



# EXPEDITED RULE MAKING

**CR-105 (June 2004)**  
(Implements RCW 34.05.353)  
**EXPEDITED RULE MAKING ONLY**

**Agency:** Department of Labor and Industries

**Title of rule and other identifying information:**

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

### NOTICE

**THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO**

Name: Rules Coordinator

Agency: Department of Labor and Industries

Address: Post Office Box 44001, Olympia, Washington 98504-4001

**AND RECEIVED BY** July 2, 2007

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

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 proposal, we are replacing the references to those NFPA standards by adding the most recent versions.

These proposed 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.

In addition, we are also making some minor housekeeping changes. For example, we are proposing to move a non-mandatory appendix relating to a model fire safety plan into its own section.

These proposed changes will not result in additional compliance costs.

**Statutory authority for adoption:**

RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060.

**Statute being implemented:**

Chapter 49.17 RCW

**Is rule necessary because of a:**

- |                         |                              |  |
|-------------------------|------------------------------|--|
| Federal Law?            | <input type="checkbox"/> Yes | <input checked="" 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 Part 1915, Subpart P

**CODE REVISER USE ONLY**

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

**DATE: May 01, 2007**

**TIME: 9:57 AM**

**WSR 07-10-076**

**DATE**

May 1, 2007

**NAME (TYPE OR PRINT)**

Judy Schurke

**SIGNATURE**

**TITLE**

Director

**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..... Tracy Spencer	Tumwater, Washington	(360) 902-5530
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Enforcement..... Stephen M. Cant	Tumwater, Washington	(360) 902-5495

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

N/A

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**(a) Chapter 296-304 WAC, Safety standards for ship repairing, shipbuilding and shipbreaking**

**WAC 296-304-01007, Fire safety plan.**

- In subsection (1), propose to replace “Appendix 1” with “Appendix A”.
- Move 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.**

- Create this new section and move the non-mandatory Appendix 1 to this section.

**WAC 296-304-01013, Fire response.**

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

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

- In subsection (2)(a), propose to replace “NFPA 10-1998” with “NFPA 10-2002”.
- In subsection (2)(b), propose to replace “NFPA 10-1998” with “NFPA 10-2002” and “NFPA 14-2000” with “NFPA 14-2003”.
- In subsection (3)(f), propose to replace “NFPA 72-1999” with “NFPA 72-2002”.
- In subsection (4)(a), propose to replace “NFPA 14-2000” with “NFPA 14-2003”.
- In subsection (4)(b), propose to replace “NFPA 13-1999” with “NFPA 13-2002” and “NFPA 750-2000” with “NFPA 750-2003”.
- In subsection (4)(c), propose to replace “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), propose to replace “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” propose to replace “Appendix B” with “Appendix C”.

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

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

**WAC 296-304-02007, Hot work.**

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

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

- Propose to change this Appendix to “Appendix B”

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

- Propose to change this Appendix to “Appendix C”.