

# Worker and Community Right to Know Program



## What is the Worker and Community Right to Know Program?

In 1984, the Legislature passed the Worker and Community Right to Know Act (RTK), which required the state to establish a comprehensive program for disclosing information about hazardous substances in the workplace and the community.

The program provides a process for residents to obtain information that impacts communities. It is funded through fee assessments to employers.

The program is jointly managed by Department of Labor & Industries (L&I) and Department of Ecology (DOE).

## What are the collected fees used for?

The collected fees support the RTK Program and provide:

- Free safety and health assistance to employers to help determine if hazardous chemicals are present in the workplace and to help employers set up a Hazard Communication Program.
- Free educational guidelines, brochures and other materials related to state regulations and information on hazardous substances in the workplace and community.
- Free translations of Hazard Communication Programs, Safety Data Sheets, and other related information into languages other than English.

## How is the fee assessment calculated?

Employers are charged \$2.50 per each full-time equivalent (FTE) employee. L&I computes an employer's number of FTEs by totaling all full-time, part-time and temporary worker hours reported on industrial insurance from the previous calendar year, then dividing by 2,080 and rounding up to the nearest whole number. A partial FTE is counted as one. Billing occurs each July.

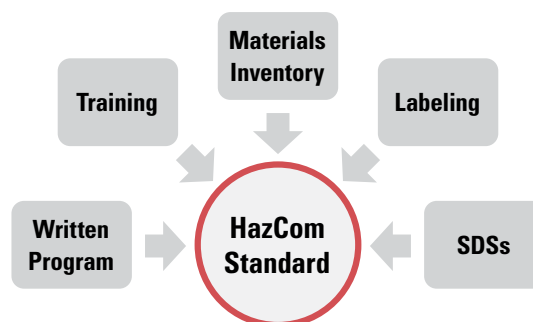
## Who pays fees?

- Fees are assessed to employers reporting 10,400 or more worker hours from the previous calendar year, and are in industries that are classified by the current industry classification system used by the bureau of labor statistics. WAC 296-63-005.
- The industries typically have or use chemical products that are hazardous and may create a potential exposure to employees.

## What chemicals are considered hazardous?

Hazardous chemicals include any material that poses either a health and/or physical hazard, such as chemicals either ingested, inhaled, and/or absorbed that could cause damage to living tissue, organs, nervous system, blood system, cause an allergic reaction and/or temporary inflammation, and/or material that is considered flammable, a combustible liquid, compressed gas, an explosive, an organic peroxide, an oxidizer, pyrophoric, and/or unstable (reactive) or water reactive.

OSHA's Hazard Communication standard, also known as the "Right to Know Law," is designed to ensure that vital information about chemical hazards and protective measures is passed along to workers who may come in contact with or handle these types of chemicals.



## Does a complete list of hazardous substances exist?

No. However, there are several sources that list hazardous substances or criteria for determining whether chemicals are hazardous. These include the general occupational health standards (Chapter 296-62 WAC); Pre-GHS, Employer Chemical Hazard Communication (WAC 296-800-170); Permissible exposure limits (PELs) – Airborne Contaminants (WAC 296-841-20025); OSHA Guidance for Hazard Determination ([www.OSHA.gov/dsg/hazcom/ghd053107.html](http://www.OSHA.gov/dsg/hazcom/ghd053107.html)); and the latest edition of the ACGIH Threshold Limit Values Handbook, available online at [www.acgih.org](http://www.acgih.org).

**Note:** Key words on container labels, such as “CAUTION,” “WARNING,” or “DANGER” are strong indications that the chemical is hazardous.

## Can an employer apply for an exemption?

Employers may apply for exemptions when they do not have hazardous chemicals at their work site. Employers must pay the RTK fee assessment until the exemption has been approved to avoid penalties from being assessed.

### Each request for exemption must be in writing and contain the following information:

- Firm name and employer identification number;
- Complete mailing address;
- Complete location (such as street) address;
- A certified statement in the form required by RCW 9A.72.085 that a hazardous chemical survey of the employer’s premises has been completed by a qualified person, the identity and qualifications of the person completing the survey, and that no hazardous chemicals as defined by WAC 296-901-140 are present at the workplace.

### Send exemption requests to:

Department of Labor & Industries  
Right-to-Know Program  
PO Box 44699  
Olympia WA 98504-4620

The department may schedule an on-site inspection to determine the validity of the exemption request. This will be completed by a DOSH Consultation Industrial Hygienist.

**Please note:** An employer may appeal the fee assessment or penalties in accordance with RCW 49.70.170(4). Appeals must be received by L&I within the first 60 days of the original due date.

## How do employers ensure quick and accurate payment?

Send the tear-off portion of the billing invoice along with your payment in the return envelope. Please remember to include your account number on your check. You may also pay in person at any L&I service location that we have across the state. Find the nearest L&I office location online at [www.Lni.wa.gov/Offices](http://www.Lni.wa.gov/Offices). You may also pay online at [www.Lni.wa.gov/Agency/Pay-A-Balance-Due](http://www.Lni.wa.gov/Agency/Pay-A-Balance-Due). You can also scan the QR code below to pay online.



<https://secure.Lni.wa.gov/payabalancedue>

## What is the penalty for non-payment?

- If payment is received late, a 5% (minimum \$10) penalty is added to the assessment.
- If 30 days past the original due date, another 5% (minimum \$10) penalty is added.
- If 60 days past the original due date, a 10% (minimum \$10) penalty is added.
- RCW 49.70.177 requires, If a warrant is issued by the department for the collection of fees, penalties, and interest, there shall be an additional penalty of five percent of the amount of the fee, but not less than five dollars nor more than one hundred dollars.
- Failure to pay the full amount due can result in assessment of interest charges, a lien or attachment against your real or personal property.

## Other resources

For additional questions, call L&I’s Division of Occupational Safety and Health (DOSHS) RTK Program at 360-902-6375.

On the web: Visit [www.Lni.wa.gov/safety-health/safety-rules/rules-by-chapter/?chapter=63](http://www.Lni.wa.gov/safety-health/safety-rules/rules-by-chapter/?chapter=63).

Scanning the QR code below will bring you to our website where you can learn more.



[www.Lni.wa.gov/RightToKnowFee](http://www.Lni.wa.gov/RightToKnowFee)

*Upon request, foreign language support and formats for persons with disabilities are available. Call 1-800-547-8367. TDD users, call 711. L&I is an equal opportunity employer.*