

# EDITOR'S PREFACE\*

## WISHA's Twentieth Anniversary (1973-1993)

Washington State has a long history of concern for employee safety and health. The state's constitution directs the state legislature to "pass necessary laws for the protection of persons . . . working in . . . employments dangerous to life or deleterious to health."<sup>1</sup> The Washington Department of Labor and Industries has had a safety division since 1922.

Washington's long-standing concerns lead the state to enact the Washington Industrial Safety and Health Act of 1973 (WISHA),<sup>2</sup> becoming one of the first states to operate its own safety and health program independent of the federal Occupational Safety and Health Act of 1970 (OSH Act).<sup>3</sup>

Since the adoption of WISHA, Washington continues to be at the forefront of employee safety and health. For example, current proposals to reform the OSH Act<sup>4</sup> are modeled, in part, after Washington programs that have been law since 1945. Additionally, on Tuesday, March 15, 1994, Washington became the first state to ban smoking in all office buildings, both public and private.<sup>5</sup>

The *University of Puget Sound Law Review* has dedicated this issue to provide a brief overview of WISHA on its twentieth anniversary and to address a few of the issues that practitioners presently face and may face in the future. In this issue,

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1. WASH. CONST. art. II, § 35.

2. Washington Industrial Safety and Health Act, ch. 80, 1973 Wash. Laws 212 (codified as amended at WASH. REV. CODE § 49.17 (1992)).

3. Occupational Safety and Health Act of 1970, Pub. L. No. 91-596, 84 Stat. 1590 (codified at 29 U.S.C. §§ 651-678 (1988)).

4. H.R. 1280, 103d Cong., 1st Sess. (1993).

5. Rebecca Boren, *State Bans Smoking in All Offices*, SEATTLE POST-INTELLIGENCER, Mar. 16, 1994, at A1.

Mark Brown provides an overview of the Department of Labor and Industries and previews the future of employee safety and health in Washington. Alan Paja gives a detailed description of WISHA and its regulatory structure. Steven Paskal describes the causes of action available in Washington when workplace hazards contribute to adverse reproductive outcomes.

The employee's perspective on job site safety duties and employer liability before and after the Washington Supreme Court's decision in *Stute v. P.B.M.C., Inc.*<sup>6</sup> is provided by Stephen L. Bulzomi and John Messina. The job site owner's perspective is presented in the first student comment. Finally, the appendix provides the full text of the most recent draft of the WISHA regional directive that summarizes the work of the *Stute* Task Force regarding contractor responsibility for safety and health under *Stute*.

The *University of Puget Sound Law Review* would like to thank the authors who made this symposium issue possible. We hope that the articles in this symposium issue will provide practitioners and courts with valuable guidance as to WISHA's requirements and to the issues that must be addressed over the next twenty years.

*Gregory J. Duff*  
*Editor in Chief*

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6. 114 Wash. 2d 454, 788 P.2d 545 (1990).