



## **NEWS RELEASE**

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FOR IMMEDIATE RELEASE

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### **Governor Defends L&I's Incompetence**

- **Paves the way for controversial "heat stress" rule to go into effect next week**

OLYMPIA—Today, Governor Gregoire defended the ineptitude of bureaucrats at the state Department of Labor & Industries (L&I) and offered her support for the controversial emergency "heat stress" rule which goes into effect next week.

In response to a petition filed last week by BIAW, four legislators and five other business groups seeking immediate repeal of the emergency rule, Gregoire rejected the business community's plea and upheld L&I's heat stress rule. In her response, Gregoire supports L&I's weak justification for adopting emergency heat stress requirements—blindly siding with organized labor and big government over the state's business interests.

Businesses and legislators told Gregoire the new rule unnecessarily adds a layer of bureaucratic traps to an existing, common-sense rule that requires employers to maintain an adequate water supply for all workers employed in an outdoor environment. Businesses also questioned L&I's adoption of the rule using "emergency" rulemaking procedures, which allows L&I to bypass public hearings and the small business economic impact statement required for all non-emergency rules.

"Every year summer comes at the same time, and for the past 118 summers Washington State has had no 'emergency' heat stress rule," said BIAW Human Resources Analyst Amy Brackenbury. "If an emergency really existed it follows that L&I would, before the commencement of summer, adopt a heat stress rule," she added. "But that, of course, would mean L&I would have to hold public hearings and issue an economic impact statement—so either the bureaucrats running L&I are incompetent, or they are abusing their emergency rulemaking power."

L&I's emergency heat stress rule will require employers to provide one quart of water per worker per hour at every outdoor jobsite. Employers will be required to train workers and supervisors about personal risk factors associated with heat-related illness, and to provide shade canopies, air conditioned areas or other methods of reducing employees' body temperature, should any worker experience heat stress.

Despite the fact thousands of businesses are going to be surprised next Monday when L&I inspectors ask to see their "cooling stations," Gregoire contends "all stakeholders and the regulated employers have had ample notice of the Heat Stress Rule."

(more)

**BIAW**

**L&I: Incompetence or Abuse of Power?**

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The Building Industry Association of Washington, the National Federation of Independent Business, the Washington Farm Bureau, the Associated Builders & Contractors of Western Washington, the Washington Association of Landscape Professionals and the Washington Contract Loggers Association, along with State Senators Jim Honeyford, Mark Schoesler, Jim Clements and Representative Joel Kretz filed the petition to the Governor requesting an immediate repeal of the rule.

BIAW will file a lawsuit challenging L&I's bogus heat stress rule as soon as the agency issues the first citation to a business accused of not complying.

**Known as the "voice of the housing industry," the Building Industry Association of Washington is the largest trade association in Washington State, representing over 350,000 families and 12,700 member companies involved in the homebuilding business.**