



**PROPOSED RULE MAKING
(RCW 34.05.320)**

**CR-102 (7/22/01)
Do NOT use for expedited
rule making**

Agency: Department of Labor and Industries	<input checked="" type="checkbox"/> Original Notice <input type="checkbox"/> Supplemental Notice to WSR _____ <input type="checkbox"/> Continuance of WSR _____
<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed on May 6, 2003 as WSR <u>03-10-064</u> ; or <input type="checkbox"/> Expedited Rule Making -- Proposed notice was filed as WSR _____; or <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	

(a) Title of rule: Chapter 296-803 WAC, Lockout/Tagout (Control of Hazardous Energy).
 Purpose: The department is rewriting and clarifying requirements relating to lockout/tagout (control of hazardous energy). This will make the lockout/tagout requirements easy to read and understand, making them more useful for employers and employees. This proposal will move the lockout/tagout requirements from chapter 296-24 WAC, General Safety and Health Standards, to a new chapter, chapter 296-803 WAC, Lockout/Tagout (Control of Hazardous Energy). **See Attachment (a).**
 Other identifying information: **See Attachment (a)**

(b) Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060	Statute being implemented: Chapter 49.17 RCW
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(c) Summary: The department is rewriting and clarifying requirements relating to lockout/tagout (control of hazardous energy). This will make the lockout/tagout requirements easy to read and understand, making them more useful for employers and employees. This proposal will move the lockout/tagout requirements from chapter 296-24 WAC, General Safety and Health Standards, to a new chapter, chapter 296-803 WAC, Lockout/Tagout (Control of Hazardous Energy). **See Attachment (a).**
 Reasons supporting proposal: **See Attachment (a).**

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting..... Tracy Spencer	Tumwater	360-902-5530
2. Implementation.... Michael A. Silverstein	Tumwater	360-902-5495
3. Enforcement..... Michael A. Silverstein	Tumwater	360-902-5495

(e) Name of proponent (person or organization): Department of Labor and Industries

Private
 Public
 Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement and fiscal matters:
 None.

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

(h) HEARING LOCATION: Department of Labor & Industries Auditorium 7273 Linderson Way Southwest Tumwater, Washington Date: March 23, 2004 Time: 1:30 p.m. Assistance for persons with disabilities: Contact Sally Elliott by March 19, 2004 At (360) 902-5484 or yours235@lni.wa.gov	Submit written comments to: Beverly Clark, Administrative Regulations Analyst WISHA Services Division Post Office Box 44620 Olympia, Washington 98506-4620 E-Mail: clah235@lni.wa.gov Fax: (360) 902-5516 By March 26, 2004 DATE OF INTENDED ADOPTION: June 1, 2004 <div style="background-color: #cccccc; padding: 10px; text-align: center;"> CODE REVISER USE ONLY WSR # 04-03-085 </div>
NAME (TYPE OR PRINT) Paul Trause	
SIGNATURE	
TITLE Director	DATE January 20, 2004

(j) Short explanation of rule, its purpose, and anticipated effects:

The lockout/tagout rules, in chapter 296-24 WAC, General Safety and Health Standards, contain requirements for controlling hazardous energy. These requirements will be rewritten and moved into chapter 296-803 WAC, Lockout/Tagout (Control of Hazardous Energy). There are no anticipated effects of this rulemaking.

Does proposal change existing rules? YES NO If yes, describe changes:

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes.

No. Explain why no statement was prepared

A number of criteria and exemptions were established by the SBEIS analysis. One key criteria that allows rule changes to be exempt from preparation of an SBEIS is presented in RCW 34.05.310(4)(d): "rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect" are not subject to the SBEIS requirements. Because the proposed rule changes make clarifying and organizational changes for ease of understanding and use, but do not in any way alter the content of the original rules, there should not be an economical impact on Washington State business.

The analysis of the rule reveals that in addition to not imposing new costs on businesses, these revisions will actually make WISHA rules easier for employers and employees to understand and use, and thus actually save them time.

(l) Does RCW 34.05.328 apply to this rule adoption? Yes No

Please explain: Significant rule-making criteria does not apply to the rule amendments because the changes simply clarify the language of the rule without changing its effect.

(a) Purpose:

AMENDED SECTIONS:

- WAC 296-24-975 Selection and use of work practices.
 - Updating references.
- WAC 296-45-175 Hazardous energy control (lockout/tagout)
 - Updating references.
- WAC 296-54-57310 Logging machines – Chipping in woods locations.
 - Updating references.
- WAC 296-79-220 Deactivating and lockout requirements.
 - Updating references.
- WAC 296-155-429 Lockout and tagging of circuits.
 - Updating references.

NEW SECTIONS:

- WAC 296-803-100 Scope.
- WAC 296-803-200 Summary.
- WAC 296-803-20005 Establish a written energy control program.
- WAC 296-803-300 Summary.
- WAC 296-803-30005 Make sure new or modified machines and equipment can accept lockout devices.
- WAC 296-803-400 Summary.
- WAC 296-803-40005 Provide appropriate means to control energy.
- WAC 296-803-40010 Make sure lockout and tagout devices meet these requirements.
- WAC 296-803-40015 Make sure lockout devices meet these additional requirements.
- WAC 296-803-40020 Make sure tagout devices meet these additional requirements.
- WAC 296-803-500 Summary.
- WAC 296-803-50005 Use energy control procedures.
- WAC 296-803-50010 Meet these requirements when applying lockout or tagout devices.
- WAC 296-803-50015 Meet these additional requirements when applying lockout devices.
- WAC 296-803-50020 Meet these additional requirements when applying tagout devices.
- WAC 296-803-50025 Protect employees from the hazards of stored and residual energy.
- WAC 296-803-50030 Verify that the machine or equipment is safe before starting work.
- WAC 296-803-50035 Meet these requirements when removing lockout or tagout devices and energizing the machine or equipment.
- WAC 296-803-50040 Meet these requirements if it's necessary to temporarily energize a machine, equipment, or component for testing or positioning.
- WAC 296-803-50045 Protect employees during shift or personnel changes.
- WAC 296-803-50050 Protect employees working in a group.
- WAC 296-803-50055 Meet these additional requirements if more than one group is used.
- WAC 296-803-50060 Coordinate with outside employers servicing or maintaining your machines or equipment.
- WAC 296-803-600 Summary.
- WAC 296-803-60005 Provide and document employee training on the energy control program.
- WAC 296-803-60010 Provide additional training if you use tagout devices.
- WAC 296-803-60015 Retrain employees when necessary.

CR 102 RULE-MAKING ORDER (RCW 34.05.320)

Department of Labor and Industries

WISHA Services Division

CR-102 Filing Date: January 20, 2004

Hearing Date: March 23, 2004

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Attachment (a)
(Purpose Statement)

WAC 296-803-700	Summary.
WAC 296-803-70005	Perform and document periodic reviews to verify employees know and follow the energy control procedures.
WAC 296-803-70010	Do periodic reviews of procedures using lockout devices.
WAC 296-803-70015	Do periodic reviews of procedures using tagout devices.
WAC 296-803-800	Definitions.

REPEALED SECTIONS:

WAC 296-24-110	The control of hazardous energy (lockout/tagout).
WAC 296-24-11001	Scope, application, and purpose.
WAC 296-24-11003	Definitions applicable to this part.
WAC 296-24-11005	General.
WAC 296-24-11007	Application of control.
WAC 296-24-11009	Release from lockout or tagout.
WAC 296-24-11011	Additional requirements.
WAC 296-24-11013	Reserved.
WAC 296-24-11015	Reserved.
WAC 296-24-11017	Reserved.
WAC 296-24-119	Appendices.