



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Department of Labor and Industries

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| <input checked="" type="checkbox"/> <b>Preproposal Statement of Inquiry was filed as WSR 06-08-085; or</b> | <input checked="" type="checkbox"/> <b>Original Notice</b>       |
| <input type="checkbox"/> <b>Expedited Rule Making--Proposed notice was filed as WSR _____; or</b>          | <input type="checkbox"/> <b>Supplemental Notice to WSR _____</b> |
| <input type="checkbox"/> <b>Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).</b>                 | <input type="checkbox"/> <b>Continuance of WSR _____</b>         |

**Title of rule and other identifying information:** (Describe Subject)  
 Chapter 296-155 WAC, Safety Standards for Construction Work, including Part C-1, Fall Restraint and Fall Arrest, and Part K, Floor Openings, Wall Openings and Stairways (also updating references throughout this chapter), Chapter 296-36 WAC, Safety Standards—Compressed Air Work, Chapter 296-45 WAC, Safety Standards for Electrical Workers, and Chapter 296-874 WAC, Scaffolds.

**Hearing location(s):**

October 16, 2012  
 9:00 a.m.  
 Department of Labor and Industries  
 7273 Linderson Way SW, Room S119  
 Tumwater, WA 98501

October 17, 2012  
 9:00 a.m.  
 Double Tree by Hilton  
 322 North Spokane Falls Court  
 Spokane, WA 99201

**Submit written comments to:**  
 Name: Cindy Ireland  
 Address: PO Box 44620, Olympia, WA 98504-4620  
 e-mail [cynthia.ireland@lni.wa.gov](mailto:cynthia.ireland@lni.wa.gov)  
 fax (360) 902-5619 by 5 p.m. October 24, 2012

**Assistance for persons with disabilities:** Contact  
Beverly Clark by 5:00 p.m. October 1, 2012  
 (360) 902-5516 or [beverly.clark@lni.wa.gov](mailto:beverly.clark@lni.wa.gov)

**Date of intended adoption:** January 22, 2013  
 (Note: This is NOT the effective date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

In 2007, the Division of Occupational Safety and Health (DOSH) began working with a fall protection stakeholder group to consolidate the fall protection requirements located in Chapter 296-155 WAC, Safety Standards for Construction Work, into one coherent set of requirements. DOSH is proposing to merge Parts C-1 and K, creating one location where fall protection requirements would be located for construction. In addition, we asked the stakeholder group to help identify any technical changes needed due to industry developments and to ensure that any gap in current fall protection requirements would be addressed and rectified by this proposed rule update. Throughout the process, clear and concise language in the proposal was a focal point.

**See Attachment (1) for a detailed list of the proposed changes.**

**Reasons supporting proposal:**  
 This proposal was developed with the assistance of a stakeholder group from the industry representing business and labor.

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

**Statute being implemented:** Chapter 49.17 RCW

**Is rule necessary because of a:**

Federal Law?	<input checked="" type="checkbox"/> Yes	<input 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

If yes, CITATION:  
 29 CFR 1926, Subpart M

**DATE**  
 August 21, 2012

**NAME** (type or print)  
 Judy Schurke

**SIGNATURE**

**TITLE**  
 Director

**CODE REVISER USE ONLY**

**OFFICE OF THE CODE REVISER**  
**STATE OF WASHINGTON**  
**FILED**

**DATE: August 21, 2012**  
**TIME: 9:32 AM**

**WSR 12-17-118**

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:**

N/A

**Name of proponent:** (person or organization) Department of Labor and Industries

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Margaret Leland	Tumwater, Washington	(360) 902-4504
Implementation.... Anne F. Soiza	Tumwater, Washington	(360) 902-5090
Enforcement..... Anne F. Soiza	Tumwater, Washington	(360) 902-5090

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name: Cindy Ireland  
Address: PO Box 44620, Olympia, WA 98504-4620  
phone (360) 902-5522  
fax (360) 902-5619  
e-mail [cynthia.ireland@lni.wa.gov](mailto:cynthia.ireland@lni.wa.gov)

No. Explain why no statement was prepared.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Cindy Ireland  
Address: PO Box 44620, Olympia, WA 98504-4620  
phone (360) 902-5522  
fax (360) 902-5619  
e-mail [cynthia.ireland@lni.wa.gov](mailto:cynthia.ireland@lni.wa.gov)

No: Please explain:

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**NEW SECTIONS:**

**WAC 296-155-24601 Scope and application.**

- This section was moved from current WACs 296-155-24501 and was rewritten to cover any activities performed under Chapter 296-155 WAC requiring fall protection.

**WAC 296-155-24603 Definitions.**

- This section was moved from current WAC 296-155-24503 and 296-155-500. Definitions that are not used in the proposed language have been removed; new definitions have been added to clarify new language. The following definitions have been added: affected area, catch platform, equivalent, fall distance, floor hole, floor opening, handrail, hazardous slope, personal fall arrest system, personal fall restraint system, platform, qualified person, runway, safety net system, safety watch system, self-rescue device, standard guardrail system, standard strength and construction, toeboard, and wall opening.
- The following definitions were removed: approved, body belt, continuous fall protection, control zone, failure, positioning belt, roll out, strength member, and work area.

**WAC 296-155-24605 General requirements.**

- This section contains requirements currently located in WAC 296-155-505, to include clarifying language that all walking/working surfaces upon which employees work are to be structurally sound.
- This section contains inspection criteria currently located in WAC 296-155-24510 relating to all components of personal fall arrest systems, personal fall restraint systems, positioning device systems, and safety nets.
- This section contains new exemption language relating to when employees would be exempt from WACs 296-155-24609 and 296-155-24611.

**WAC 296-155-24607 Fall protection required regardless of height.**

- This section contains requirements currently located in WAC 296-155-505 relating to regardless of height, open sided floors, walkways, platforms or runways must be guarded with a standard guardrail system.
- Language has been amended to “standard guardrail system” throughout the proposal for consistency.
- Add language currently located in WAC 296-155-680 relating to impalement hazards.

**WAC 296-155-24609 Fall protection required at four feet or more.**

- This section contains requirements currently located in WAC 296-155-505 relating to requiring fall protection at four feet or more and also addresses guardrails, handrails, and covers. These requirements parallel the requirements currently in WAC 296-155-24510.
- Language added relating to hazardous slopes changing from six feet to four feet.
- Language throughout this section has been rewritten to clarify and combine existing standards.
- Language has been rewritten to clarify the relationship between walking/working surfaces and unprotected sides and edges.

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- New language clarifying the requirements relating to using stilts behind guardrails has been added.
  - A list of options for how to provide fall protection at four feet has been placed in this section.
  - New language has been added to explain the requirements of fall protection at four feet.
  - Language relating to roofing work has been rewritten to correct an error in the current WAC. This section clarifies that a roof is a walking/working surface and as such, fall protection starts at four feet.

**WAC 296-155-24611 Fall protection required at ten feet or more.**

- This section contains requirements currently located in WACs 296-155-24505 (fall protection work plan) and 296-155-24510 (appropriate fall protection systems). This language has been rewritten for clarity and updated to provide consistency with the Occupational Safety and Health Administration (OSHA).
- Language from WISHA Regional Directive (WRD) 30.25 relating to fall protection during excavation and trenching operations has been incorporated into this section.

**WAC 296-155-24613 Fall arrest specifications.**

- This section contains requirements currently located in WAC 296-155-24510 relating to fall arrest specifications. This language has been rewritten for clarity.

**WAC 296-155-24615 Fall restraint specifications.**

- This section contains requirements currently located in WAC 296-155-24510 relating to fall restraint. This language has been rewritten for clarity.
- Remove the language relating to body belts since they are no longer allowed as an option for fall restraint. To further clarify, the term “full body harness” is now being used throughout the proposal.
- The section contains requirements currently located in WAC 296-155-505 relating to guardrails.
- This section contains requirements currently located in WACs 296-155-24510, 296-155-24513, and 296-155-24520 relating to warning lines. This language has been rewritten for clarity. Language from WRD 29.50 relating to warning lines used for fall protection in construction has been incorporated into this section.
- This section contains requirements currently located in WAC 296-155-24515 relating to access paths. This language has been rewritten for clarity.
- This section contains requirements currently located in WAC 296-155-24521 relating to a safety monitor system. This language has been rewritten for clarity.
- This section contains requirements currently located in WAC 296-155-505 relating to toeboards.
- Specifications governing safety watch systems have been put into this section. Since using a safety watch system is an option, not a requirement, for employers, this is not considered as an increase in requirements.

**WAC 296-155-24617 Positioning device system specifications.**

- This section contains requirements currently located in WAC 296-155-24510 relating to positioning device systems. This language has been rewritten for clarity to provide consistency with other requirements in this proposal and with American National Standards Institute (ANSI) 357.3, 2007.

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**WAC 296-155-24619 Other specifications.**

- This section contains miscellaneous requirements currently located in Chapter 296-155 WAC, Parts C-1 and K. This language has been rewritten for clarity.
- Add language making it clear that crawling boards and chicken ladders are not considered a fall protection system.
- Language has been added to this section outlining the specifications using a self rescue device system.

**WAC 296-155-24621 Training.**

- This section contains requirements currently located in WAC 296-155-24505 relating to training. This language has been rewritten for clarity.

**WAC 296-155-24623 Appendix A—Determining roof widths—Nonmandatory guidelines for complying with WAC 296-155-24615.**

- This section contains information currently located in WAC 296-155-24523. This language was updated with housekeeping changes.

**WAC 296-155-24624 Appendix B—Calculating fall clearance distance using a shock-absorbing lanyard and D-ring anchorage connector—Nonmandatory guidelines for complying with WAC 296-155-24613(1)(d).**

- This section was created to assist employers in calculating fall clearance distances.

**AMENDED SECTIONS:**

**WAC 296-36-170 Stairs and ladders.**

- Update a reference.

**WAC 296-45-25510 Fall protection.**

- Update references.

**WAC 296-155-477 Stairways.**

- Update a reference.

**WAC 296-155-655 General protection requirements.**

- Update a reference.

**WAC 296-155-682 Requirements for equipment and tools.**

- Update a reference.

**WAC 296-155-706 Structural steel assembly.**

- Update references.

**WAC 296-155-716 Fall protection.**

**CR-102 RULE-MAKING ORDER (RCW 34.05.320)**

Department of Labor and Industries  
Division of Occupational Safety and Health  
CR-102 Filing Date: August 21, 2012  
Hearing Dates: October 16 and 17, 2012

**Attachment (1)**  
(Purpose Statement)

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- Update references.

**WAC 296-155-740 Cofferdams.**

- Update a reference.

**WAC 296-155-745 Compressed air.**

- Update a reference.

**WAC 296-874-20008 Make sure platforms are properly planked or decked.**

- Update a reference.

**WAC 296-874-20030 Make sure ramps and walkways used to access scaffolds meet these requirements.**

- Update a reference.

**WAC 296-874-20052 Provide fall protection for employees on scaffolds.**

- Update a reference.

**WAC 296-874-20058 Make sure personal fall arrest systems meet these requirements.**

- Update a reference.

**WAC 296-874-40020 Meet these requirements when using integral prefabricated scaffold access frames.**

- Update a reference.

**WAC 296-874-40034 Meet these requirements when using repair bracket scaffolds.**

- Update a reference.

**REPEALED SECTIONS:**

The following sections are being proposed to be repealed. The requirements in these sections have been moved to WAC 296-155-24601 through 296-155-24624.

WAC 296-155-245 Reserve.

WAC 296-155-24501 Scope and application.

WAC 296-155-24503 Definitions.

WAC 296-155-24505 Fall protection work plan.

WAC 296-155-24507 Reserve.

WAC 296-155-24510 Fall restraint, fall arrest systems.

WAC 296-155-24515 Guarding of low pitched roof perimeters.

WAC 296-155-24519 Reserve.

WAC 296-155-24520 Leading edge control zone.

WAC 296-155-24521 Safety monitor system.

WAC 296-155-24522 Reserve.

WAC 296-155-24523 Appendix A to Part C-1—Determining roof widths nonmandatory guidelines for complying with WAC 296-155-24515(2)(b).

**CR-102 RULE-MAKING ORDER (RCW 34.05.320)**

Department of Labor and Industries  
Division of Occupational Safety and Health  
CR-102 Filing Date: August 21, 2012  
Hearing Dates: October 16 and 17, 2012

**Attachment (1)**  
(Purpose Statement)

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**WAC 296-155-24524 Reserve.**

**WAC 296-155-24525 Appendix B to Part C-1—Fall restraint and fall arrest (employer information only).**

**WAC 296-155-500 Definitions applicable to this part.**

**WAC 296-155-505 Guardrails, handrails and covers.**

**WAC 296-155-50503 Roofing brackets.**

**WAC 296-155-50505 Reserved.**

**WAC 296-155-510 Reserved.**

**WAC 296-155-515 Ramps, runways, and inclined walkways.**