



**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 checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 03-20-080 | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Expedited Rule Making -- Proposed notice was filed as WSR _____; or    | <input type="checkbox"/> Continuance of WSR _____         |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).                             |                                                           |

(a) Title of rule: Chapter 296-829 WAC, Helicopters Used as Lifting Machines, Chapter 296-24 WAC, General Safety and Health Standards. and Chapter 296-155 WAC. Safety Standards for Construction Workers  
 Purpose: The helicopter rules in chapter 296-24 WAC, General Safety and Health Standard, and chapter 296-155 WAC, Safety Standards for Construction Workers, are being rewritten and reorganized for clarity and ease of use for employers and employees. The two sections will become one rule and will be placed into a new chapter, 296-829 WAC, and repealed from chapter 296-24 WAC and chapter 296-155 WAC. This rulemaking is part of our clear rule writing initiative to rewrite for clarity all of the safety and health rules. See Attachment (a).  
 Other identifying information: None.

(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

(c) Summary: The helicopter rules in chapter 296-24 WAC, General Safety and Health Standard, and chapter 296-155 WAC, Safety Standards for Construction Workers, are being rewritten and reorganized for clarity and ease of use for employers and employees. The rules will be placed into a new chapter, 296-829 WAC, and repealed from chapter 296-24 WAC and chapter 296-155 WAC. This rulemaking is part of our clear rule writing initiative to rewrite for clarity all of the safety and health rules. 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 & 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:      Citation:

|                         |                              |                                        |
|-------------------------|------------------------------|----------------------------------------|
| 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:  
 Date: February 24, 2004      Time: 1:30 p.m.  
 Department of Labor & Industries  
 7273 Linderson Way Southwest, Room S117 and S118  
 Tumwater, Washington

Submit written comments to:  
 Sally Elliott, Administrative Regulations Analyst  
 WISHA Services Division  
 Post Office Box 44620  
 Olympia, Washington 98504-4620  
 E-mail: [yous235@lni.wa.gov](mailto:yous235@lni.wa.gov)  
 FAX (360) 902-5484      By March 4, 2004

DATE OF INTENDED ADOPTION: April 1, 2004

Assistance for persons with disabilities: Contact  
 (360) 902-5484 or [yous235@lni.wa.gov](mailto:yous235@lni.wa.gov) by February 17, 2004

|                                            |                        |
|--------------------------------------------|------------------------|
| NAME (TYPE OR PRINT)<br><b>Paul Trause</b> | <b>WSR # 04-01-157</b> |
| SIGNATURE                                  |                        |
| TITLE<br><b>Director</b>                   |                        |
| DATE<br>December 22, 2003                  |                        |

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

Chapter 296-829 WAC, Helicopters Used as Lifting Machines, will contain all the rules relating to helicopters. Employers and employees will have one easy to use book for all of the helicopter requirements. There are no anticipated effects to this rulemaking.

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

The helicopter rules in chapter 296-24 WAC, General Safety and Health Standard, and chapter 296-155 WAC, Safety Standards for Construction Workers, are being rewritten and reorganized for clarity and ease of use for employers and employees. The proposal does not change the requirements relating to helicopters.

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

Yes.

No. Explain why no statement was prepared

The helicopter rules in chapter 296-24 WAC, General Safety and Health Standard, and chapter 296-155 WAC, Safety Standards for Construction Workers, were rewritten and reorganized for clarity and ease of use for employers and employees without changing its effect. Therefore, a small business economic impact statement is not required per RCW 34.05.310(4)(d).

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

Please explain: This rule is exempt under RCW 34.05.328(5)(b) since it only corrects typographical errors and clarifies language without changing its effect. The proposal does not increase requirements.

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**New Sections**

|                   |                                                      |
|-------------------|------------------------------------------------------|
| WAC 296-829-100   | Introduction                                         |
| WAC 296-829-200   | Design and installation requirements for helicopters |
| WAC 296-829-20005 | Follow Federal Aviation Administration requirements  |
| WAC 296-829-20010 | Install and test hooks correctly                     |
| WAC 296-829-300   | Maintenance of helicopters                           |
| WAC 296-829-30005 | Keep landing and deposit areas safe                  |
| WAC 296-829-30010 | Follow safe refueling procedures                     |
| WAC 296-829-400   | Operating the helicopter                             |
| WAC 296-829-40005 | Hold daily briefings                                 |
| WAC 296-829-40010 | Make sure employees are dressed correctly            |
| WAC 296-829-40015 | Make sure loads are attached correctly               |
| WAC 296-829-40020 | Make sure the load is handled correctly              |

**Repealed Sections**

|                 |                                   |                                                                                   |
|-----------------|-----------------------------------|-----------------------------------------------------------------------------------|
| WAC 296-24-260  | Helicopters                       |                                                                                   |
|                 |                                   | • Moved requirements to chapter 296-829 WAC, Helicopters Used as Lifting Machines |
| WAC 296-155-575 | Helicopters and helicopter cranes |                                                                                   |
|                 |                                   | • Moved requirements to chapter 296-829 WAC, Helicopters Used as Lifting Machines |
| WAC 296-155-576 | Figure L-1                        |                                                                                   |
|                 |                                   | • Moved requirements to chapter 296-829 WAC, Helicopters Used as Lifting Machines |