



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) December 1, 2007 (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 Occupational Safety and Health Administration (OSHA) promulgated a new fire protection rule for shipyard employment that incorporated by reference, National Fire Protection Association (NFPA) standards. In this adoption, we replaced the references to those NFPA standards by adding the most recent versions. These amendments will enhance DOSH's fire protection in our shipyard standard by adding the most current NFPA consensus standards to our chapter. These changes will benefit the safety of employees by requiring employers to comply with the newer standards, which may be even more protective than the older standards. These changes will not result in additional compliance costs. See attachment 1

Citation of existing rules affected by this order:

Repealed: 0
 Amended: 8 (see attachment 2)
 Suspended: 0

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 07-10-076 on May 1, 2007.

Describe any changes other than editing from proposed to adopted version: Adopted as proposed.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
 Address: _____ fax () _____
 e-mail _____

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:

August 6, 2007

NAME (TYPE OR PRINT)

Judy Schurke

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: August 07, 2007
 TIME: 4:04 PM

WSR 07-17-034

**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 | 1 | Amended | 8 | Repealed | _____ |
| 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 | 1 | Amended | 8 | Repealed | _____ |
|-----|---|---------|---|----------|-------|

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

| | | | | | |
|-----|---|---------|---|----------|-------|
| New | 1 | Amended | 8 | Repealed | _____ |
|-----|---|---------|---|----------|-------|

The number of sections adopted using:

| | | | | | | |
|---------------------------------------|-----|-------|---------|-------|----------|-------|
| Negotiated rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Pilot rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Other alternative rule making: | New | 1 | Amended | 8 | Repealed | _____ |

Purpose:

Chapter 296-304 WAC, Safety standards for ship repairing, shipbuilding and shipbreaking

WAC 296-304-01007, Fire safety plan.

- In subsection (1), replaced “Appendix 1” with “Appendix A”.
- Moved the Appendix 1, model fire safety plan, into its own WAC section and call it “Appendix A”.

WAC 296-304-01023, Model fire safety plan.

- Created this new section and moved the non-mandatory Appendix 1 to this section.

WAC 296-304-01013, Fire response.

- In subsection (3)(b), replaced “WAC 296-304-09007” with “chapter 296-842 WAC, Respirators”.
- In subsection (5)(c)(v), replaced “NFPA 1981-1997” with “NFPA 1981-2002”.

WAC 296-304-01017, Land-side fire protection systems.

- In subsection (2)(a), replaced “NFPA 10-1998” with “NFPA 10-2002”.
- In subsection (2)(b), replaced “NFPA 10-1998” with “NFPA 10-2002” and “NFPA 14-2000” with “NFPA 14-2003”.
- In subsection (3)(f), replaced “NFPA 72-1999” with “NFPA 72-2002”.
- In subsection (4)(a), replaced “NFPA 14-2000” with “NFPA 14-2003”.
- In subsection (4)(b), replaced “NFPA 13-1999” with “NFPA 13-2002” and “NFPA 750-2000” with “NFPA 750-2003”.
- In subsection (4)(c), replaced “NFPA 11-1998 Standard for Low-Expansion Foam” with “NFPA 11-2005 Standard for Low, Medium, and High Expansion Foam Systems”.
- In subsection (4)(e), replaced “NFPA 12-2000” with “NFPA 12-2005”, “NFPA 12A-1997” with “NFPA 12A-2004”, and “NFPA 2001-2000” with “NFPA 2001-2004”.

WAC 296-304-020, Confined and enclosed spaces and other dangerous atmospheres in shipyard employment.

- In the definition of “Coast Guard authorized person” replaced “Appendix B” with “Appendix C”.

WAC 296-304-02005, Cleaning and other cold work.

- In the note after subsection (2)(d), replaced “Appendix A” with “Appendix B”.

WAC 296-304-02007, Hot work.

- In the note at the end of this section, replaced “Appendix A” with “Appendix B”.

WAC 296-304-02013, Appendix A—Compliance assistance guidelines for confined and enclosed spaces and other dangerous atmospheres.

- Changed this Appendix to “Appendix B”

WAC 296-304-02015, Appendix B—Confined and enclosed spaces and other dangerous atmospheres in shipyard employment.

- Changed this Appendix to “Appendix C”.

Citation of existing rules affected by this order:

- WAC 296-304-01007, Fire safety plan.
- WAC 296-304-01013, Fire response.
- WAC 296-304-01017, Land-side fire protection systems.
- WAC 296-304-020, Confined and enclosed spaces and other dangerous atmospheres in shipyard employment.
- WAC 296-304-02005, Cleaning and other cold work.
- WAC 296-304-02007, Hot work.
- WAC 296-304-02013, Appendix A – Compliance assistance guidelines for confined and enclosed spaces and other dangerous atmospheres.
- WAC 296-304-02015, Appendix B – Confined and enclosed spaces and other dangerous atmospheres in shipyard employment.