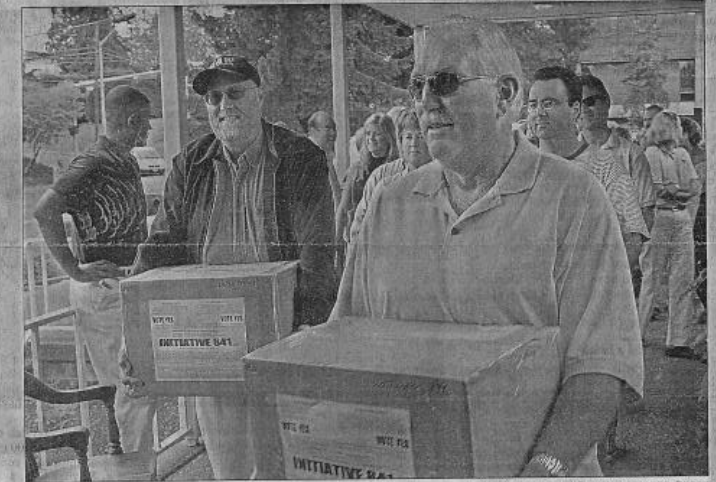


Election results

Washington Initiative 841 (2003)		
Result	Votes	Percentage
✔ Yes	656,737	53.49%
No	570,980	46.51%

Election results via the [Washington Secretary of State](#).^[1]

Groups submit petitions to repeal work-safety rules



Building Industry Association of Washington President Randy Gold, right, and Vice President Gary Cronce, left, deliver boxes of signed petitions in support of Initiative 841 to the Secretary of State's Office in Olympia yesterday.

INITIATIVE 841

CONTINUED FROM E 1

Shannon said she expects the initiative to fare well on the ballot. "Right now is not the time for a state legislation that forces people to lose their jobs," Shannon said.

"This rule is a job killer." Others are skeptical of the initiative's chances.

"Those are 260,000 very expensive signatures," said David Groves, spokesman for the Washington State Labor Council. "That

may be some indication of the amount of grassroots support they have."

Groves said voters wouldn't approve the initiative if supporters of the ergonomics rules are successful in teaching people about the benefits of the rules.

"There's been an amount of misinformation on what the rule does and what it costs," Groves said. "If all these things were true, I'd be opposed to it, and I'm not."

Angel Gonzalez: 206-464-3312 or agonzalez@seattletimes.com

Ergonomics *(continued)*

- 18-Page Ergonomics Rule
- 126-Page Concise Explanatory Statement
- All Employers Public and Private
- Identity Caution Zone Jobs
- Eliminate to the Degree Technologically and Economically Feasible
- Job Rotations Required
- No Behavioral Modifications

Caution Zone Job Analysis L&I Ergonomics Rule (2003)

WAC 296-62-05174 Appendix B: Criteria for analyzing and reducing WMSD hazards for employers who choose the Specific Performance Approach.

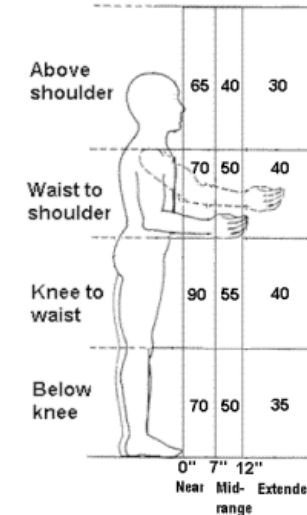
Heavy, Frequent or Awkward Lifting

This analysis only pertains if you have "caution zone jobs" where employees lift 10 lbs. or more (see WAC 296-62-05105, Heavy, Frequent, or Awkward Lifting) and you have chosen the specific performance approach.

Step 1 Find out the actual weight of objects that the employee lifts.

Actual Weight = _____ lbs.

Step 2 Determine the Unadjusted Weight Limit. Where are the employee's hands when they begin to lift or lower the object? Mark that spot on the diagram below. The number in that box is the Unadjusted Weight Limit in pounds.



Unadjusted Weight Limit: _____ lbs.

Step 3 Find the Limit Reduction Modifier. Find out how many times the employee lifts per minute and the total number of hours per day spent lifting. Use this information to look up the Limit Reduction Modifier in the table below.

How many lifts per minute?	For how many hours per day?		
	1 hr or less	1 hr to 2 hrs	2 hrs or more
1 lift every 2-5 mins.	1.0	0.95	0.85
1 lift every min	0.95	0.9	0.75
2-3 lifts every min	0.9	0.85	0.65
4-5 lifts every min	0.85	0.7	0.45
6-7 lifts every min	0.75	0.5	0.25
8-9 lifts every min	0.6	0.35	0.15
10+ lifts every min	0.3	0.2	0.0

Note: For lifting done less than once every five minutes, use 1.0

Limit Reduction Modifier: _____

Step 4 Calculate the Weight Limit. Start by copying the Unadjusted Weight Limit from Step 2.

Unadjusted Weight Limit: = _____ lbs.

If the employee twists more than 45 degrees while lifting, reduce the Unadjusted Weight Limit by multiplying by 0.85. Otherwise, use the Unadjusted Weight Limit

Twisting Adjustment: = _____

Adjusted Weight Limit: = _____ lbs.

Multiply the Adjusted Weight Limit by the Limit Reduction Modifier from Step 3 to get the Weight Limit.

X

Limit Reduction Modifier: _____

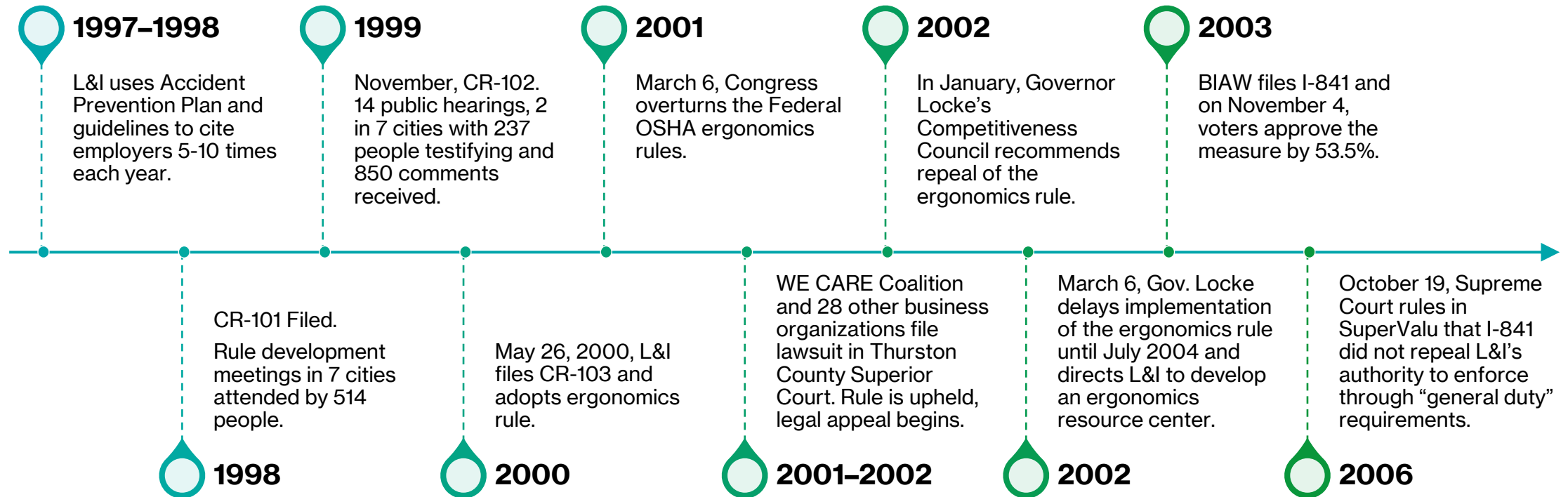
Weight Limit: = _____ lbs.

Step 5 Is this a hazard? Compare the Weight Limit calculated in Step 4 with the Actual Weight lifted from Step 1. If the Actual Weight lifted is greater than the Weight Limit calculated, then the lifting is a WMSD hazard and must be reduced below the hazard level or to the degree technologically and economically feasible.

Note: If the job involves lifts of objects with a number of different weights and/or from a number of different locations, use Steps 1 through 5 above to:

1. Analyze the two worst case lifts -- the heaviest object lifted and the lift done in the most awkward posture.
2. Analyze the most commonly performed lift. In Step 3, use the frequency and duration for all of the lifting done in a typical workday.

Ergonomics Timeline



Safe Workplace Requirements Cover Ergonomics

Supervalu Inc. v Department of Labor and Industries

“Seldom have there been initiatives before this court that have been more precise.”

- **Employers are already required by law to provide a safe working environment for all employees.** (Source, Department of Labor and Industries, General Duty Clause, [RCW 49.17.060: Employer—General safety standard—Compliance. \(wa.gov\)](#))
- **L&I can already cite employers for ergonomic issues.** (Source, [SUPervalu INC v. DEPARTMENT OF LABOR AND INDUSTRIES OF STATE OF WASHINGTON | FindLaw](#))



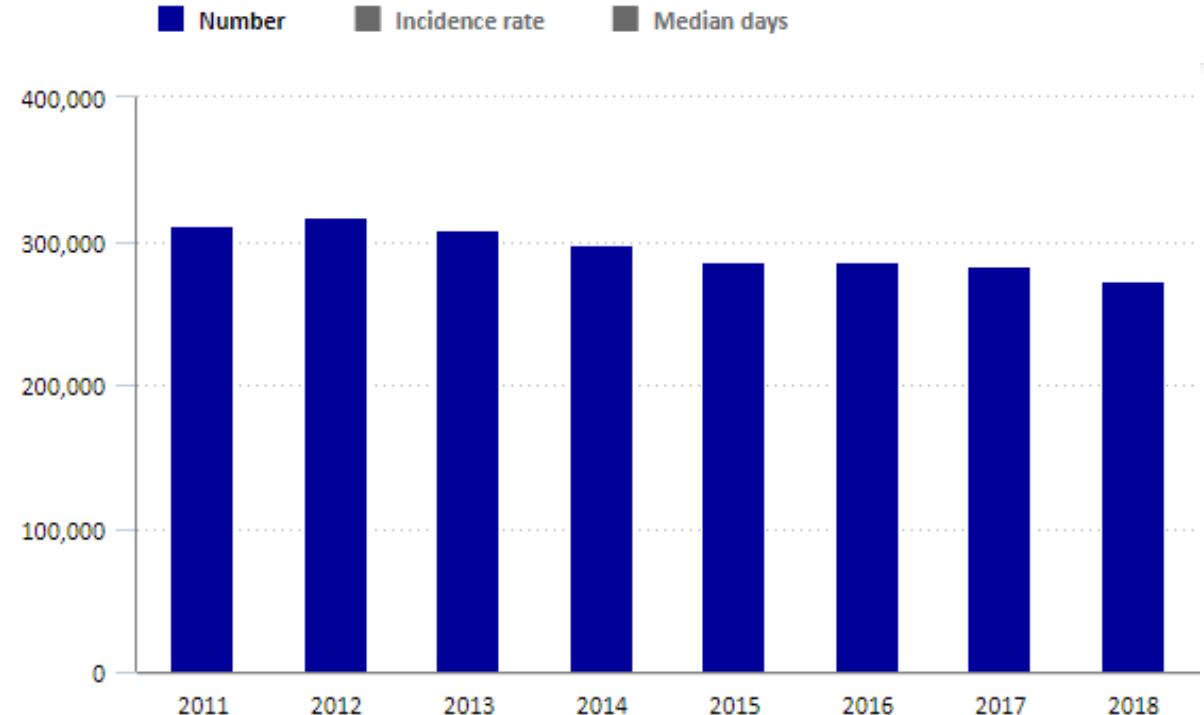
“Nothing in I-841 suggests that L&I is stripped of its general regulatory authority to address serious or deadly ergonomics-related workplace hazards”

Justice Tom Chambers

Injuries Continue to Decline

- 28% reduction of repetitive stress injuries from 1990-1997.
- Recent BLS data shows steady decline.
- L&I's SHARP Testimony, January 24, 2022 *"Over the last 15 years, in Washington workers' compensation claims data, we've seen decreasing rates of work-related musculoskeletal disorders."*

Chart 1. Number, incidence rate, and median days away from work of injuries and illnesses involving musculoskeletal disorders, U.S., private sector, 2011-18



Click legend items to change data display. Hover over chart to view data.
Source: U.S. Bureau of Labor Statistics.

No Agreement on Causes and Cures

[Carpal Tunnel? Blame Genes Not Overuse](#)
([webmd.com](#))

Feb. 16, 2007 -- Long hours surfing the Internet or typing won't wreck your wrists, a new study shows.

Carpal tunnel syndrome, long associated with overuse of the hands and wrists when surfing the Internet or typing, is linked more to genetics than repetitive use, according to the study.

It was presented today at the 74th Annual Meeting of the American Academy of Orthopaedic Surgeons in San Diego.



Harvard Medical School
University

"The link between [carpal tunnel syndrome](#) and hand use is overstated and may be inaccurate," says study researcher David Ring, MD. Ring is an assistant professor of orthopaedic surgery at Harvard Medical School and a hand surgeon at Massachusetts General Hospital, Boston.

A Better Way

Ergonomics Case Study Olympia School District Cafeteria Tables

Background

Risk management from Educational School District 113 contacted the L&I Ergonomics Program for help at an Olympia elementary school. Custodians at the school were having difficulty folding the cafeteria tables to move them out of the way when cleaning floors. Several custodians had been injured while handling the tables in the recent past.

Issues Found

Custodians fold the 12 cafeteria tables at the school twice a day. In order to fold the tables, custodians had to bend over and lift at the center point of the table. They would then push the two halves of the table together until they locked in the upright position. Even the strongest custodian felt that the folding task was difficult to perform.



An L&I ergonomist helped measure the apparent weight of the tables during folding by having a custodian stand on an electronic scale while lifting. Custodians used more than 80 pounds of lifting force to fold the tables, which is well over recommended weight limits.

Recommendations

A number of solution options were proposed, and these included:

- Purchasing newer tables with standard folding mechanisms. Newer tables at another school could be folded up with 50 pounds for force. This would still be a bit of challenge for smaller custodians, or those with pre-existing injuries.
- Purchasing tables with a spring-assist device that would greatly reduce the folding effort.
- Purchasing smaller tables that convert to benches, which are easier to fold up and move out of the way. Since each table is half the size of a standard cafeteria table, this would result in handling twice as many tables.
- Contacting a lift-assist manufacturer to design a retro-fit device that could be installed on existing tables.

[Get Help with Ergonomics \(wa.gov\)](https://www.wa.gov)

“We offer a variety of no fee services including evaluating jobs for potential problems, recommending practical, proven solutions, providing ergonomics training.”



Washington State Janitorial Workload Study

Progress report to the Legislature

June 2020

SHARP report # 102-54-2020

Ergonomics Ideas Bank

SPRAINS & STRAINS

Get Help with
Ergonomics

Office Ergonomics

Ergonomics Process

Looking for ideas on how to prevent sprains and strains? Use this tool to find solutions by industry and/or risk factor.

IMPORTANT NOTE ▼

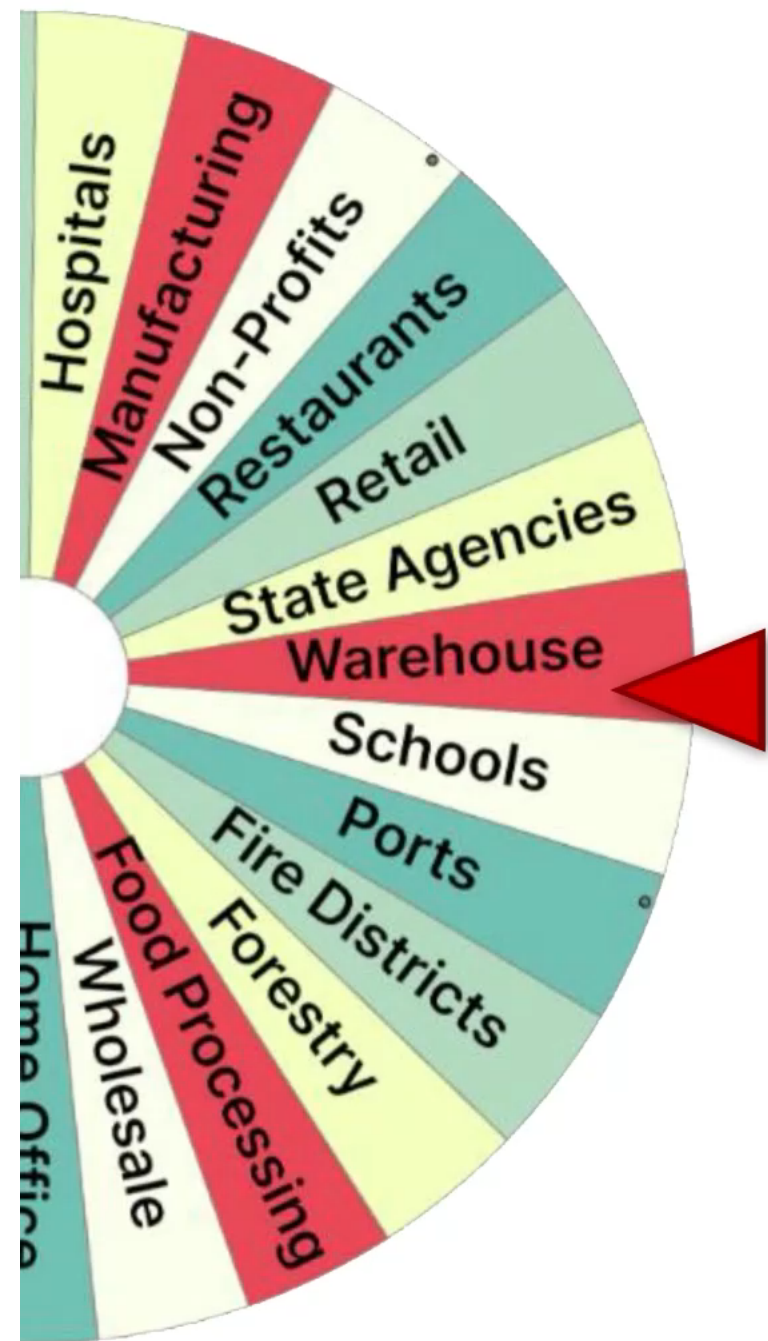
For what industry?

All Industries

For what hazard?

All Hazards

Filter by keyword (optional) 🔍



What's Next

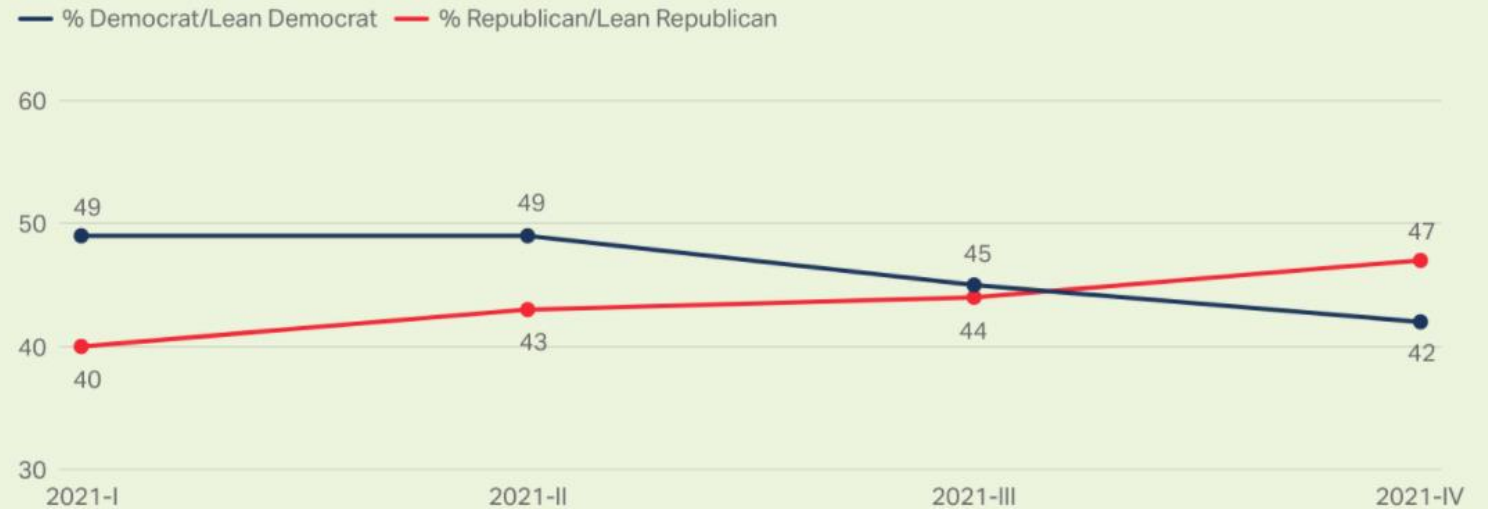
- 20 Days Bill Signing
- June 9 Effective Date
- I-5 Bridge Replacement Project Development
- Capital Gains Tax Appeal
- Aug 2 Primary Elections



Polling Data

U.S. Party Identification and Leaning, 2021 Quarterly Averages

In politics, as of today, do you consider yourself -- [a Republican, a Democrat] -- or an independent?
[If independent:] As of today, do you lean more to the -- [Republican Party or the Democratic Party]?



GALLUP®

POLL TYPE

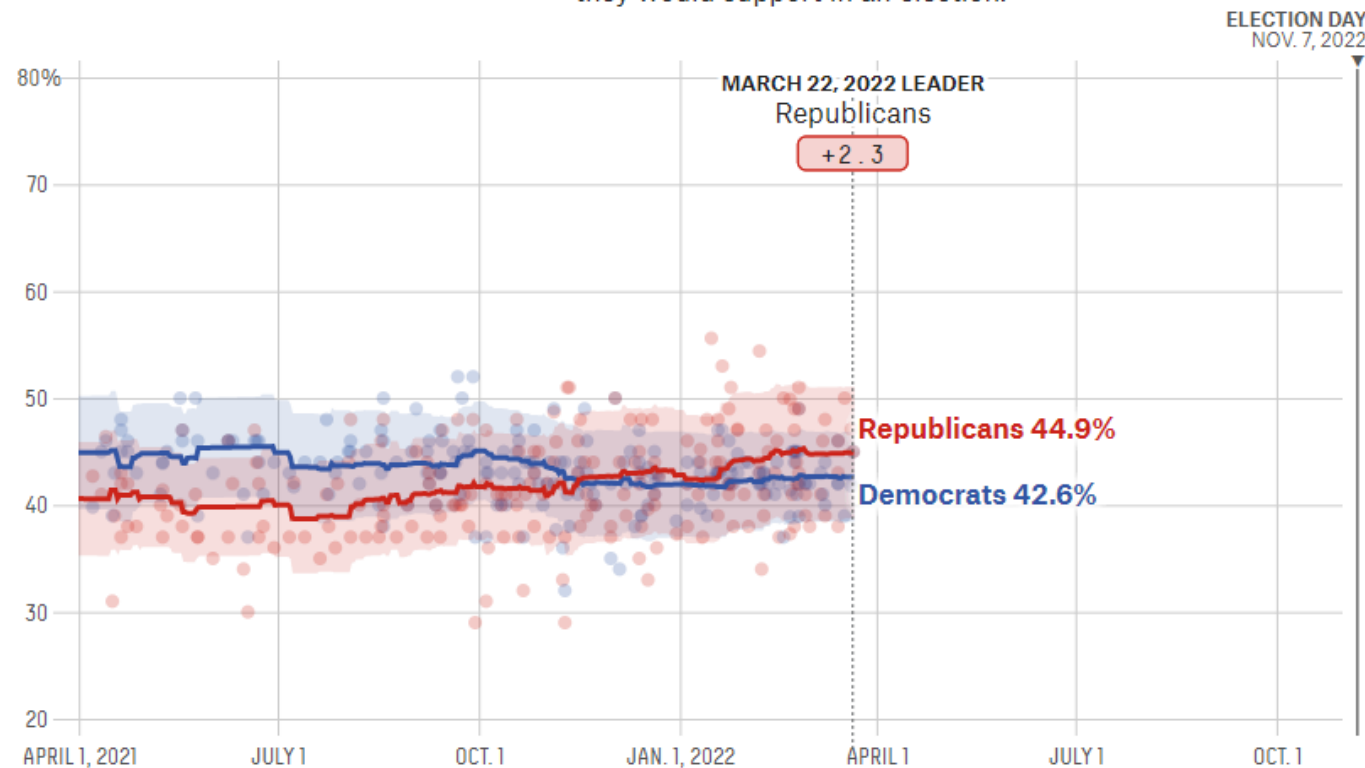
Generic ballot

CYCLE

2022

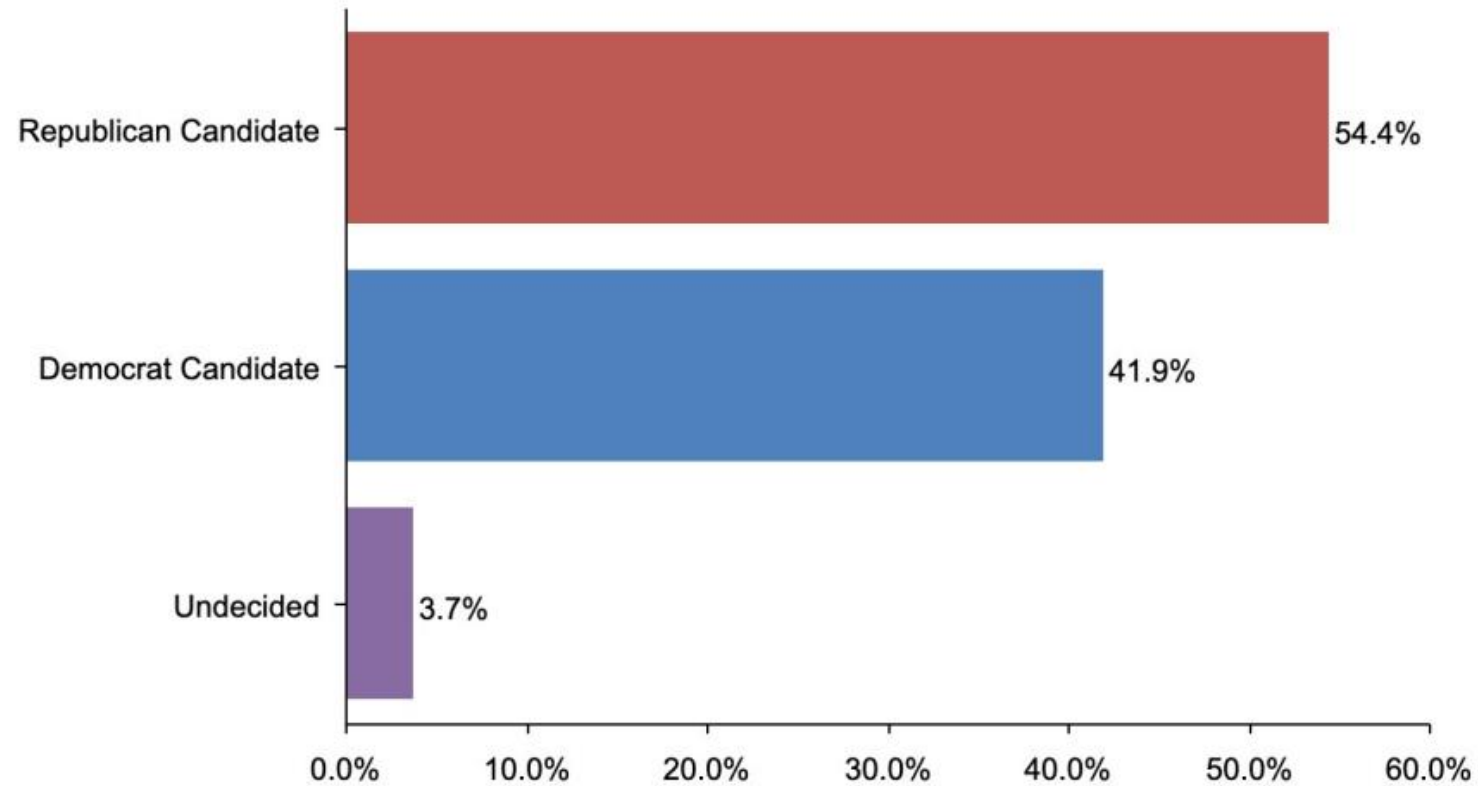
Do Voters Want Democrats Or Republicans In Congress?

An updating estimate of the generic congressional ballot, based on polls that ask people which party they would support in an election.



2022 Preference

Candidate Preference in 2022 Midterms



Elections



Senate

DEMOCRATS

Carlyle
Frockt
Sheldon

REPUBLICANS

Brown
Rivers

House

DEMOCRATS

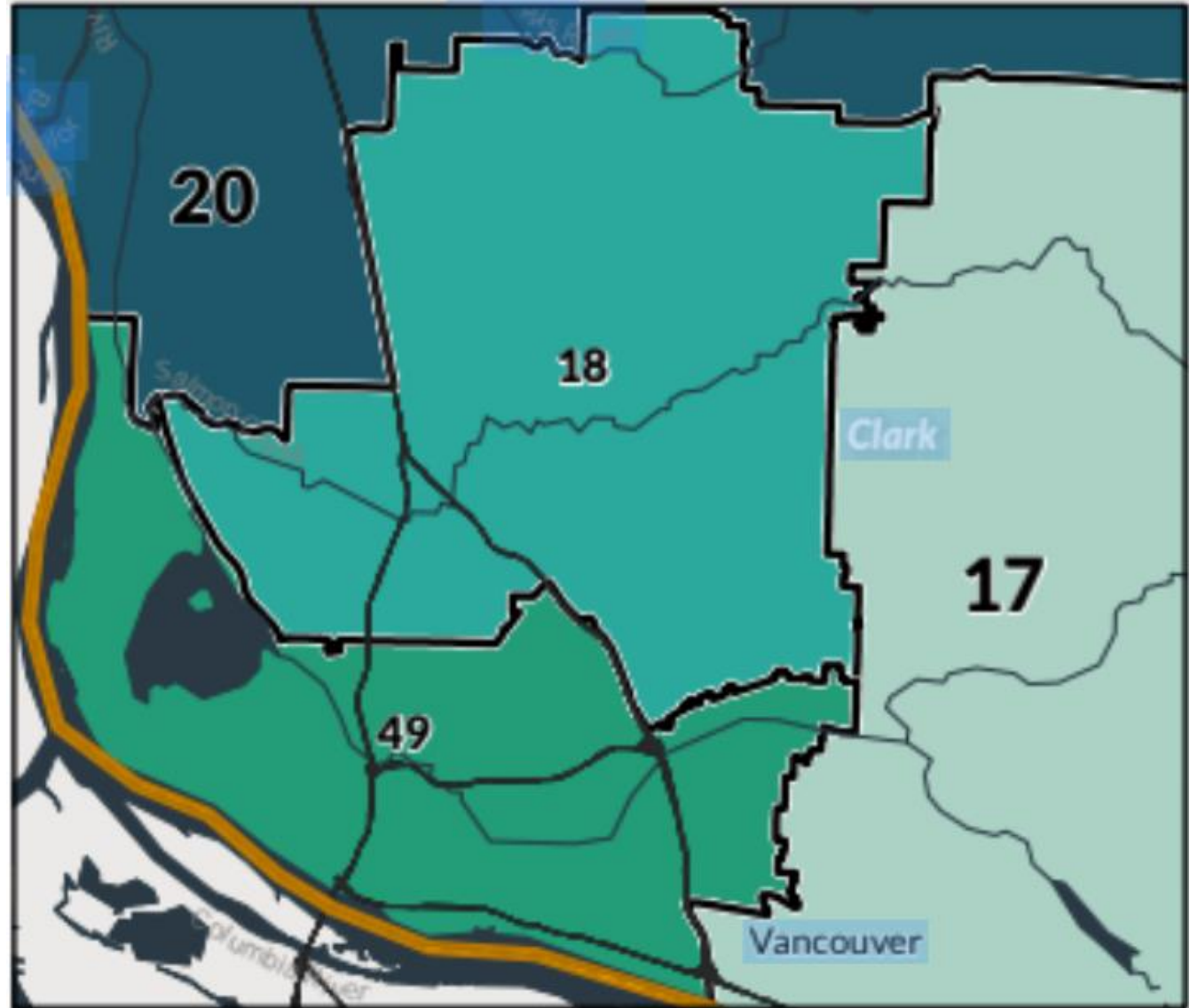
Cody
Dolan
Frame*
Sells
Kirby
Johnson
Shewmake*
Sullivan
Valdez
Wicks

REPUBLICANS

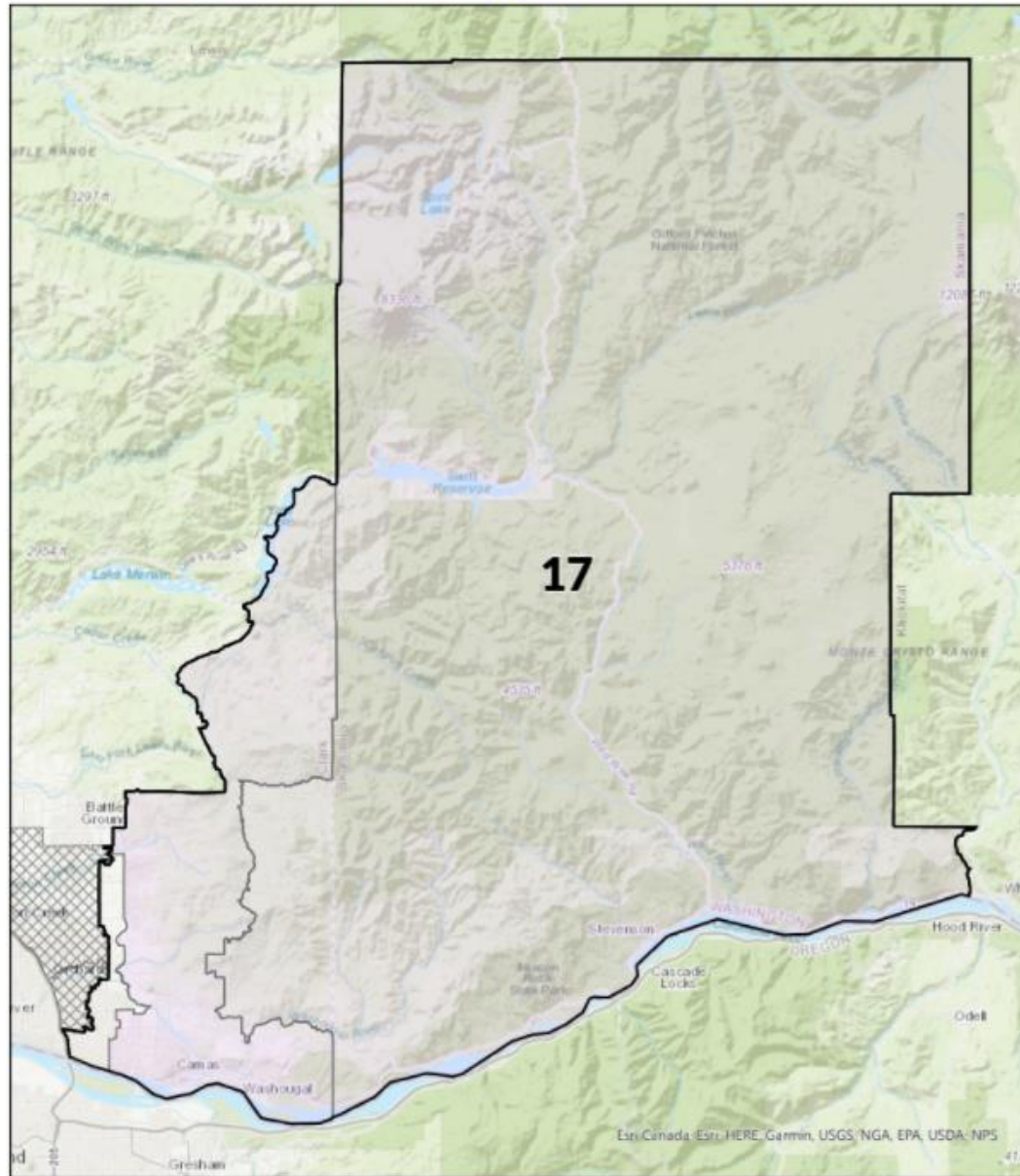
Boehnke*
Dufault
Klippert**
MacEwan*
McCaslin
Hoff
Kraft**
Young*
Vick

* Running for Senate
** Running for Congress

Redistricting



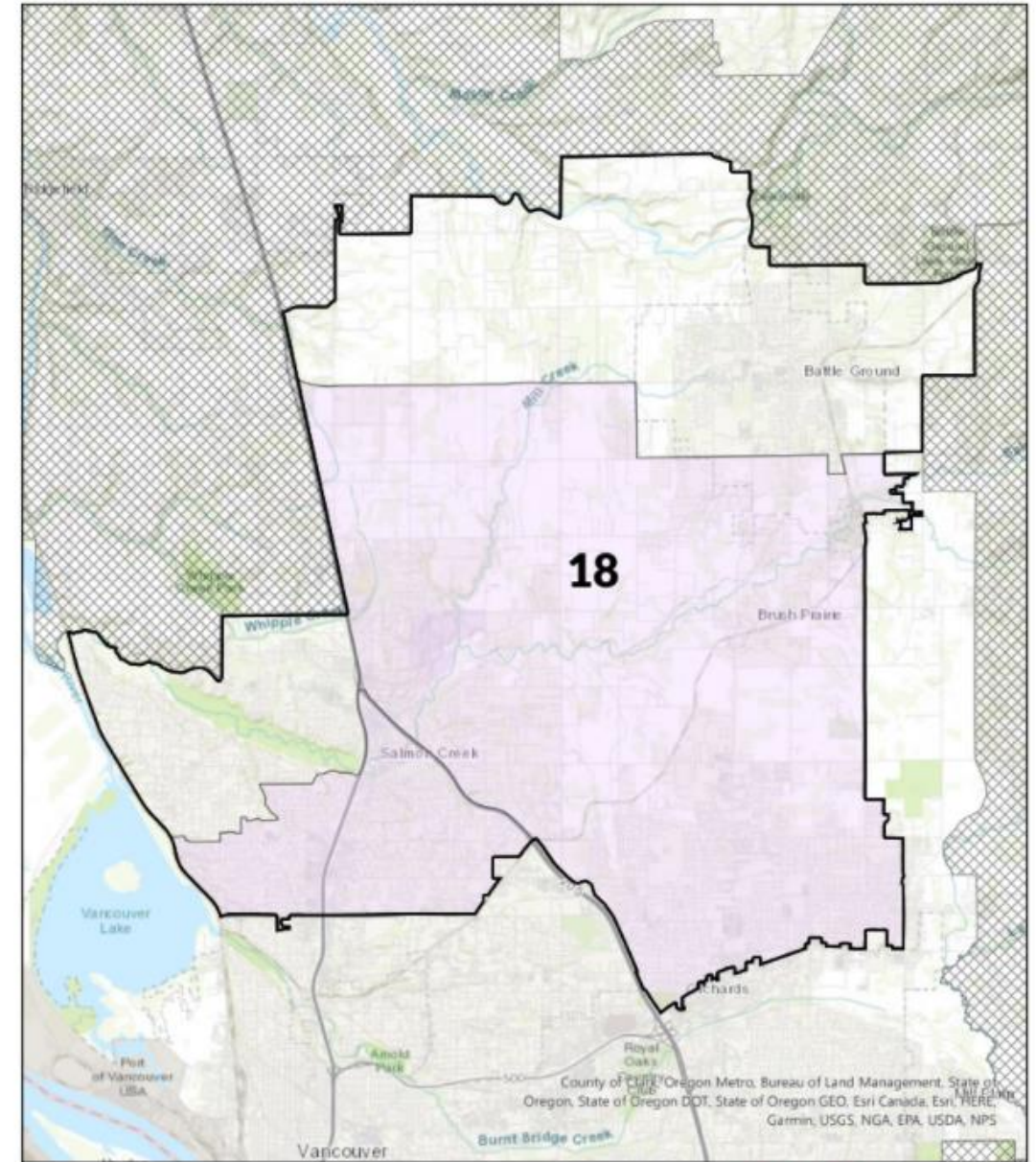
2022 Adopted Legislative District 17



- New Residents
- Former Residents
- LEG_AMEND_FINAL Adopted 2022



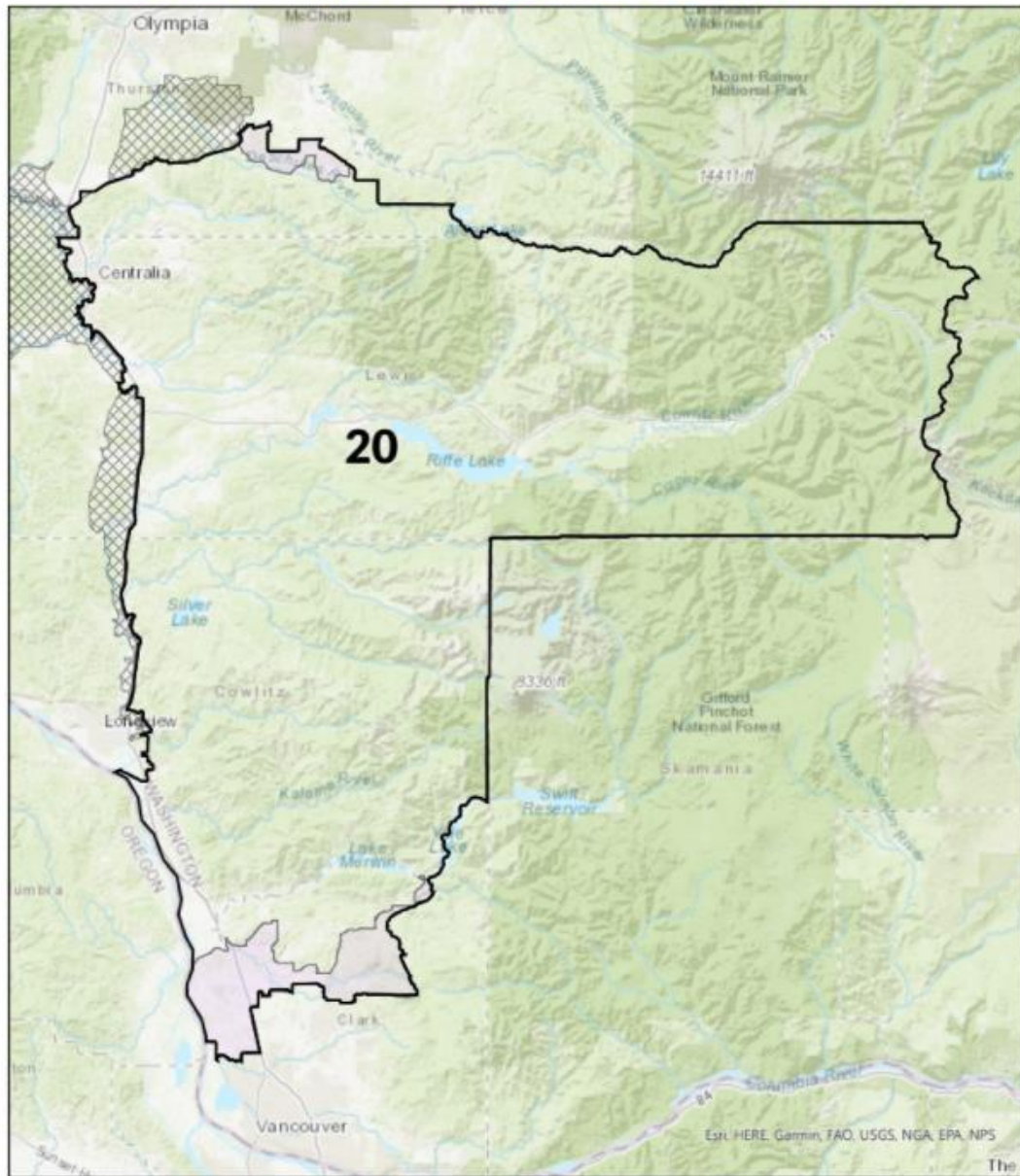
2022 Adopted Legislative District 18



- New Residents
- Former Residents
- LEG_AMEND_FINAL Adopted 2022



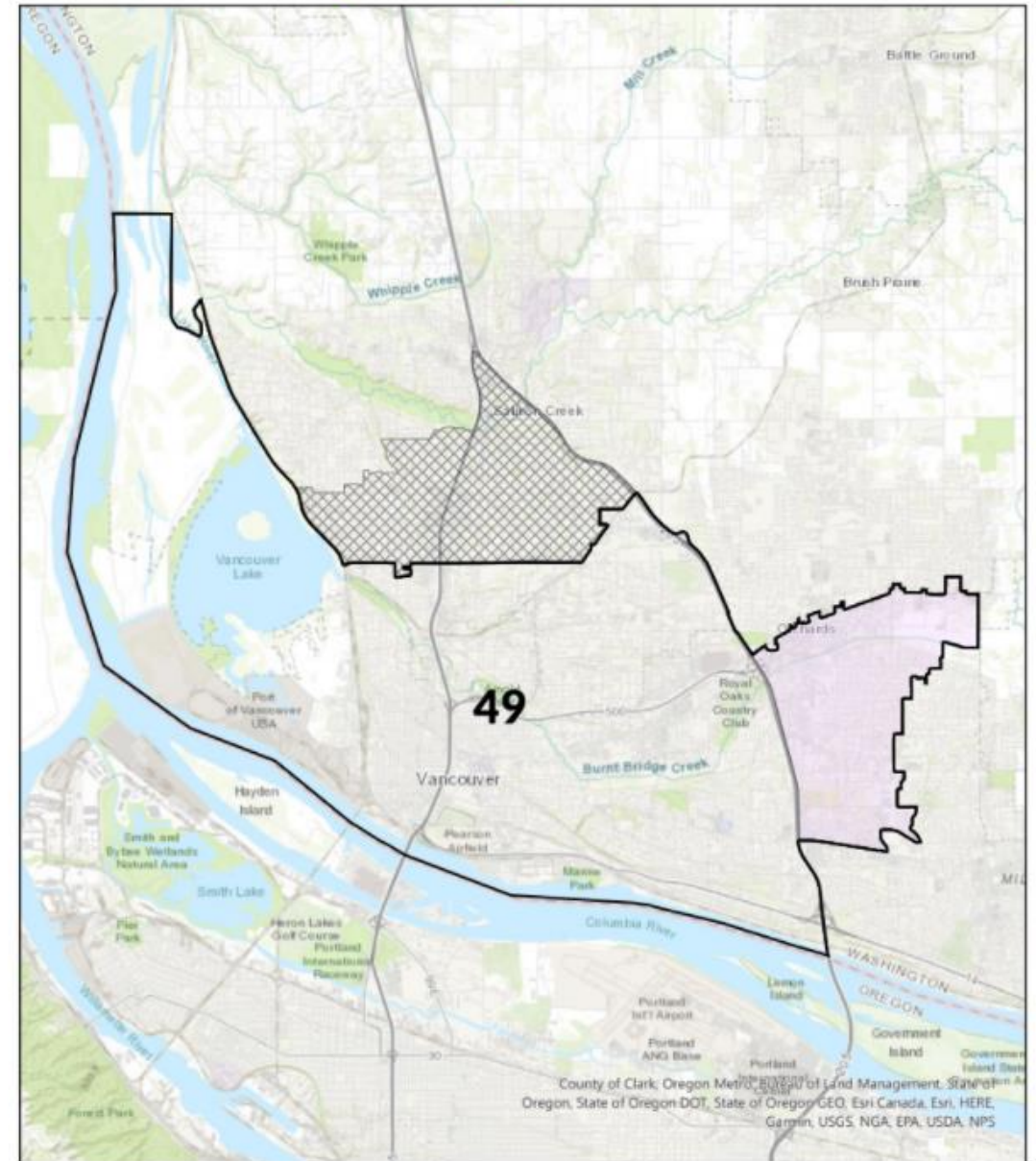
2022 Adopted Legislative District 20



New Residents
 Former Residents
 LEG_AMEND_FINAL
 Adopted 2022

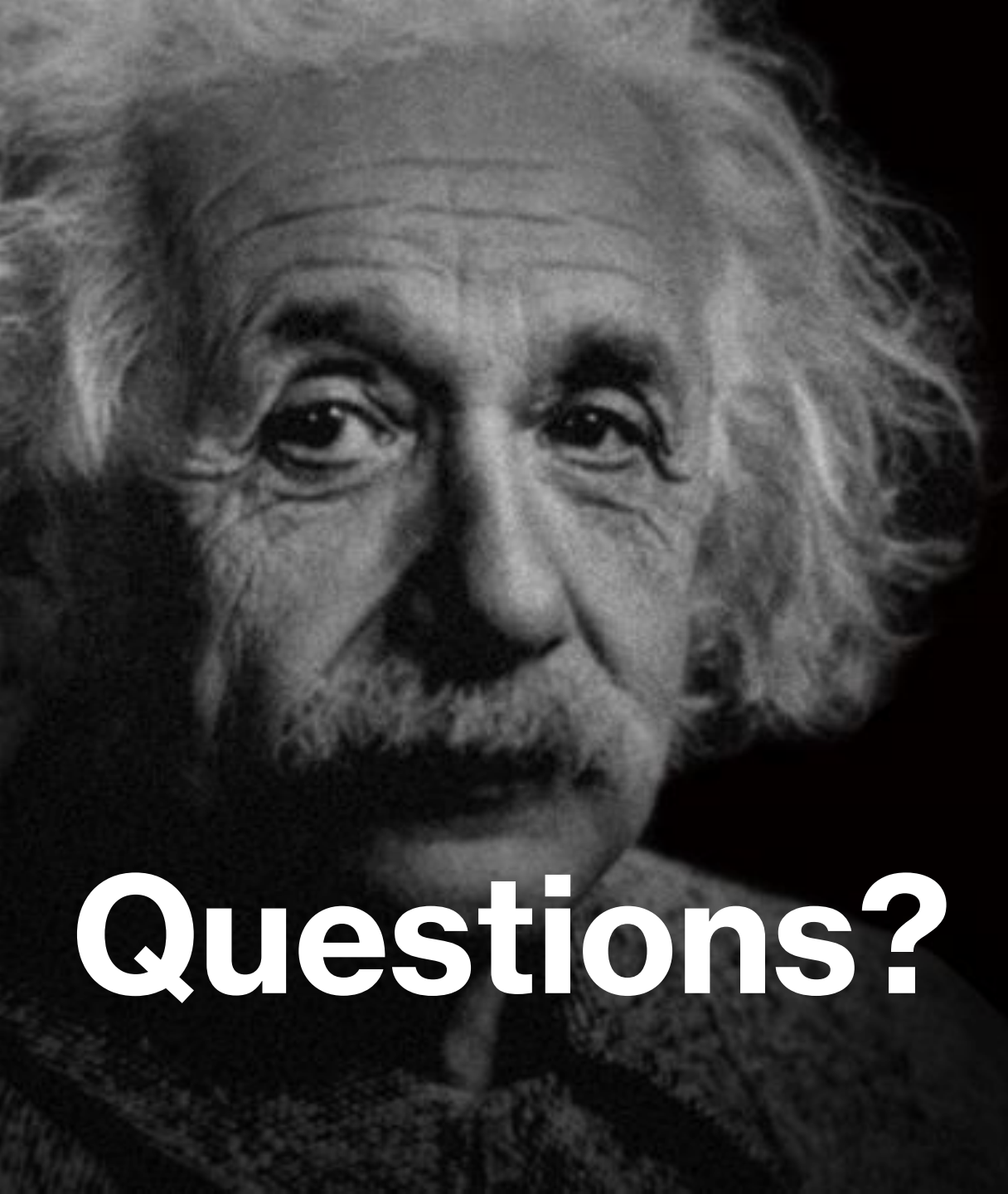


2022 Adopted Legislative District 49



New Residents
 Former Residents
 LEG_AMEND_FINAL
 Adopted 2022





Learn from yesterday,
live for today, hope for
tomorrow.

The important thing is
not to stop questioning.

Questions?

– Albert Einstein

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