



**PROPOSED RULE MAKING
(RCW 34.05.320)**

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

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| Agency: Department of Labor and Industries | <input checked="" type="checkbox"/> Original Notice |
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 03-21-126 ; or | <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 296-45 WAC, Safety Standards for Electrical Workers; Chapter 296-78 WAC, Safety Standards for Sawmills and Woodworking Operations; Chapter 296-155 WAC, Safety Standards for Construction Work; Chapter 296-305 WAC, Safety Standards for Fire Fighters, Chapter 296-307 WAC, Safety Standards for Agriculture; Chapter 296-800 WAC, Safety and Health Core Rules Purpose: In *Dep't of Labor & Indus. v. Nat'l Sec. Consultants*, the Division II Court of Appeals determined that WISHA first-aid rules in chapter 296-800 WAC, Safety and Health Core Rules do not apply to employers with fewer than 50 employees. However, exempting employers with less than 50 employees from the first-aid training requirements would result in the department being less effective than OSHA. RCW 49.17.050(2) requires that WISHA adopt rules that are at least as effective as OSHA rules. The department plans to repeal the current first-aid rules in the Core Rules and the Agriculture standards and adopt a rule in each that references the OSHA first-aid rule.
Other identifying information: See Attachment (a)

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| (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 repealing the current first-aid rules in chapter 296-800 WAC, Safety and Health Core Rules, and chapter 296-307 WAC, Safety Standards for Agriculture, and adopt a rule in each that references the OSHA first-aid rule.
Reasons supporting proposal: The department is conducting rulemaking based upon the Division II Court of Appeals ruling.

| (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:
N/A

(g) Is rule necessary because of:

| | | | |
|-------------------------|---|--|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | If yes, ATTACH COPY OF TEXT Citation: |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | |
| State Court Decision? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No | |

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| (h) HEARING LOCATION: Department of Labor & Industries Auditorium 7273 Linderson Way SW Tumwater, Washington Date: January 28, 2004 Time: 1:30 pm Assistance for persons with disabilities: Contact Sally Elliott by January 5, 2004 at (360) 902-5484 or yous235@lni.wa.gov | Submit written comments to: Cindy Ireland, Administrative Regulations Analyst WISHA Services Post Office Box 44620 Olympia, Washington 98504-4620 FAX (360) 902-5529 By February 4, 2004 |
| | DATE OF INTENDED ADOPTION: March 1, 2004 <div style="background-color: #cccccc; padding: 10px; text-align: center;"> CODE REVISER USE ONLY WSR # 01-01-155 </div> |
| NAME (TYPE OR PRINT) Paul Trause | |
| SIGNATURE | |
| TITLE Director | DATE December 22, 2003 |

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

The purpose of the first-aid rule is to provide guidance to employers on providing first-aid trained personnel. There are no anticipated effects due to rulemaking.

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

The current first-aid requirements will be replaced with the federal wording, 29 CFR 1910.151.

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

Yes.

No. Explain why no statement was prepared

A Small Business Economic Impact Statement is not required because the proposal will make the rule at least as effective as the federal equivalent.

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

Please explain: RCW 34.05.328 does not apply to this rulemaking, since all the changes will make the rule at least as effective as the federal equivalent.

(a)

Amended Sections:

- WAC 296-45-125 Medical services and first aid
- The proposal will update the reference to WAC 296-800-150.

- WAC 296-78-540 First-aid training and certification
- The proposal removes a reference to WAC 296-800-150.

- WAC 296-155-120 First-aid training and certification
- The proposal removes a reference to WAC 296-800-150.

- WAC 296-305-01515 First-aid training and certification
- The proposal removes a reference to WAC 296-800-150.

- WAC 296-307-039 First-aid rule summary
- The proposal updates summary of the rule.
 - The proposal adds a note to chapter 296-62-080 WAC, Occupational Exposure to Bloodborne Pathogens.

- WAC 296-307-03905 Make sure that first-aid trained personnel are available to provide quick and effective first aid
- The proposal will delete current wording.
 - The proposal will add language from 29 CFR 1910.151, which will make the rule at least as effective as the federal equivalent.

- WAC 296-800-150 Rule summary
- The proposal updates summary of the rule.
 - The proposal adds a note to chapter 296-823 WAC, Occupational Exposure to Bloodborne Pathogens.

- WAC 296-800-15005 Make sure that first-aid trained personnel are available to provide quick and effective first aid
- The proposal will delete current wording.
 - The proposal will add language from 29 CFR 1910.151, which will make the rule at least as effective as the federal equivalent.

Repealed Sections:

- WAC 296-307-03910 Make sure first-aid training contains required subjects
- WAC 296-307-03915 Document your first-aid training
- WAC 296-307-03925 Provide a first-aid station when required
- WAC 296-800-15010 Make sure first-aid training contains required subjects
- WAC 296-800-15015 Document your first-aid training
- WAC 296-800-15025 Provide a first-aid station when required