

Worker and Community Right to Know Program



What is the Worker and Community Right to Know Program?

In 1986, 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:

- Safety and health professionals who assist employers in their workplaces at no additional charge. Assistance may include assessing a workplace for hazards and developing required hazard communication programs.
- Toll-free telephone numbers for requests and information. Call L&I RTK Program at 360-902-6375.
- Educational guidelines, brochures and other materials related to state regulations and information on hazardous substances in the workplace and community.
- Foreign-language translations of information and publications.

Who pays fees?

Fees are assessed to industries reporting 10,400 or more worker hours from the previous calendar year that fall under the following major industries:

- Agriculture and forestry;
- Mining, construction, manufacturing, including food manufacturing, transportation, communications, electric, gas, and sanitary services;
- Automotive repair services and garages, miscellaneous repair services, health services, and educational services.

These industries typically have or use chemical products that are hazardous and may create a potential exposure to employees.

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.

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.

Examples	
Acids	Insecticides
Adhesives	Janitorial Supplies
Battery Fluids	Lacquers
Caustics	Motor Oil
Cleaning Agents	Office Copier Chemicals
Degreasing Agents	Paints
Detergents	Pesticides
Flammables	Shellac
Foaming Resins	Solvents
Fuels	Varnishes
Fungicides	Water Treatment Chemicals
Herbicides	Wood Preservatives

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

Note: This is not a complete list. It is intended to merely help employers understand what types of chemicals are hazardous.

Can an employer apply for an exemption?

Employers may apply for exemptions when they do not use hazardous chemicals at their work site, or they can demonstrate that workplace exposure is the same as normal consumer use, i.e., when the duration and frequency of exposure to employees is not greater than exposures experienced by consumers.

- An example of consumer use is when employees occasionally use an abrasive cleanser to clean the lunchroom sink.
- An example of workplace exposure is daily use by janitorial staff of an abrasive cleanser.

- Another common exemption is when employees replace toner cartridges in office copy machines. The toner chemical is enclosed within the cartridge, so there is no exposure.

Please note: Exemption requests must be received by L&I within the first **60 days** of the original due date. **Employers must pay the RTK fee assessment until the exemption has been approved to avoid penalties from being assessed.** Your payment will be refunded if the exemption is approved.

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

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 a local L&I office. 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. You may also pay online at www.Lni.wa.gov/Agency/Pay-A-Balance-Due.

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.
- 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 (DOSH) RTK Program at 360-902-6375.

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