



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) March 1, 2006 (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 department rewrote and clarified requirements relating to fire brigades. The department repealed the rules in chapter 296-24 WAC and adopted fire brigades as a new chapter (chapter 296-811WAC). This rulemaking is part of our goal to rewrite all of WISHA's general occupational safety and health rules for clarity.

Citation of existing rules affected by this order:

Repealed: See Attachment (2)
 Amended: See Attachment (2)
 Suspended: N/A

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

Other authority : None.

PERMANENT RULE ONLY (Including Expedited Rule Making)

Adopted under notice filed as WSR **05-19-085** on September 20, 2005.

Describe any changes other than editing from proposed to adopted version: See Attachment (3)

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: December 20, 2005

NAME (TYPE OR PRINT)

Gary K. Weeks

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

WSR# 06-01-073

(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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	14	Amended	3	Repealed	8
Recently enacted state statutes:	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	14	Amended	3	Repealed	8
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	14	Amended	3	Repealed	8
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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	14	Amended	3	Repealed	8

(1) Purpose:

AMENDED SECTIONS:

WAC 296-78-71011, Egress and exit.

- Added a reference to the new fire brigade chapter.

WAC 296-79-040, Fire protection, ignition sources and means of egress.

- Updated a reference.

WAC 296-305-01003, Scope and application.

- Updated a reference.

NEW CHAPTER:

- **Chapter 296-811 WAC, Fire Brigades**

NEW SECTIONS:

WAC 296-811-100, Scope.

- Added language to this section relating to what this chapter covers.

WAC 296-811-200, Section contents.

- This section is a short table of contents of the sections located in this 3-digit WAC number.

WAC 296-811-20005, Organizing statement.

- This section requires that a written fire brigade statement is available for inspection by employees. Elements of this statement are located in this section.
- The requirements in this section were located in WAC 296-24-58507. No new requirements have been added.

WAC 296-811-20010, Physical capability of brigade members.

- This section requires that brigade members who are assigned to fight interior structural fires are physically capable of doing that activity.
- The requirements in this section were located in WAC 296-24-58507 and 296-24-58517. No new requirements have been added.

WAC 296-811-300, Section contents.

- This section is a short table of contents of the sections located in this 3-digit WAC number.

WAC 296-811-30005, Special hazards.

- This section requires written procedures to be developed relating to the special hazards of a fire brigade.
- The requirements in this section were located in WAC 296-24-58509. No new requirements have been added.

WAC 296-811-30010, Firefighting training.

- This section requires firefighting training.
- The requirements in this section were located in WAC 296-24-58509 and 296-24-58517. No new requirements have been added.

WAC 296-811-400, Section contents.

- This section is a short table of contents of the sections located in this 3-digit WAC number.

WAC 296-811-40005, Firefighting equipment.

- This section requires providing and maintaining firefighting equipment.
- The requirements in this section were located in WAC 296-24-58511. No new requirements have been added.

WAC 296-811-40010, Protective clothing.

- This section requires providing appropriate personnel protective equipment for fire brigade members.
- The requirements in this section were located in WAC 296-24-58513. No new requirements have been added.

WAC 296-811-40015, Self-contained breathing apparatuses (SCBAs).

- This section contains requirements relating to SCBAs.
- The requirements in this section were located in WAC 296-24-58515 and 296-24-58517. No new requirements have been added.

WAC 296-811-500, Section contents.

- This section is a short table of contents of the sections located in this 3-digit WAC number.

WAC 296-811-50005, Brigade members in interior structural fires.

- This section contains the requirements in an “Immediately Dangerous to Life or Health” (IDLH) and standby assistance situation.
- The requirements in this section were located in WAC 296-24-58516. No new requirements have been added.

WAC 296-811-600, Definitions.

- This section contains applicable definitions relating to fire brigades. They are: Approved, buddy-breathing device, education, extinguisher classification, extinguisher rating, fire brigade, fire classifications, flammable, incipient fire stage, inspection, interior structural firefighting, maintenance, positive-pressure breathing apparatus, quick-disconnect valve, and training.

REPEALED SECTIONS:

WAC 296-24-58505, Fire Brigades.

- Requirements in this section were moved to chapter 296-811 WAC, Fire Brigades.

WAC 296-24-58507, Organization.

- Requirements in this section were moved to chapter 296-811 WAC, Fire Brigades.

WAC 296-24-58509, Training and education.

- Requirements in this section were moved to chapter 296-811 WAC, Fire Brigades.

WAC 296-24-58511, Fire fighting equipment.

- Requirements in this section were moved to chapter 296-811 WAC, Fire Brigades.

WAC 296-24-58513, Protective clothing.

- Requirements in this section were moved to chapter 296-811 WAC, Fire Brigades.

WAC 296-24-58515, Respiratory protection devices.

- Requirements in this section were moved to chapter 296-811 WAC, Fire Brigades.

WAC 296-24-58516, Procedures for interior structural fire fighting.

- Requirements in this section were moved to chapter 296-811 WAC, Fire Brigades.

WAC 296-24-58517, Appendix A – Fire Brigades.

- Requirements in this section were moved to chapter 296-811 WAC, Fire Brigades.

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

As a result of written and oral comments received, the following sections are being changed as indicated below: (modify as necessary)

Chapter 296-811 WAC, Fire Brigades

WAC 296-811-200, Section contents.

- This section is a short table of contents of the sections located in this 3-digit WAC number.

CHANGES TO THE RULES (Proposed rule versus rule actually adopted):

- Added a title to this contents page. It is called “Establishing a fire brigade”.

WAC 296-811-300, Section contents.

- This section is a short table of contents of the sections located in this 3-digit WAC number.

CHANGES TO THE RULES (Proposed rule versus rule actually adopted):

- Added a title to this contents page. It is called “Training”.

WAC 296-811-30010, Fire fighting training.

- This section requires firefighting training.
- The requirements in this section were located in WAC 296-24-58509 and 296-24-58517. No new requirements have been added.

CHANGES TO THE RULES (Proposed rule versus rule actually adopted):

- Added the words “You must” in between the second and third bullets.

WAC 296-811-400, Section contents.

- This section is a short table of contents of the sections located in this 3-digit WAC number.

CHANGES TO THE RULES (Proposed rule versus rule actually adopted):

- Added a title to this contents page. It is called “Equipment”.

WAC 296-811-40005, Fire fighting equipment.

- This section requires providing and maintaining firefighting equipment.
- The requirements in this section were located in WAC 296-24-58511. No new requirements have been added.

Changes other than editing from proposed to adopted version

CHANGES TO THE RULES (Proposed rule versus rule actually adopted):

- In the table added the words “and after each use” after the phrase “Inspect at least every month”.

WAC 296-811-40015, Self-contained breathing apparatuses (SCBAs).

- This section contains requirements relating to SCBAs.
- The requirements in this section were located in WAC 296-24-58515 and 296-24-58517. No new requirements have been added.

CHANGES TO THE RULES (Proposed rule versus rule actually adopted):

- Fixed the spelling error of the word “apparatus”.
- In the second bullet, second sub-bullet, deleted the words “or can be set that way when used for interior structural fire fighting”.
- Deleted the sub-bullet that read, “Have the same capacity and pressure ratings as the SCBA’s original cylinder(s)”.
- Spelled out the acronyms for Department of Transportation and National Institute for Occupational Safety and Health.

WAC 296-811-500, Section contents.

- This section is a short table of contents of the sections located in this 3-digit WAC number.

CHANGES TO THE RULES (Proposed rule versus rule actually adopted):

- Added a title to this contents page. It is called “Requirements during firefighting”.

WAC 296-811-50005, Brigade members in interior structural fires.

- This section contains the requirements in an “Immediately Dangerous to Life or Health” (IDLH) and standby assistance situation.
- The requirements in this section were located in WAC 296-24-58516. No new requirements have been added.

CHANGES TO THE RULES (Proposed rule versus rule actually adopted):

- In the second bullet, replaced the word “section” with “chapter”.
- Added a reference that reads, “More information on interior structural fires is located in another chapter, WAC 296-305-05001, Emergency fireground operations – Structural.”

WAC 296-811-600, Definitions.

- This section contains applicable definitions relating to fire brigades. They are:

CHANGES TO THE RULES (Proposed rule versus rule actually adopted):

- In the definition of “Incipient fire stage” deleted the words “or Class II standpipe”.
- In the definition of “Positive-pressure breathing apparatus” changed the name of this definition to “Self-contained breathing apparatus (SCBA)”.
- Deleted the definition for “Quick-disconnect valve”.