



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) October 6, 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: On January 23, 2007, the department adopted changes to chapter 296-874 WAC, Scaffolds. The purpose of this rulemaking was to correct errors and to make housekeeping changes to keep this rule as effective as the federal equivalent.

For example: In WAC 296-874-20052, the word "arrest" was removed from the existing rule and replaced with the word "restraint." We corrected that error by adding the word "arrest" back into the rule, which keeps us as effective as the federal equivalent.

In addition, we repealed the crawling board requirements in WAC 296-874-40016, and one crawling board requirement in WAC 296-874-20056, because they did not meet the requirements for the scaffolds rule, and already exist in the construction rule, chapter 296-155 WAC.

See Attachment 1

Citation of existing rules affected by this order: See Attachment 2

Repealed: 1
 Amended: 8
 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 07-10-070 on May 1, 2007.

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

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: 8:56 AM

WSR 07-17-026

**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 | _____ | Amended | <u>8</u> | Repealed | <u>1</u> |
| 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 | _____ | Amended | <u>8</u> | Repealed | <u>1</u> |
|-----|-------|---------|----------|----------|----------|

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

| | | | | | |
|-----|-------|---------|----------|----------|----------|
| New | _____ | Amended | <u>8</u> | Repealed | <u>1</u> |
|-----|-------|---------|----------|----------|----------|

The number of sections adopted using:

| | | | | | | |
|---------------------------------------|-----|-------|---------|----------|----------|----------|
| Negotiated rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Pilot rule making: | New | _____ | Amended | _____ | Repealed | _____ |
| Other alternative rule making: | New | _____ | Amended | <u>8</u> | Repealed | <u>1</u> |

Purpose:

On January 23, 2007, the department adopted changes to chapter 296-874 WAC, Scaffolds. This rulemaking corrected errors and made housekeeping changes to keep this rule as effective as the federal equivalent.

For example: In WAC 296-874-20052, the word “arrest” was removed from the existing rule and replaced with the word “restraint.” We corrected that error by adding the word “arrest” back into the rule, which keeps us as effective as the federal equivalent.

In addition, we repealed the crawling board requirements in WAC 296-874-40016, and one crawling board requirement in WAC 296-874-20056, because they did not meet the requirements for the scaffolds rule, and already exist in the construction rule, chapter 296-155 WAC.

Amended Sections:

WAC 296-874-100, Scope

- Corrected a referenced WAC number

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

- Corrected a title to: “Working surfaces, guarding floors and wall openings.”

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

- Added the word “arrest” and removed the word “restraint”

WAC 296 -874-20056, Provide specific fall protection for specific types of scaffolds

- Removed a requirement that did not belong in the rule

WAC 296-874-40004, Prevent supported scaffolds from tipping

- Corrected the title of the illustration to match the actual requirement

WAC 296-874-40006, Make sure supported scaffolds are properly supported

- Added a reference

WAC 296-874-40040, Meet these requirements when using tube and coupler scaffolds

- Removed an illustration that did not belong in this section of the rule

WAC 296-874- 500, Definitions.

- Removed a definition (crawling board) that did not belong in the rule

Repealed sections:

WAC 296-874-40016, Meet these requirements when using crawling boards (chicken ladders)

- Repealed crawling board requirements from this chapter because they did not meet the requirements for the scaffolds rule, and already exist in the construction rule, chapter 296-155 WAC.

CR 103 RULE-MAKING ORDER (RCW 34.05.360)

Department of Labor and Industries
Division of Occupational Safety and Health
CR-103 Filing Date: August 6, 2007

Attachment 2
(Citation of Rules)

Citation of existing rules affected by this order:

AMENDED SECTIONS:

- WAC 296-874-100, Scope
- WAC 296-874-20030, Make sure ramps and walkways used to access scaffolds meet these requirements
- WAC 296-874-20052, Provide fall protection for employees on scaffolds
- WAC 296 -874-20056, Provide specific fall protection for specific types of scaffolds
- WAC 296-874-40004, Prevent supported scaffolds from tipping
- WAC 296-874-40006, Make sure supported scaffolds are properly supported
- WAC 296-874-40040, Meet these requirements when using tube and coupler scaffolds
- WAC 296-874- 500, Definitions.

REPEALED SECTIONS:

- WAC 296-874-40016, Meet these requirements when using crawling boards (chicken ladders)