



**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 04-07-154; 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 296-864 WAC, Split (Multi-piece) Rim and Single-Piece Rim Wheels; Chapter 296-24 WAC, General Safety and Health; Chapter 296-155 WAC, Safety Standards for Construction Work

Purpose: WISHA is proposing to rewrite and clarify requirements relating to split rims. This rulemaking is part of our long-term goal to rewrite our occupational safety and health rules. This proposal will move split rim requirements from chapter 296-24 WAC, General Safety and Health and from chapter 296-155 WAC Safety Standards for Construction Work and place them in a new chapter.

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
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(c) Summary: The split rim rules in chapter 296-24 WAC, General Safety and Health Standard, and chapter 296-155 WAC, Safety Standards for Construction Work are being rewritten and reorganized for clarity and ease of use for employers and employees. The rules will be placed into a new chapter 296-864 WAC, and repealed from chapter 296-24 WAC and WAC 296-155-617. 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 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	If yes, ATTACH COPY OF TEXT
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Citation:
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

<p>(h) HEARING LOCATION: Date: July 7, 2003 Time: 9: 00 a.m.</p> <p>Department of Labor & Industries 7273 Linderson Way Southwest, Auditorium Tumwater, Washington</p> <p>Assistance for persons with disabilities: Contact (360) 902-5516 or clah235@lni.wa.gov by June 23, 2004</p>	<p>Submit written comments to: Beverly Clark, Administrative Regulations Analyst WISHA Services Division Post Office Box 44620 Olympia, Washington 98504-4620 E-mail: clah235@lni.wa.gov FAX (360) 902-5484 By July 14, 2004</p>
	<p>DATE OF INTENDED ADOPTION: October 1, 2004</p> <p align="center">CODE REVISER USE ONLY</p>

NAME (TYPE OR PRINT) Paul Trause	WSR#04-12-071
SIGNATURE	
TITLE Director	
DATE June 1, 2004	

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

Chapter 296-864 WAC, Split (Multi-piece) Rim and Single-Piece Rim Wheels, will contain all the rules relating to split rims. This rule deals specifically with the servicing of multi-piece and single-piece rim wheels used on vehicles such as trucks, tractors, trailers, buses and off-road machines. Employers and employees will have one book for all of the split rim requirements. There are no anticipated effects to this rulemaking.

Does proposal change existing rules? YES NO

If yes, describe changes:

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

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

Yes. Attach copy of small business economic impact statement.
A copy of the statement may be obtained by writing to:

telephoning: ()

faxing: ()

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: 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.

NEW SECTIONS

WAC 296-864-100	Scope
WAC 296-864-200	Wheel components
WAC 296-864-20005	Make sure wheel components are compatible
WAC 296-864-20010	Make sure rim wheels are serviced safely
WAC 296-864-20015	Make sure damage wheel components are not used
WAC 296-864-300	Restraint devices
WAC 296-864-30005	Use a restraining device
WAC 296-864-30010	Make sure the restraint device meets these requirements
WAC 296-864-30015	Provide charts or rim manuals
WAC 296-864-400	Service split rim wheels safely
WAC 296-864-40005	Establish a safe operating procedure for split rim wheels
WAC 296-864-40010	Follow these procedure for demounting split rim wheels
WAC 296-864-40015	Follow these procedures when working on split rim wheels and components
WAC 296-864-40020	Follow these procedures for inflating split rim wheels
WAC 296-864-500	Service single-piece rim wheels safely
WAC 296-864-50005	Establish a safe operating procedure for single-piece rim wheels
WAC 296-864-50010	Follow these procedures for demounting single-piece rim wheels
WAC 296-864-50015	Follow these procedure when working on single-piece rim wheel components
WAC 296-864-50020	Follow these procedures for inflating single-piece rim wheels
WAC 296-864-600	Employee training
WAC 296-864-6005	Train employees who service rim wheels
WAC 296-864-60010	Make sure employees demonstrate and retain the ability to service rim wheels
WAC 296-864-700	Definitions

REPEALED SECTIONS

The following sections have been moved to chapter 296-864 WAC, Split (Multipiece) Rim and Single-Piece Rim Wheels:

WAC 296-24- 21701	Scope
WAC 296-24- 21703	Definitions
WAC 296-24-21705	Employee training
WAC 296-24- 21707	Tire servicing equipment
WAC 296-24- 21709	Wheel component acceptability
WAC 296-24- 21711	Safe operating procedure -- Multipiece rim wheels
WAC 296-24- 21713	Safe operating procedure -- Single-piece rim wheels