



RULE-MAKING ORDER

(RCW 34.05.360)

CR-103 (7/22/01)

Agency: Department of Labor and Industries	<input checked="" type="checkbox"/> Permanent Rule
(1) Date of adoption: March 23, 2004	<input type="checkbox"/> Emergency Rule
	<input type="checkbox"/> Expedited Rule Making

(2) Purpose: 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.

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 fewer 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 is repealing the current first-aid rules in the Core Rules and the Agriculture standards and adopting a rule in each that requires employers to comply with the OSHA first-aid rule. See attachment (2)

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

Repealed: See attachment (3)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

(4) Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060
 Other Authority:

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR 04-01-155 on December 22, 2003.

Describe any changes other than editing from proposed to adopted version: No changes were made to the proposed wording.

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

- (a) 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.
- (b) 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:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?:

Yes No If Yes, explain:

(6) Effective date of rule:

Permanent Rules	Emergency Rules
<input type="checkbox"/> 31 days after filing	<input type="checkbox"/> Immediately
<input checked="" type="checkbox"/> Other (specify) 5/1/04	<input type="checkbox"/> Later (specify)
*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)	

CODE REVISER USE ONLY

Name (Type or Print)

Paul Trause

Signature

Title
Director

Date
March 23, 2004

WSR# 04-07-160

(COMPLETE REVERSE SIDE)

**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:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	<u>8</u>	Repealed	<u>6</u>
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____
						-

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

	New	_____	Amended	_____	Repealed	_____
						-

The number of sections adopted in the agency's own initiative:

	New	_____	Amended	_____	Repealed	_____
						-

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

	New	_____	Amended	<u>8</u>	Repealed	<u>6</u>
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	<u>8</u>	Repealed	<u>6</u>

WAC 296-45-125 Medical services and first aid

- The adopted rule updates the reference to WAC 296-800-150.

WAC 296-78-540 First-aid training and certification

- The adopted rule removes a reference to WAC 296-800-150.

WAC 296-155-120 First-aid training and certification

- The adopted rule removes a reference to WAC 296-800-150.

WAC 296-305-01515 First-aid training and certification

- The adopted rule removes a reference to WAC 296-800-150.

WAC 296-307-039 First-aid rule summary

- The adopted rule updates the summary of the rule.
- The adopted rule 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 adopted rule deletes current wording.
- The adopted rule adds language from 29 CFR 1910.151, which makes the rule at least as effective as the federal equivalent.

WAC 296-800-150 Rule summary

- The adopted rule updates the summary of the rule.
- The adopted rule 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 adopted rule deletes current wording.
- The adopted rule adds language from 29 CFR 1910.151, which makes 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

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

AMENDED SECTIONS:

WAC 296-45-125	Medical services and first aid
WAC 296-78-540	First-aid training and certification
WAC 296-155-120	First-aid training and certification
WAC 296-305-01515	First-aid training and certification
WAC 296-307-039	First-aid rule summary
WAC 296-307-03905	Make sure that first-aid trained personnel are available to provide quick and effective first aid
WAC 296-800-150	Rule summary
WAC 296-800-15005	Make sure that first-aid trained personnel are available to provide quick and effective first aid

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