



# INITIATIVE MEASURE 841

PROPOSED TO THE PEOPLE

## *Official Ballot Title:*

Initiative Measure No. 841 concerns the repeal and future limitation of ergonomics regulations.

This measure would repeal existing state ergonomics regulations and would direct the department of labor and industries not to adopt new ergonomics regulations unless a uniform federal standard is required.

Should this measure be enacted into law?

Yes [ ] No [ ]

**Note:** The ballot title and explanatory statement were written by the Attorney General as required by law. The Fiscal Impact Statement was written by the Office of Financial Management. The complete text of Initiative Measure 841 begins on page 11.



## *Fiscal Impact Statement*

If I-841, which repeals certain worker-safety rules, is enacted, the state insurance fund for injured workers could lose an expected savings of \$686 million over the next six years, and \$159 million annually thereafter. During the same period, state and local governments, as employers, could lose expected insurance and other savings of \$220 million, and \$51 million annually thereafter. Repeal of the rules also means governments could avoid paying \$119 million in compliance costs over six years, and \$21 million annually thereafter. Net loss to governments, as employers, could be \$101 million over six years, and \$30 million annually thereafter.

### **Assumptions Supporting Fiscal Impact Statement**

State law requires the state Office of Financial Management to assess the financial impacts of voter initiatives on state and local governments. Initiative 841 would affect the state insurance fund for injured workers, as well as the operating costs of state and local governments.

The state insurance fund for injured workers, also known as the State of Washington Industrial Insurance Fund, is funded by premiums paid by all Washington employers except those who are self-insured. People who are self-employed also do not contribute to the fund. State and local governments, as employers, can either pay premiums to the state fund or be self-insured.

The assumptions underlying the estimate of fiscal impacts are based on the Cost Benefit Analysis (CBA) of the Ergonomics Standard, published by the Washington State Department of Labor and Industries in May 2000. In addition, it is assumed that state and local governments' schedule and costs for implementing the ergonomics rules follow the same patterns as industries in the economy as a whole.

Based on the CBA, the ergonomics rules adopted by Washington State, once fully implemented, are expected to prevent 40 percent of work-related musculoskeletal disorders and 50 percent of the costs that otherwise could occur without the rules in place.

If Initiative 841 is approved by the voters, those ergonomic rules would be repealed and would affect state and local governments in two areas: the costs incurred by the state Industrial Insurance Fund for injured workers; and costs incurred by state and local governments as employers.

### **Effects on Industrial Insurance Fund**

If the ergonomic rules are repealed, it is assumed that lower rates of workplace musculoskeletal disorders would not take place and, as a result, expected savings for the Industrial Insurance Fund would not occur. Based on the CBA, the loss of savings would be \$686 million over the next six years and \$159 million a year thereafter.

### **Effects on State and Local Governments as Employers**

If the ergonomic rules are repealed, it is assumed that higher claim costs would result in higher insurance premiums paid by all employers, including state and local governments. Based on the CBA, the additional cost to state and local governments – including those that are self-insured – would be \$132 million over the next six years and \$31 million a year thereafter.

It also is assumed that without the rules, employers would incur other indirect costs due to worker absence, lost productivity, hiring, training and other related factors. Based on the CBA, it is assumed that the indirect costs for state and local governments would be \$88 million over the next six years and \$20 million a year thereafter.

At the same time, repeal of the rules would enable state and local governments to avoid the costs of compliance with the ergonomic rules. Based on the CBA, these costs are estimated to be \$119 million over the next six years and \$21 million per year thereafter.

Based on the CBA, passage of I-841 would result in a net loss for state and local governments of \$101 million over six years and \$30 million a year thereafter.





# INITIATIVE MEASURE 841

## *Explanatory Statement*

### **The law as it presently exists:**

The director of labor and industries has the authority to adopt rules governing safety and health standards for conditions of employment. Among the rules the director has adopted are “ergonomics rules” that address exposure to specific workplace hazards that the director has found can cause or aggravate work-related musculoskeletal disorders, such as tendinitis, carpal tunnel syndrome, and low back disorders. The rules apply to employers with jobs that have been identified as having a sufficient degree of risk to require ergonomics awareness education and job hazard analysis. These jobs have typical work activities that expose employees to risk factors such as prolonged awkward posture; highly repetitive motion; repeated impact; high hand force; moderate to high hand-arm vibration; or heavy, frequent or awkward lifting.

The rules require employers to provide “ergonomics awareness education” to employees working in or supervising jobs that are exposed to certain levels of these hazards within 30 days of beginning their jobs and at least once every three years after that. This education includes information relating to the causes, symptoms, consequences, and common measures taken to reduce work-related musculoskeletal disorders. Employers whose employees are exposed to specific levels of these risk factors must also analyze those jobs to determine whether they create a substantial risk of work-related injury. If so, employers must change the way in which the work is performed until jobs are below certain risk criteria, to the degree technologically and economically feasible.

The rules provide options that employers may use to analyze and reduce hazards of work-related musculoskeletal disorders. Employers who reasonably determine that they do not have jobs involving the listed risk factors are not covered by the rule.

The rules were adopted in 2000, but provide a timetable that phases in implementation. Depending on the type of industry and the size of the company involved, the rule requires implementation of the educational requirements by dates ranging from July 1, 2002, to July 1, 2005, and of the hazard reduction requirements by dates ranging from July 1, 2003, to July 1, 2006.

### **The effect of the proposed measure, if it becomes law:**

This measure would repeal the existing ergonomics rules, codified in the Washington Administrative Code as WAC 296-62-05101 through 296-62-05176. The initiative would further prohibit the director of the department of labor and industries from adopting any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar work activities as these rules being repealed, unless required by federal law or regulation.



## **Statement For Initiative Measure 841**

### **INITIATIVE 841 WILL PROTECT JOBS AND HELP OUR ECONOMY GROW**

Repealing the job-killing ergonomics regulations isn't about left or right. Republican or Democrat—it's about protecting jobs and growing our economy. That's why over 260,000 people signed the petition to put I-841 on the ballot and why I-841 is supported by a bi-partisan coalition of business leaders, small business owners and elected representatives. Find more information on our website at [www.yes841.com](http://www.yes841.com).

### **COSTLY ERGONOMICS REGULATIONS WILL DRIVE BUSINESSES AND JOBS OUT OF WASHINGTON STATE**

The ergonomics regulations will cost businesses over \$700 million a year, making Washington unattractive to new businesses, driving away existing businesses and putting people out of work. Even Governor Locke's Competitiveness Council questioned the cost and necessity of the regulations. The cost of these regulations will force businesses to move out of the state, lay-off employees and increase costs on everything we buy.

### **THE ERGONOMICS REGULATIONS ARE AN UNFAIR JOB-KILLER**

*The Seattle Times* editorialized the job-killing ergonomics regulations are "overreaching, vague and costly...Washington should follow the federal government in keeping ergonomics requirements voluntary." The regulations can shut down manufacturing assembly lines at any time, putting employees out of work and hurting our state's sluggish economy. Yet certain large, out-of-state corporations cut a deal and got an exemption from the regulations, while small, in-state businesses were unable to get the same exemption. That's unfair.

### **THE FEDERAL GOVERNMENT AND VIRTUALLY ALL OTHER STATES REJECTED SIMILARLY BURDENSOME, COSTLY ERGONOMICS REGULATIONS**

Washington is the only state in the nation with such restrictive ergonomics regulations. Congress voted to repeal the federal ergonomics regulations and virtually all other states have rejected these job-killing rules. Given our weak economy, Washington can't afford to be the only state with these costly regulations. Vote Yes on I-841.

For more information, call 1.800.228.4229.

### **Rebuttal of Statement Against**

The ergonomics regulations are an unnecessary job-killer. Ergonomic-related injuries have declined 28%—without burdensome regulations.

Preventing workplace injuries is good business. That's why businesses have voluntarily implemented ergonomics programs—tailored to meet their specific needs. Businesses have proven this approach works, but these one-size-fits-all ergonomics regulations carry no such guarantee.

Forty-eight states and Congress have rejected ergonomics regulations. They know good training and voluntary guidelines—not restrictive regulations—are the best ways to reduce injuries.

#### **Voters Pamphlet Argument Prepared by:**

RANDY GOLD, President, Building Industry Association of Washington; CAROLYN LOGUE, Washington State Director, National Federation of Independent Business; PATRICK BATTS, Administrative Vice President, Washington Farm Bureau; DON BRUNELL, President, Association of Washington Business; NANCY LARSEN, Director, Whatcom-Skagit Housing, low-income housing advocate; DOUG HENKEN, President, Washington Food Industry.

## **Statement Against Initiative Measure 841**

### **VOTE "NO" ON I-841 TO PROTECT SAFE JOBS!**

I-841 *repeals* an important workplace safety rule that prevents debilitating injuries.

Each year 50,000 Washington workers suffer preventable ergonomic-related injuries to their backs, joints, muscles and tendons. These painful, chronic and preventable injuries, such as carpal tunnel, account for almost half of all workers' compensation costs.

The price that injured workers pay is immeasurable. Whole families suffer when a worker becomes disabled.

### **PREVENTING INJURIES SAVES MONEY AND JOBS**

Our state's ergonomic safety rule is good business. It prevents injuries, lowers employers' costs and improves worker productivity. That's why many Washington businesses already have workplace ergonomic programs.

After 10 years of voluntary compliance, this safety rule is necessary because some employers refuse to address workplace hazards. It does not limit work hours or prohibit any work activities. It merely requires employers to do what is "economically feasible" to protect workers from known hazards.

### **EXPERTS AGREE: ERGONOMIC INJURY PREVENTION WORKS**

The National Academy of Sciences and the National Institute for Occupational Safety and Health have demonstrated ergonomic prevention works to reduce injuries.

The Governor's Blue Ribbon Panel, which included employer representatives, studied our state's ergonomic safety rule, and concluded it is fair and understandable. Our state legislature and courts have repeatedly backed the rule when it has been challenged.

### **SPECIAL-INTEREST BUSINESS LOBBYING GROUPS WANT TO KILL THIS IMPORTANT SAFETY RULE**

They have spent \$400,000 on paid signature gatherers to get I-841 on the ballot. They want to repeal an effective workplace safety rule, and stop the state from ever adopting another one.

Preventing workplace injuries is good business, and good common sense.

Vote *no* on I-841. Keep Washington jobs *safe!*

For more information, visit [www.no841.org](http://www.no841.org)

### **Rebuttal of Statement For**

Association of Washington Business President Don Brunell has written that ergonomic safety efforts "made sense, prevented injuries, cut down on workers comp costs and made the workplace better."

We agree. Preventing injuries *saves* money and jobs.

The corporate special interests financing I-841 avoid the words "safety" and "injuries." They don't want voters to know I-841 would make Washington jobs more dangerous by repealing an important safety rule.

Don't believe their lies and misinformation. Vote *no!*

#### **Voters Pamphlet Argument Prepared by:**

RICK S. BENDER, President, Washington State Labor Council, AFL-CIO; DR. MATTHEW C. KEIFER, M.P.H., Associate Professor, Occupational Medicine; JOANNA BOATMAN, R.N., President, Washington State Nurses Association; DR. TOM CAMPBELL, Republican State Representative, Doctor of Chiropractic; REV. JOHN BOONSTRA, Executive Director, Washington Association of Churches; ROGER BOATWRIGHT, Executive Secretary, Washington Building and Construction Trades Council.



## Complete Text of



## INITIATIVE MEASURE 841

AN ACT Relating to repealing state ergonomics regulations unless a uniform federal standard is required; adding new sections to chapter 49.17 RCW; and creating a new section.

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

NEW SECTION. **Sec. 1.** A new section is added to chapter 49.17 RCW to read as follows:

Washington must aid businesses in creating new jobs. Governor Locke's competitiveness council has identified repealing the state ergonomics regulations as a top priority for improving the business climate and creating jobs in Washington state. A broad coalition of democrats and republicans have introduced bills repeatedly to bring legislative oversight to this issue. This measure will repeal an expensive, unproven rule. This measure will aid in creating jobs and employing the people of Washington.

NEW SECTION. **Sec. 2.** A new section is added to chapter 49.17 RCW to read as follows:

For the purposes of this section, "state ergonomics regulations" are defined as the rules addressing musculoskeletal disorders, adopted on May 26, 2000, by the director of the department of labor and industries, and codified as WAC 296-62-05101 through 296-62-05176. The state ergonomics regulations, filed on May 26, 2000, by the director and codified as WAC 296-62-05101 through 296-62-05176 are repealed. The director shall not have the authority to adopt any new or amended rules dealing with musculoskeletal disorders, or that deal with the same or similar activities as these rules being repealed, until and to the extent required by congress or the federal occupational safety and health administration.

NEW SECTION. **Sec. 3.** The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION. **Sec. 4.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

### *Please Note...*

In the preceding and following text any language in double parentheses with a line through it is existing state law and will be taken out of the law if this measure is approved by voters. Any underlined language does not appear in current state law but will be added to the law if this measure is approved by voters. To obtain a copy of the text in larger print, call the Secretary of State's toll-free hotline at 1.800.448.4881.

## Complete Text of



## HOUSE JOINT RESOLUTION 4206

BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article II, section 15 of the Constitution of the state of Washington to read as follows:

Article II, section 15. Such vacancies as may occur in either house of the legislature or in any partisan county elective office shall be filled by appointment by the ~~((board of))~~ county ~~((commissioners))~~ legislative authority of the county in which the vacancy occurs: *Provided*, That the person appointed to fill the vacancy must be from the same legislative district, county, or county commissioner or council district and the same political party as the legislator or partisan county elective officer whose office has been vacated, and shall be one of three persons who shall be nominated by the county central committee of that party, and in case a majority of ~~((said))~~ the members of the county ~~((commissioners))~~ legislative authority do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district, county, or county commissioner or council district and of the same political party as the legislator or partisan county elective officer whose office has been vacated, and the person so appointed shall hold office until his or her successor is elected at the next general election, and ~~((shall have))~~ has qualified: *Provided*, That in case of a vacancy occurring after the general election in a year that the office appears on the ballot and before the start of the next term, the term of the successor who is of the same party as the incumbent may commence once he or she has qualified and shall continue through the term for which he or she was elected. *Provided*, That in case of a vacancy occurring in the office of joint senator, or joint representative, the vacancy shall be filled from a list of three nominees selected by the state central committee, by appointment by the joint action of the boards of county ~~((commissioners))~~ legislative authorities of the counties composing the joint senatorial or joint representative district, the person appointed to fill the vacancy must be from the same legislative district and of the same political party as the legislator whose office has been vacated, and in case a majority of ~~((said))~~ the members of the county ~~((commissioners))~~ legislative authority do not agree upon the appointment within sixty days after the vacancy occurs, the governor shall within thirty days thereafter, and from the list of nominees provided for herein, appoint a person who shall be from the same legislative district and of the same political party as the legislator whose office has been vacated.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.