



Stakeholder Meeting Summary-Moses Lake

October 29, 2024

Chapter 296-155 WAC
Safety standards for construction work
Part B-1, Occupational Health and Environmental Control

Department of Labor & Industries (L&I), Division of Occupational Safety and Health (DOSH)
Standards and Technical Staff present:

DOSH Occupational Safety and Health Specialist
DOSH Technical Services Safety Program Manager
DOSH Policy Stakeholder Engagement Advisor
DOSH Administrative Regulations Analyst

Organizations represented:

Washington and Northern Idaho District Council of Laborers

Summary:

Meeting called to order at 10:00 a.m.

Discussion: DOSH staff welcomed attendees and provided a safety tip.

DOSH staff shared with attendees the purpose of this rulemaking is to align the standard with Engrossed House Bill (EHB) 2266 (Chapter 258, Laws of 2024), codified under RCW 49.17.530, which became effective June 6, 2024.

DOSH staff provided an overview of the legislation. EHB 2266 requires employers in the construction industry to provide workers performing construction activities and who menstruate or express milk the following:

- Access to an adequate portable toilet or restrooms, accessible on the worksite, or access to a permanent structure with a restroom/bathroom. Requirements include:
 - Minimum size bathroom-equivalent to a standard sized portable chemical toilet;
 - Internal latch (lock) to prevent inadvertent entry; and
 - Adequate time to accommodate for multiple layers of clothing while using the bathroom.
- Adequate and convenient supply of menstrual hygiene products at no cost to employees:
 - Products must be located in all gender-neutral bathrooms and bathrooms designated for workers who menstruate, or
 - Provided in kits for each worker who needs such product.
- Reasonable accommodations to express milk after the child's birth each time such employee has need to express to include:
 - Flexible scheduling, including breaks;
 - Private dedicated space, other than a bathroom, lockable (if possible) and free from intrusion;
 - Convenient hygienic refrigeration on the worksite for the storage of milk;

- Convenient water source in a private location near the location where milk is expressed for the worker to clean and wash hands and milk expression equipment.

EHB 2266 requires L&I's rules identify minimum reasonable accommodations for expressing milk that include alternatives for worksites of varying numbers of employees.

The law requires L&I to partner with relevant labor organizations and the Office of Minority and Women's Business Enterprises to develop educational materials, and perform outreach to educate employers regarding new employer responsibilities under the law.

DOSH staff provided an overview of the draft language, and the following supplemental materials:

- Reference Guide and Frequently Asked Questions, English and Spanish (L&I)
- House to Keep Your Breast Pump Kit Clean, English and Spanish (Centers for Disease Control and Prevention [CDC])
- Storage and Preparation of Breast Milk, English and Spanish (CDC)

Questions and answer session:

Question/comment: The attendee asked if the new language affects the exemptions for mobile crews and bathroom requirements in WAC 296-155-140(4)(f).

Reference: WAC 296-155-140(4)(f) which reads:

The requirements of this subsection do not apply to mobile crews or to normally unattended work locations as long as employees working at these locations have transportation immediately available, within the normal course of their duties, to nearby facilities otherwise meeting the requirements of this section.

DOSH Response: As currently written, the draft language does not include an exemption for mobile crews.

Question/comment: Overall, the attendee supported the draft language. The attendee did not feel the language required further specificity, for example, on types or quantities of menstrual hygiene products.

Following the presentation of draft language, meeting materials and Q&A session, DOSH staff provided a review of the rulemaking timeline and next steps.

Meeting concluded at 10:53 a.m.