



# 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In addition, we repealed the crawling board requirements in WAC 296-874-40016, and one crawling board requirement in WAC 296-874-20056, because they did not meet the requirements for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Repealed: 1  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:**

|   |     |       |         |          |          |          |
|---|-----|-------|---------|----------|----------|----------|
| <b>Federal statute:</b>                 | New | _____ | Amended | _____    | Repealed | _____    |
| <b>Federal rules or standards:</b>      | New | _____ | Amended | <u>8</u> | Repealed | <u>1</u> |
| <b>Recently enacted state statutes:</b> | 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:**

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        | New | _____ | Amended | _____    | Repealed | _____    |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             | New | _____ | Amended | _____    | Repealed | _____    |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 | Repealed | 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