



# RULE-MAKING ORDER

**CR-103 (June 2004)**  
(Implements RCW 34.05.360)

Agency: Department of Labor and Industries

- Permanent Rule
- Emergency Rule

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) November 1, 2004 (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** The Lockout / Tagout (Control of Hazardous Energy) rule, Chapter 296-803 WAC, has been rewritten and reorganized for clarity and ease of use for the employer and employees and the updating of references. The rules currently in Chapter 296-24 WAC, General Safety and Health Standards, Part A-4, safety procedures for the control of hazardous energy (lockout/tagout) will be repealed with the adoption of chapter 296-803 WAC.

**Citation of existing rules affected by this order:**

Repealed: See attachment (3)  
 Amended: See attachment (3)  
 Suspended: None

**Statutory authority for adoption:** RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060

**Other authority :** None.

**PERMANENT RULE ONLY (Including Expedited Rule Making)**

Adopted under notice filed as WSR 04-03-102 on January 20, 2004.

Describe any changes other than editing from proposed to adopted version: See attachment 5.1.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting: na

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

**Date adopted:** July 20, 2004

**CODE REVISER USE ONLY**

WSR#04-15-105

**NAME (TYPE OR PRINT)**

Paul Trause

**SIGNATURE**

**TITLE**

Director

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	<u>32</u>	Amended	<u>5</u>	Repealed	<u>11</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>32</u>	Amended	<u>5</u>	Repealed	<u>11</u>
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	<u>32</u>	Amended	<u>5</u>	Repealed	<u>11</u>

**(3) Citation of existing rules affected by this order:**

**AMENDED SECTIONS:**

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

**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

**(5.1) Describe any changes other than editing from proposed to adopted version:**

**WAC 296-803-100 Scope.**

- Corrected WAC titles and changed the word “part” to “chapter”.

**WAC 296-803-400 Summary.**

- Revised the your responsibility statement for the summary.

**WAC 296-803-50030 Verify that the machine or equipment is safe before starting work.**

- Deleted the note.

**WAC 296-803-50035 Meet these requirements when removing lockout or tagout devices and energizing the machine or equipment.**

- Moved “check that employees in the area are in positions that make it safe to energize the machine or equipment” up under the first bullet.

**WAC 296-803-800 Definitions.**

- Revised the definition for affected employee.
- Added definitions for Employer and You.