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STATE OF WASHINGTON
DEPARTMENT OF LABOR AND INDUSTRIES WA STATE BOARD OF HEALTH

Division of Occupational Safety and Health

P.O. Box 44600 • Olympia, Washington 98504-4600

June 13, 2008

Craig McLaughlin
Executive Director
Washington State Board of Health
P.O. Box 47990
Olympia, WA 98504-7990

RE: Board of Health Rulemaking for School Safety and Health

Dear Craig:

This letter is in response to your request that the Department of Labor & Industries (L&I) provide a written explanation of our authority for workplace safety and health issues affecting school faculty and employees.

Under the Washington Industrial Safety and Health Act (WISHA), adopted in 1973 in accordance with section 18 of the Federal Occupational Safety and Health Act (OSHA), OSHA delegated exclusive jurisdiction for employee workplace safety and health issues to L&I (RCW 49.17.270). WISHA applies to employment performed in any work place within Washington (RCW 49.17.030). WISHA rules must be at least as effective as the Federal OSHA equivalent.

With respect to the current Board of Health rulemaking on environmental health and safety standards for school facilities, we believe it is important for the Board of Health to recognize L&I's jurisdiction related to faculty and school employee safety and health. Further, should a faculty member or school employee bring issues of employee safety or health to our attention, L&I would consider whether any WISHA safety or health regulations had been violated; we would not apply or attempt to implement rules adopted by the Board of Health.

To clarify L&I's authority over worker safety and health, we suggest the following addition (i.e. underlined text) to your proposed WAC 246-366A-001, Introduction and purpose: "These rules establish minimum environmental health and safety standards for school facilities and are intended to promote a health and safety environment in school facilities. These rules are not intended to replace or supersede the Department of Labor & Industries' authority and jurisdiction over employee safety and health."



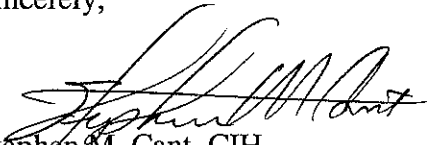
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If you have any questions, please feel free to contact me at by phone at (360) 902-9166,
or e-mail at cant235@Lni.wa.gov

Sincerely,



Stephen M. Cant, CIH

Assistant Director

Division of Occupational Safety and Health

cc: Mary Selecky, Secretary of Health, DOH
Bill White, Deputy Secretary, DOH
Judy Schurke, Director, L&I